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CRIMINAL COURT MANUAL

OF THE

HYDERABAD ASSIGNED DISTRICTS,

BY

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ASSISTED BY

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INTRODUCTION.

Foreign Jurisdiction and Extradition Act, 1879.

ACT No. XXI OF 1879.

Received the Governor General's assent on the 14th November, 1879.

An Act to provide for the trial of offences committed in places beyond British India and for the Extradition of Criminals.

Preamble.

WHEREAS by treaty, capitulation, agreement, grant, usage, sufferance and other lawful means the Governor General of India in Council has power and jurisdiction within divers places beyond the limits of British India; and whereas such power and jurisdiction have, from time to time, been delegated to Political Agents and others acting under the authority of the Governor General in Council; and whereas doubts having arisen how far the exercise of such power and jurisdiction, and the delegation thereof, were controlled by and dependent on the laws of British India, the Foreign Jurisdiction and Extradition Act, 1872,[a] was passed to remove such doubts, and also to consolidate and amend the law relating to the exercise and delegation of such power and jurisdiction, and to offences committed by British subjects beyond the limits of British India, and to the extradition of criminals; and whereas it is expedient to repeal that Act and re-enact it with the amendments hereinafter appearing; It is hereby enacted as follows:—

[a] XI of 1872.

CHAPTER I.

PRELIMINARY.

Short title.

Extent.

1. This Act may be called "The Foreign Jurisdiction and Extradition Act, 1879."

It extends to the whole of British India;

to all Native Indian subjects of Her Majesty beyond the limits of British India; and

[a] This Act was extended to the Hyderabad Assigned Districts by Notification No. 212, dated 24th October, 1879, and the Notification extending it has not been cancelled.

to all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty ;

and it shall come into force on the passing thereof. Commencement.

But nothing contained in this Act shall affect the provisions of any law or treaty for the time being in force as to the extradition of offenders ; and the procedure provided by any such law or treaty shall be followed in every case to which it applies. Saving of other laws and of treaties.

XI of 1872. 2. The Foreign Jurisdiction and Extradition Act, 1872, is repealed ; but all existing appointments, delegations, certificates, requisitions, and rules made, and all existing notifications, summonses, warrants, orders, and directions issued, under that Act shall, in so far as they are consistent herewith, be deemed to have been respectively made and issued hereunder. Repeal.

3. In this Act, unless there is something repugnant in the subject or context,— Interpretation clause.

"Political Agent" means and includes— "Political Agent."

(1) the principal officer representing the British Indian Government in any territory or place beyond the limits of British India ;

(2) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under this Act for any place not forming part of British India ; and

"European British subject" means a European British subject as defined in the Code of Criminal Procedure." "European British subject."

X of 1882.

CHAPTER II.

Powers of British Officers in Places beyond British India.

4. The Governor General in Council may exercise any power or jurisdiction which he for the time being has within any country or place beyond the limits of British India, and may delegate the same to any servant of the British Indian Government, in such manner and to such extent as the Governor General in Council from time to time thinks fit. Exercise of powers of Governor General in places beyond British India, and delegation thereof.

Notification of exercise or delegation of such powers.

5. A notification in the *Gazette of India* of the exercise by the Governor General in Council of any such power or jurisdiction, and of the delegation thereof by him to any person or class of persons, and of the rules of procedure or other conditions to which such persons are to conform, and of the local area within which their powers are to be exercised, shall be conclusive proof of the truth of the matters stated in the notification.

Appointment, powers and jurisdiction of Justices of the Peace.

6. The Governor General in Council may appoint any European British subject, either by name or by virtue of his office, to be a Justice of the Peace in or for any such country or place; *a.* and every such Justice of the Peace shall have in proceedings against European British subjects, or persons accused of having committed offences conjointly with such subjects, all the powers conferred by the Code of Criminal Procedure on Magistrates of the first class who are Justices of the Peace and European British subjects. X of 1882.

The Governor General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial.

Confirmation of existing Political Agents and Justices.

7. All Political Agents and all Justices of the Peace appointed before the twenty-fifth day of April, 1872, by the Governor General in Council or the Governor in Council of the Presidency of Fort St. George or Bombay, in or for any such country or place as aforesaid, shall be deemed to be and to have been appointed, and to have and to have had jurisdiction, under the provisions of this Act.

Extension of criminal law of British India to British subjects out of British India.

8. The law relating to offences and to criminal procedure for the time being in force in British India shall, subject as to procedure to such modifications as the Governor General in Council from time to time directs, extend—

(*a*) to all European British subjects in the dominions of Princes and States in India in alliance with Her Majesty ; and

(*b*) to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

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a. Reprinted as amended by Act XII of 1891.

CHAPTER III.

9 & 10. [*Repealed by Act X of 1882, section 2 and Schedule* 1. *(b).*]

CHAPTER IV.

EXTRADITION.

Arrest and removal of persons other than European British subjects escaping into British India.

11. When an offence has been committed or is supposed to have been committed in any State against the law of such State by a person not being a European British subject, and such person escapes into or is in British India, the Political Agent for such State may issue a warrant for his arrest and delivery at a place and to a person to be named in the warrant—

if such Political Agent thinks that the offence is one which ought to be inquired into in such State;

and if the act said to have been done would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the schedule hereto annexed, or under any other section of the said Code, or any other law, which may, from time to time, be specified by the Governor General in Council by a notification in the *Gazette of India*. XLV of 1860.

Direction and execution of warrant.

12. Such warrant may be directed to the Magistrate of any district in which the accused person is believed to be, and shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrant; and the accused person, when arrested, shall be forwarded to the place and delivered to the officer named in the warrant.

Political Agent may himself dispose of case, or make over person to ordinary Courts for trial.

13. Such Political Agent may either dispose of the case himself, or, if he is generally or specially directed to do so by the Governor General in Council, or by the Governor of the Presidency of Fort St. George in Council or by the Governor of the Presidency of Bombay in Council, may give over the person so forwarded, whether he be a Native Indian subject of Her Majesty or not, to be tried by the ordinary Courts of the State in which the offence was committed.

Requisitions for extradition by the Executive of any part of British dominions or Foreign power.

14. Whenever a requisition is made to the Governor General in Council or any Local Government by or by the authority of the persons for the time being administering the executive government of any part of the dominions of Her Majesty, or the territory of any Foreign Prince or State, that any person accused of having committed an offence in such dominions or territory should be given up, the Governor General in Council or such Local Government, as the case may be, may issue an order to any Magistrate who would have had jurisdiction to enquire into the offence if it had been committed within the local limits of his jurisdiction, directing him to inquire into the truth of such accusation.

The Magistrate so directed shall issue a summons or warrant for the arrest of such person, according as the offence named appears to be one for which a summons or warrant would ordinarily issue; and shall inquire into the truth of such accusation, and shall report thereon to the Government by which he was directed to hold the said inquiry. If, upon receipt of such report, such Government is of opinion that the accused person ought to be given up to the person making such requisition, it may issue a warrant for the custody and removal of such accused person and for his delivery at a place and to a person to be named in the warrant.

The provisions of section [a] 10 shall apply to inquiries held under this section.

Magistrate may in certain cases issue warrant for arrest of person accused of having committed an offence out of British India.

15. Whenever any person accused or suspected of having committed an offence out of British India is within the local limits of the jurisdiction of a Magistrate in British India, and it appears to such Magistrate that the Political Agent for any State could, under the provisions of section 11, issue a warrant for the arrest of such person, or that the persons for the time being administering the executive government of any part of the dominions of Her Majesty or the territory of any Foreign Prince or State could demand his surrender, such Magistrate may, if he thinks fit, issue a warrant for the arrest of such person, on such information or complaint and such evidence as would, in his opinion, justify the issue of such a warrant if the offence had been committed within the local limits of his jurisdiction.

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[a] Repealed. See now Act X of 1882, Section 189.

Magistrate to inform Political Agent or Local Government.

Any Magistrate issuing a warrant under this section shall when the offence appears or is alleged to have been committed in a State for which there is a Political Agent, send immediate information of his proceedings to such Agent, and in other cases shall at once report his proceedings to the Local Government.

Person arrested to be released after certain time if not proceeded against.

16. No person arrested on a warrant issued by a Magistrate under section 15 shall be detained more than two months from the date of his arrest, unless within such period the Magistrate receives a warrant under section 11 from the Political Agent for any State for the delivery of such person, or an order with reference to him under section 14 from the Governor General in Council or Local Government, or such person is in accordance with law delivered up to some Foreign Prince or State.

At any time before the receipt of such a warrant or order the Magistrate, if he thinks fit, may, and the Magistrate if so directed by the Local Government shall, discharge the accused person.

Bail.

17. The provisions of the Code of Criminal Procedure in respect of bail shall apply in the case of any person arrested under section 15 in the same manner as if such person were accused of committing in British India the offence with which he is charged. X of 1882.

CHAPTER V.

MISCELLANEOUS.

Power to make rules.

18. The Governor General in Council may, from time to time, make rules to provide for—

(1) the confinement, diet and prison-discipline of British subjects, European or Native, imprisoned by Political Agents under this Act;

(2) the removal of accused persons under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them; and

(3) generally to carry out the purposes of this Act.

Execution of commissions issued by Foreign Criminal Courts.

19. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or tribunal in the territory of any Foreign Prince or State in like manner as it may be obtained in relation to any civil matter under the Code of Civil Procedure, XIV of 1882. Chapter XXV; and the provisions of that chapter shall be construed as if the term "suit" included a proceeding against a criminal:

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

THE SCHEDULE.

SECTIONS OF THE INDIAN PENAL CODE REFERRED TO IN SECTION 11. XLV of 1860.

Sections 206, 208 and 224; sections 230 to 263, both inclusive; sections 299 to 304, both inclusive; sections 307, 310 and 311; sections 312 to 317, both inclusive; sections 323 to 333, both inclusive; sections 347 and 348; sections 360 to 373, both inclusive; sections 375 to 377, both inclusive; sections 378 to 414, both inclusive; sections 435 to 440, both inclusive; sections 443 to 446, both inclusive; sections 464 to 468, both inclusive; sections 471 to 477, both inclusive.

PART I.

LOCAL LAWS.

Notification No. 212, dated 24th October, 1873.—In supersession of all previous Notifications extending Acts to the Hyderabad Assigned Districts, the Governor General in Council is pleased to declare that the following Acts apply to those Districts to the extent and subject to the modifications hereinafter mentioned :—

No. and Year.	Subject.	Extent of Application.	Modifications.
III of 1846.	Boundary marks. *b.*	Sections 1, 5 and 6. *a.*	*For* "Territories subject to the Presidency of Bombay" *read* "Hyderabad Assigned Districts." *For* "such Revenue Officers as the Governor in Council may entrust with that authority," and "Revenue Officers" *read* "Tehsildars."
XX of 1847.	Copyright. *f.*	The whole Act, except Sections *c.* 4 and *d.* 17, and so much of Section *e.* 16 as relates to actions, suits and bills.	In section 6, *for* "Supreme Court of Calcutta" *read* "High Court at Fort William."

a. Sections 2, 3 and 4 omitted, because repealed in Bombay by Bombay Act I of 1865 partially extended to the Hyderabad Assigned Districts by this Notification.

b. It is doubtful whether this Act should be reprinted as a criminal act having regard to the High Court ruling in Criminal Revision case No. 100 of 1891.

c. Omitted, because unnecessary and repealed by Act XVII of 1862 (repealing enactment relating to Criminal Law).

d. Omitted, because unnecessary and already repealed in British India by Act XIV of 1870 (repealing obsolete enactments).

e. Omitted, because relating to limitation only and repealed by Act IX of 1871 (Limitation Act, 1871).

f. Certain formal words in Sections 3, 5 to 16 were repealed in British India by Acts XVI of 1874 and XII of 1876.

Notification No. 212, dated 24th October, 1873.—(Continued.)

No. and Year.	Subject.	Extent of Application.	Modifications.
XII of 1850.	Public Accountants.	Sections 1 to 5 (both inclusive). *a.*	*For* "Governor or Governor in Council of the Presidency or place" *read* "Resident at Hyderabad." *For* "East India Company" *b.* *read* "Government."
XXXVII of 1850.	Inquiries into behaviour of Public Servants.	Sections 2 to 22 (both inclusive) and Section 25. *c.*	*For* "Government" and "the Government" *read* "the Resident at Hyderabad." *For* "the East India Company" *b.* *read* "Government." *For* "perjury" *read* "giving false evidence in a judicial proceeding." In Section 8, *for* "given to Civil and Criminal Courts by Act XXX of 1841," *d.* *read* "for the time being possessed by Civil and Criminal Courts."
XV of 1856.	Re-marriage of Hindoo Widows. *e.*	The whole Act.	
XXXV of 1858.	Lunatics.	The whole Act, except Section 1. *f.*	*For* "Supreme" *read* "High."
XXXVI of 1858.	Lunatic Asylums.	The whole Act. *g.*	

a. The remaining Section omitted, because it was unnecessary and had been already repealed in British India by Act XIV of 1870 (repealing obsolete enactments).

b. Changed to Government as East India Company was abolished in 1858.

c. Section 1 omitted, because it related to repeal of earlier Acts and was itself repealed in British India by Act XIV of 1870.
Section 23 omitted, because it gave a definition of "Government" provided for by the first modification; Section 24 omitted, because it had been repealed as to the Lower Provinces and North Western Provinces of Bengal by Act XVI of 1868.
Section 17 has been repealed in British India by Act XII of 1876.

d. The words "by Act XXX of 1841" were subsequently repealed in British India by Act XVI of 1874.

e. Included in the list of Criminal Acts because of the penal provisions of Section 7.

f. Section 1 omitted, because already repealed in British India by Act XIV of 1870 (repealing obsolete enactments).

g. Sections 6, 7 and 17 of Act XXXVI of 1858 have been amended slightly in British India by Act XVI of 1874 (repealing obsolete enactments). The amendments are immaterial. It has also been amended by Acts XVIII of 1886 and XX of 1889 extended by Notification No. 615 *I.* of the 20th February, 1890. Section 3 of Act XVIII of 1886 has been repealed in part in British India by Act XII of 1891; but that Act has not been extended to the Hyderabad Assigned Districts except so far as it affects the Registration Act, III of 1877.

Notification No. 212, dated 24th October, 1873.—(Continued.)

No. and Year.	Subject.	Extent of Application.	Modifications.
XV of 1859.	Patents.	The whole Act, except Section 37. *a. b.*	In Section 8, *for* "perjury" *read* "giving false evidence in a judicial proceeding."
IX of 1860.	Employers and Railway Workmen.	The whole Act, except Section *c.* 9 and the last 18 words of Section *d.* 2.	
XXXI of 1860.	Arms. *f. g. h.*	The whole Act, except Sections 1, 52 and 55. *e.*	

a. Section 37 omitted, because it related to stamps and had been already repealed by Act XVIII of 1869 (General Stamp Act).

b. In British India Sections 13 and 36 have been repealed by Act XII of 1876 (repealing obsolete enactments). In British India material additions have been made to Sections 1 and 4, and a new Section, 37 A., has been added by Act XIII of 1872, an Act not extended to the Hyderabad Assigned Districts.

c. Section 9 provided that the Indian Act should only take effect in those districts and places to which it was specially extended—omitted as not required.

d. Omitted, because relating to limitation only and repealed by Act IX of 1871 (Limitation Act) included in this Notification.

e. Omitted, because repealed in British India by Act XIV of 1870 (repealing obsolete enactments).

f. This Act has been repealed in British India by Act XI of 1878 (not extended to the Hyderabad Assigned Districts).

g. Amended by Act VI of 1866 included in this Notification. This Act was intermediately kept alive in British India by Act VI of 1865.

h. Modified by the following Proclamation, reprinted from Lyall's Manual of Laws, page 86, as decided by Provincial High Court on reference in Criminal Revision Case No. 53 of 1893.

GENERAL No. 532 OF 1865.

DEPARTMENT No. 86.

PROCLAMATION.

Issued under sanction of the Governor General, March 1865.

Act XXXI of 1860, generally called the Arms Act, having been made applicable to the Hyderabad Assigned Districts, going about armed with, or carrying fire-arms, bayonet, sword, dagger, spear and spear-head, without having obtained a license for the same is prohibited, and any person guilty of disobedience of the order will be liable, in addition to the confiscation of the arms, to a fine not exceeding Rs. 200, and in default of payment to imprisonment under the terms of the Indian Penal Code.

Penalty for going about armed without a license.

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Notification No. 212, dated 24th October, 1873.—(Continued.)

No. and Year.	Subject.	Extent of Application.	Modifications.
XLV of 1860.	Penal Code. *a.*	The whole Act.	
V of 1861.	Police. *c. d. e. f. g.*	The whole Act, except Section 11. *b.*	
VI of 1864.	Whipping.	The whole Act, except Sections 8, 11 and 12. *h.*	In Sections 6 and 10 *for* "Local Government" *read* "Resident at Hyderabad."

a. Amended by Acts XXVII of 1870, XIX of 1872 (in respect of the definition of coin), and X of 1873, Section 15 (regarding oaths), included in this Notification. Also amended by Act VIII of 1882 extended by Notification No. 3566 *I.* of the 22nd September, 1884. Also amended by Act X of 1886, Sections 21 to 24, extended to the Hyderabad Assigned Districts by Notification No. 2422 *I.* of the 16th July, 1886, cancelled by Notification No. 1651 *I.* of the 26th April, 1889, but reapplied with effect from the same date by Notification No. 3723 *I.* of the 20th September, 1889. Also amended by Act IV of 1889 (the Merchandize Marks Act), Section 3, extended by Notification No. 3530 *I.* of the 24th October, 1890. Also amended by Act X of 1891 extended by Notification No. 3827 *I.* of the 17th September, 1891. The Act has also been amended in British India by Act I of 1889 (Metal Tokens Act) not extended to the Hyderabad Assigned Districts. Act IV of 1889 (the Merchandise Marks Act) has been amended in British India by Act IX of 1891 which has not been extended to the Hyderabad Assigned Districts.

b. Section 11 related to Police Superannuation Fund (abolished) and has since been repealed in British India also by Act XVI of 1874 (repealing obsolete enactments).

c. Section 6, the last 9 words of Section 24 and Section 35 down to and including the words "Provided that," have been repealed by Act X of 1882 (Criminal Procedure Code) extended to the Hyderabad Assigned Districts by Notification No. 1651 *I.*, dated 26th April, 1889.

d. So much of Section 42 as related to the limitation of suits had been repealed by Act IX of 1871, also included in this Notification.

e. Act III of 1880 gives powers for extension of Section 34 to Cantonments and includes Cantonment Police in the general police force. Act III of 1880 has not been extended to the Hyderabad Assigned Districts. There are no Cantonments in the Hyderabad Assigned Districts.

f. By Section 22 (*k*) of the Rural Boards Law, 1885 (see *Gazette of India* Notification No. 3585 *I.* of the 22nd October, 1885) fines, under Section 34, levied under Section 34 of Act V of 1861 in respect of offences committed beyond the limits of Municipalities are credited to the district fund; and fines realized for offences committed under Section 34 within the limits of a Municipality are credited to the Municipal fund by Section 88 (*b*) of the Berar Municipal Law, 1886. (See Notification No. 3938 *I.* of the 3rd November, 1886.)

g. The Act has, in British India, been amended by Act III of 1888 (not extended to the Hyderabad Assigned Districts).

h. Omitted, as the provisions of these Sections had been taken into the Code of Criminal Procedure and the Sections were repealed by Act X of 1872. Section 7 has since been repealed by the Code of Criminal Procedure, 1882 (Act X of 1882); Sections 9 and 10 are also obsolete and repealed in British India by Act XVI of 1874 (repealing obsolete enactments). For the provisions of law, represented by Sections 7, 8, 9, 10, 11 and 12 see Code of Criminal Procedure (Act X of 1882), Sections 391, 392, 393, 394 and 395.

Notification No. 212, dated 24th October, 1873.—(Continued.)

No. and Year.	Subject.	Extent of Application.	Modifications.
VI of 1866.	Arms Act Continuance.	The whole Act. *a.*	
XIV of 1866.	Post Office.	The whole Act. *b.*	"British India" shall include the Hyderabad Assigned Districts.
XXI of 1866.	Dissolution of Marriages of Converts.	The whole Act, except so much of Section 7 as relates to a stamp. *d.*	
III of 1867.	Public Gambling.	The whole Act.	*To the definition of* "Chief Commissioner" *add* "and includes the Resident at Hyderabad." In Section 17 *for* "sixty-one" *read* "three hundred and seven." *c.*
XXV of 1867.	Printing Presses and Books.	The whole Act, except Sections 2 and 23. *e.*	*To the definition of* "Local Government" *add* "and the Resident at Hyderabad."
I of 1868.	General Clauses. *g.*	The whole Act, except Sections 7 and 8. *f.*	In Section 2, after the word "operation" insert the words "and extended to the Hyderabad Assigned Districts."

a. See above against Act XXXI of 1860 (Arms Act) in this Notification. Repealed in British India by Act XI of 1878 not extended to the Hyderabad Assigned Districts.

b. A Section, 60 A, has been added to the Act by Act III of 1882, Section 3, extended to the Hyderabad Assigned Districts by Notification No. 3566 *I.* of the 22nd September, 1884.

The Indian Act has been amended by Act XIV of 1870 (repealing obsolete enactments) and Act XII of 1876 (obsolete enactments); amendments are immaterial.

c. The words had been repealed by Act VII of 1870 extended to the Hyderabad Assigned Districts by this Notification. Section 2 of this Act has been repealed by Act XVI of 1874.

d. The alteration was made by Act X of 1872, Schedule V; Section 307 of the Code of Criminal Procedure (Act X of 1872) corresponded to Section 61 of an earlier Code of Criminal Procedure. Now substitute corresponding Sections 386, 387 and 389 under the authority of Act X of 1882, Section 3.

e. Sections 2 and 23 omitted as unnecessary and repealed in British India by Act XIV of 1870 (repealing obsolete enactments).

f. Sections 7 and 8 related to evidence and were absorbed in, and repealed by, the Evidence Act (I of 1872) also extended by this Notification.

g. Section 3 (1) of the Indian Act has since been amended by the addition of the words "wholly or partially" by Act I of 1887, Section 9, but that Act has not been extended to the Hyderabad Assigned Districts.

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Notification No. 212, dated 24th October, 1873.—(Continued.)

No. and Year.	Subject.	Extent of Application.	Modifications.
V of 1869.	Native Articles of War.	The whole Act, except the 1st three clauses of Part I, para (*c*). *a.*	
XV of 1869.	Prisoners' Testimony.	The whole Act. *b.*	*For* "Local Government" *read* "Resident at Hyderabad."
VII of 1870. *i. j. k.*	Court Fees.	The whole Act, except Chapters I and II, Schedule III *c.* and except so much as is repealed *d.* by Acts XVI *e.* and XX *f.* of 1870, VIII *g.* of 1871 and XV *h.* of 1872.	*For* "Local Government" *read* "Resident at Hyderabad."

a. Related to repeal of earlier enactments repealed by Act XIV of 1870 (repealing obsolete enactments).

b. So much of Sections 15 and 16 as relate to processes issued by a Civil Court was repealed by Act X of 1877 and is now dealt with by Sections 87 and 88 of the Civil Procedure Code (Act XIV of 1882). The Indian Act has been amended by Act XVI of 1874 (repealing obsolete enactments) and Section 7 by Act XVII of 1875 (Burma Courts), Section 93.

c. Chapter I and Schedule III are omitted as they relate to extent of Act, commencement and repeal of former enactments. Chapter II relates to High Courts and Presidency Small Cause Courts.

d. 'Except so much as is repealed by' should probably be read as equivalent to 'as modified by.'

e. Act XVI of 1870 was an Income Tax Act not extended to the Hyderabad Assigned Districts.

f. Act XX of 1870 (also included in this Notification, see next page) corrected two clerical errors in Section 15 and article 2 of Schedule II.

g. Act VIII of 1871 was a Registration Act included in this Notification and superseded by Act III of 1877 extended by Notification No. 77, dated the 27th June, 1877.

h. Act XV of 1872 is the Christian Marriage Act included in this Notification. Section 2 of the Act made an amendment in Section 19, Clause XXIV.

i. A new Chapter III A, has since been added by Act XIII of 1875, Section 6, extended to the Hyderabad Assigned Districts by Notification No. 3566 *I.*, dated the 22nd September, 1884. An amendment of entry against No. 12 of Schedule I has been made by Section 153 of Act V of 1881 extended by Notification No. 2181 *I. J.*, dated the 4th November, 1881.

j. The Indian Act has also been amended in British India by Act VI of 1889 not extended to the Hyderabad Assigned Districts and by Act VII of 1889 extended to the Hyderabad Assigned Districts by Notification No. 173 *I.*, dated the 13th January 1892, and by Act XII of 1891 (not extended except so far as it affects the Registration Acts).

k. Section 30 of the Act has also been amended locally by Notification No. 532 *I.*, dated the 3rd February, 1891, the words "Centre of the Stamp" being substituted for "figure head."

Notification No. 212, dated 24th October, 1873.—(Continued.)

No. and Year.	Subject.	Extent of Application.	Modifications.
XX of 1870.	Court Fees Act Amendment.	The whole Act.	
XXVI of 1870.	Prisons.	The whole Act. *b.*	*For* "Local Government" *read* "Resident at Hyderabad," and in Section 6, *for* "British Burma" *read* "the Hyderabad Assigned Districts." *a.*
XXVII of 1870.	Penal Code Amendment.	The whole Act. *c. d.*	In Section 14, *for* "Local Government" *read* "the Resident at Hyderabad." *e.*
I of 1871.	Cattle Trespass. *f. g. h.*	The whole Act.	...

a. Section 6 refers to the appointment of Inspector General of Jails. It is rather curious "the Hyderabad Assigned Districts" should have been substituted for "Burma" in this Section, and that Section 1, giving local extent, and the preamble should have been left without amendment.

b. The Indian Act has been touched up by two obsolete enactments repeal Acts XII of 1873 and XVI of 1874. Section 6 of the Indian Act has been also touched up by Act XIV of 1879, Section 2 (assimilation of powers, North Western Provinces and Oudh), and by the amending and repealing Act XII of 1891. By Act XII of 1891, the words "subject to the approval of the Governor General of India in Council" have been omitted from Section 9 of the Indian Act and a clerical error in Section 47, Clause (2), has been corrected. (Act XII of 1891 has been extended to the Hyderabad Assigned Districts by Notification No. 15 *I.*, dated the 1st January, 1892, but only so far as the provisions of the Act affected the Indian Registration Act, 1877).

c. See above Act XLV of 1860 extended by this Notification.

d. This Act has been amended as follows:—Section 225 A inserted in the Penal Code by Section 9 of this Act has been superseded by Act X of 1886, Section 24 (1), and Sections 16 and 17 have been repealed by Act X of 1872 (Criminal Procedure Code) repealed by Act X of 1882 extended by Notification No. 1494 *I.* of the 21st December, 1882, and re-applied with modifications by Notification No. 1651 *I.* of the 26th April, 1889.

e. Section 14 relates to the institution of prosecution for offences under Sections 121 A, 124 A and 294 A.

f. This Act has been amended by Act XVIII of 1883 which has been incorporated in Act I of 1891 and extended by Notification No. 2544 *I.* of the 16th June, 1891.

g. Sections 11 and 12 extend to Forests under Sections 17 and 18 of the Berar Forest Rules, 1886, Notification No. 3766 *I.*, dated 22nd October, 1886.

h. Surplus under Section 18 less certain deductions is, in the Hyderabad Assigned Districts, credited to Rural Boards under Section 22 (*b*) of the Rural Boards Law, 1885, Notification No. 3586 *I.* of the 22nd October, 1885.

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Notification No. 212, dated 24th October, 1873.—(Continued.)

No. and Year.	Subject.	Extent of Application.	Modifications.
III of 1871.	Paper Currency.	The whole Act. *a.*	
V of 1871.	Prisoners. *c. d.*	The whole Act, except Sections 2 to 15 (both inclusive) and the Schedule. *b.*	*For* "Local Government" *read* "Resident at Hyderabad."
I of 1872.	Evidence. *f.*	The whole Act as amended by Act XVIII *e.* of 1872.	
XI of 1872.	Foreign Jurisdiction and Extradition. *g.*	The whole Act.	

a. This Act has been repealed in British India by Act XX of 1882. The penal provisions of the two Acts (Sections 21 and 22 of Act III of 1871 and Sections 25 and 26 of Act XX of 1882) do not materially differ.

b. Section 2 and the Schedule are omitted as not required and obsolete. See Act XII of 1873 (repealing obsolete enactments). Sections 2 to 15 omitted as they relate to Prisoners in Presidency towns.

c. New Sections 30, 31 and 32 have been substituted for the old Sections by Act X of 1886, Section 25, extended in an amended form by Notification No. 2422 *I.* of the 16th July, 1886, cancelled by Notification No. 1651 *I.* of the 26th April, 1889, and re-applied with retrospective effect by Notification No. 3723 *I.*, dated the 20th September, 1889.

d. Section 33 of the Indian Act has been amended by Act IX of 1882. This Act has been extended by Notification No. 3358 *I.* of the 17th September, 1886.

e. Act XVIII of 1872 is also included in this Notification.

f. This Act has been further amended, chiefly in regard to previous convictions, by Act III of 1891 extended by Notification No. 2546 *I.*, dated the 13th June, 1891.

In India Section 125 has also been amended by Act III of 1887, Section 1, not extended to the Hyderabad Assigned Districts.

The Evidence Act has in India been also amended by Act XVIII of 1891 (amending Evidence Act with respect to Banker's books) an Act not extended to the Hyderabad Assigned Districts.

Act XVIII of 1872 has also been partially amended by Act X of 1873 (extended) and Acts XVI of 1874 and XII of 1876 (repealing obsolete enactments). For detail see next page against Act XVIII of 1872.

g. This Act has been repealed in British India by Act XXI of 1879 which has not been *specially* extended to the Hyderabad Assigned Districts. Act XXI of 1879 is in force in Berar to some extent without special extension. But it may not be in force altogether as regards persons who are not British subjects, and so Act XI of 1872 must be retained among the Acts specially extended to the Hyderabad Assigned Districts. Chapter III of Act XXI of 1879 is superseded by Section 2 and Schedule 1 (*b*) of Act X of 1882. The parts of Act XI of 1872 which should be regarded as specially in force are Chapters IV and V and the Schedule.

Notification No. 212, dated 24th October, 1873.—(Continued.)

No. and Year.	Subject.	Extent of Application.	Modifications.
XV of 1872.	Christian Marriage. *a.*	The whole Act.	*For* "Local Government" *read* "the Resident at Hyderabad."
XVIII of 1872.	Evidence Act Amendment. *c.*	The whole Act, except Section 12. *b.*	
XIX of 1872.	Definition of Coin. *d.*	The whole Act.	
V of 1873.	Government Savings Banks. *e.f.*	The whole Act.	
X of 1873.	Oaths. *h.*	The whole Act, except Section 2 and the Schedule. *g.*	

a. Has been amended by Act VI of 1886 not extended to the Hyderabad Assigned Districts and by Act II of 1891 extended by Notification No. 2546 *I.* of the 13th June, 1891. In British India an Act for validation of irregular marriages has been passed, see Act II of 1892, which has not been extended to the Hyderabad Assigned Districts.

b. Section 12 of Act XVIII of 1872 was introduced to keep alive Section 12 of Act XV of 1852 which had been repealed by Act I of 1872. Section 12 of Act XVIII of 1872 was afterwards repealed by Act X of 1873 (Oaths Act), hence its omission in this Notification.

c. Part of Section 1 of the Indian Act which gave the date for the commencement of the Act has since been repealed by Act XVI of 1874 (repealing obsolete enactments) and Section 8, which made a verbal correction in Section 92 of Act I of 1872, has been repealed by Act XII of 1876 (obsolete enactments).

d. See above against Act XLV of 1860, Indian Penal Code, in this Notification.

e. Included, because of the penal provision in Section 7.

f. Part of Section 1 with Schedule and Section 2 of the Indian Act, relating to the commencement and repeal of former enactments, have been repealed in British India by Act XVI of 1873 and Act XII of 1874 respectively.

g. Section 2 and the Schedule related to the repeal of earlier enactments and were omitted because repealed by Act XII of 1873.

h. Part of Section 1 of the Indian Act, relating to the commencement, has since been repealed by Act XII of 1876.

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PART I.—LOCAL LAWS.

GSL

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 40 R., dated the 11th May, 1877.—In supersession of Notification in the Foreign Department No. 91 R., [a] dated the 21st April, 1874, the Governor General in Council is pleased to declare the provisions of the Inland Customs Act, [b] 1875, to be in force in the Hyderabad Assigned Districts, so far as they relate to the imports and manufacture of salt, and subject to the modifications hereinafter mentioned, that is to say:—

VIII *b.* of 1875.

For the words "Local Government" (wherever they occur) are substituted the words "Resident at Hyderabad."

The words "the said territories" shall include the Hyderabad Assigned Districts.

Omit paragraphs 2, 3 and 4 of Section 1, Section 2 and Schedule. [c]

In Section 25 and Section 10, Clause E, for the word "Government" are substituted the words "the Hyderabad Assigned Districts." [d]

In Section 8, Clause (*a*), after the words "Central Provinces" the words "and into any part of the Hyderabad Assigned Districts" shall be inserted. [e]

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a. Notification No. 91 R. of the 20th April, 1874, referred to Act X of 1874, which was repealed by Act VIII of 1875.

b. Act VIII of 1875 was repealed in British India by Act XII of 1882, (not extended to the Hyderabad Assigned Districts).

c. These Sections and the Schedule refer to the local extent of the Indian Act and the repeal of earlier Acts.

d. This seems an unnecessary alteration. In Section 10, the alteration is made in regard to the word Government in the following phrase "place in which salt is stored or sold by or on behalf of Government." In Section 25 the original phrase is "All Officers of Police and Officers of Government."

e. The alteration was made in order to allow of salt duty being levied in the Hyderabad Assigned Districts, as in the Central Provinces, by way of a mileage rate.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 114 I. J., dated the 4th June, 1879.—The Viceroy and Governor General in Council is pleased to extend to the Hyderabad Assigned Districts Act 1 of 1879 (the Indian Stamp Act, 1879), subject to the modifications noted below :— *a. b.* I of 1879.

(1). For the words "Local Government" and "British India," wherever they occur, the words "Resident at Hyderabad" and "the Hyderabad Assigned Districts" shall be substituted.

(2). For the word "April" in the last paragraph of Section I and in Section 5, Clause (*a*), the word "June" shall be substituted.

(3). In Section 46, after the words "Central Provinces," *add* the words "the Hyderabad Assigned Districts."

Notification No. 225 I. J., dated the 15th August, 1879.—The Governor General in Council is pleased to extend Act 1 of 1878 (the Opium Act, 1878) to the Hyderabad Assigned Districts, subject to the modifications hereinafter specified :— I of 1878.

(1). For the last two clauses of section 1, the following clause shall be substituted :—

"and it shall come into force in the Hyderabad Assigned Districts on the 21st day of August, 1879."

(2). Section 2 *c.* and the last paragraph *d.* of section 22 shall be omitted.

(3). In section 3, in the definition of "Magistrate," the words "in the Presidency Towns, a Presidency Magistrate, and elsewhere" shall be omitted.

(4). In section 12, in the third paragraph, the words "Collector of the District of", in sections 19 and 24, the words "Collector of the District", and in Section 24, the word "Collector" and the words "Collector, Deputy Collector or other," shall be omitted.

a. This Act repealed Act XVIII of 1869 which had been extended to the Hyderabad Assigned Districts with effect from the 1st January, 1870, and was included in Notification No. 212 of the 24th October, 1873.

b. Amendments in Article 27 of Schedule I. and Clause (*a*) of Article 11 of Schedule II. have been made in British India by Act IX of 1884 (the Legal Practitioners Act) not extended to the Hyderabad Assigned Districts. Act I of 1888 extended by Notification No. 1426 *I.* of the 3rd April, 1889, has made alteration in the Indian Act in regard to the definition of, and duty chargeable on, a Policy of Insurance. Articles 2 and 13 of Schedule I of the Indian Act have been amended by Section 18 (3) of Act VI of 1889 (not extended).

c. Omitted, as it related to the repeal of certain enactments not in force in the Hyderabad Assigned Districts.

d. Omitted, as it referred to Act XIII of 1857 not in force in the Hyderabad Assigned Districts.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 227 I. J., dated the 15th August, 1879—The Governor General in Council is pleased to extend Act III of 1879 (an Act to authorize the Destruction of Useless Records) to the Hyderabad Assigned Districts, subject to certain omissions and modifications which are requisite to adapt it to those districts. III of 1879.

The Act, as adapted to the Hyderabad Assigned Districts, is as follows:—

Preamble.

Whereas it is expedient to provide for the destruction or other disposal of useless records, books and papers in Courts and Revenue Offices; it is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Destruction of Records Act, 1879:" and it shall come into force at once.

Power to Resident, Hyderabad, to make rules for disposal of records, &c.

2. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, destruction or otherwise, of such records, books and papers belonging to or being in the custody of his Court, or the Courts of Civil and Criminal Jurisdiction subordinate thereto, as he may consider useless or unworthy of being permanently preserved.

Similar power to Resident, Hyderabad, with respect to documents in Revenue Courts and Offices.

3. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or in the custody of the Revenue Courts and Offices as he may consider useless or unworthy of being permanently preserved.

Rules when to have force of Law.

4. All rules made under this Act shall, after being sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of Law.

Validation of rules as to destruction of documents.

5. All rules and orders heretofore made by the Resident at Hyderabad for the destruction or other disposal of useless records, books and papers belonging to or in the custody of any Court or Revenue Office shall be deemed to have had the force of law from the date on which they were made, and all such rules now in force shall continue to have the force of law until they are rescinded by rules made under this Act; and no suit or other proceedings shall be instituted, maintained or continued against any person for the disposal, by destruction or otherwise, of any records, books or papers in accordance with any such rules or with any order made by the Resident at Hyderabad. Bar of suits.

Saving of documents kept under provision of law.

6. Nothing herein contained shall be deemed to authorize the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 131 I. J., dated the 24th June, 1881.—Notification No. 47 *I. J.* [a] published in the *Gazette of India* of the 28th January, 1881, is hereby cancelled, and the following is substituted for it :—

In continuation of Notification No. 77 *J.* [a] of the 27th June, 1877, extending the provisions of the Registration Act [b] of 1877 to the Hyderabad Assigned Districts, the Governor General in Council is pleased to declare that the said Act shall be deemed to have come into force in the said districts from the date of the said Notification, subject to the following modifications :— III of 1877.

(1). For clauses (*a*), (*b*) and (*c*) of section 33 of the said Act, the following clauses shall be substituted :—

(*a*). If the principal, at the time of executing the power-of-attorney, resides in the Hyderabad Assigned Districts, a power-of-attorney executed before, and authenticated by, the Registrar or Sub-registrar within whose district or sub-district the principal resides.

(*b*). If the principal, at the time aforesaid, resides in any part of British India in which the Indian Registration Act, 1877, is for the time being in force, a power-of-attorney executed before, and authenticated by, the Registrar or Sub-registrar within whose district or Sub-district, as defined in the said Act, the principal resides.

(*c*). If the principal, at the time aforesaid, does not reside in the Hyderabad Assigned Districts, or in any part of British India in which the Indian Registration Act, 1877, is for the time being in force, a power-of-attorney executed before, and authenticated by, a Notary Public, or any Court, Judge, Magistrate, British Consul, or Vice-Consul, or representative of Her Majesty or of the Government of India.

(2). For the words "clauses (*a*) and (*b*)" in the proviso to the same Section, the words "clause (*a*)" shall be substituted.

(3). For the words "British India" and "Local Government," wherever they occur, the words "Hyderabad Assigned Districts" and "Resident at Hyderabad" shall be deemed to have been substituted respectively.

(4). In Section 4, for the words "territories subject to such Government," and in Section 69, for the words "territories under the Local Government," the words "Hyderabad Assigned Districts" shall be deemed to have been substituted.

(5). In Section 10, for the words "Judge of the District Court" the words "Deputy Commissioner" shall be deemed to have been substituted.

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a. It appears that this Act was first extended by Notification No. 77 *J.* of the 27th June, 1877, without alteration. Notification No. 47 *I. J.* was issued in supersession in order to introduce some modifications; that Notification was again superseded by this Notification making further modifications.

b. This Act, III of 1877, has been amended by Sections 104 to 107 of Act XII of 1879 extended by Notification No. 287 *I. J.* of the 9th October, 1879, and by Section 12 of Act XIX of 1883 extended by Notification No. 4128 *I.* of the 22nd December, 1885. It has also been amended by Act XII of 1891 which has been extended, so far as it affects this Act, by Notification No. 15 *I.* of the 1st January, 1892.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 1382 I., dated the 28th May, 1883.—The Governor General in Council is pleased to extend Sections 1 to 4 of Act III [a] of 1864 (an Act to give the Government certain powers with respect to Foreigners) to the Hyderabad Assigned Districts, with the following modifications:— III of 1864.

Section 1, second paragraph.—Add the words "and shall include the Hyderabad Assigned Districts."

Section 1, third paragraph.—Add the words "Local Government" shall include the "Resident at Hyderabad."

Notification No. 207 I., dated the 16th January, 1884.—The Governor General in Council is pleased to extend the provisions of the Indian Factories Act, [b] 1881, to the Hyderabad Assigned Districts, with effect from the first day of January, 1884, subject to the following modifications, namely:— XV of 1881.

(1). For the words "Local Government" wherever they occur, the words "Resident at Hyderabad" shall be substituted.

(2). For the second paragraph of Section 1, the following paragraph shall be substituted:—"It applies to the Hyderabad Assigned Districts."

(3). In the first paragraph of Section 3, for the word "it," the word "he," and for the word "its," the word "his," shall be substituted.

(4). In the third line of Section 11 for the words "such Government," the words "Resident at Hyderabad" shall be substituted.

(5). In the last paragraph of Section 12 for the word "it," the word "he," shall be substituted.

(6). In Section 19 for the word "Crown," the word "Government," shall be substituted.

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a. Only Sections 1 to 4 have been extended because those Sections are alone in force in British India, the remaining Sections only come into force when the Governor General in Council so orders by Notification, and no Notification has been issued in regard to any part of British India.

b. This Act (XV of 1881) has been amended by Act XI of 1891 extended by Notification No. 4043 *I.* of the 2nd October, 1891.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 3566 I., dated the 22nd September, 1884.—The Governor General in Council is pleased to extend the following Acts to the Hyderabad Assigned Districts, to the extent and subject to the modifications hereinafter set forth:—

No. and Year.	Subject.	Extent of Application.	Modifications.
*	*	*	* * * *
III of 1882.	The Seditious Publications Act, 1882.	The whole Act.	*For* the Second paragraph of Section 1, *read* "And it extends to the Hyderabad Assigned Districts."
VI of 1882.	The Indian Companies Act, 1882.	The whole Act, except, in Section 65, the words "if the registered office be situate in a district beyond the local limits of the ordinary original Civil Jurisdiction of a High Court" and the words "language or ;" in Section 125, the words "situate outside the town of Calcutta, Madras and Bombay" ; the proviso in clause (*g*) of Section 144 ; in clause (*c*) of Section 220, the words "that there be at all times maintained in each of the towns of Calcutta,	*For* "Local Government" *read* "Resident at Hyderabad." *For* "British India" *read* "the Hyderabad Assigned Districts," except in the first place in which the phrase occurs in section 172, where it should be read as including the Hyderabad Assigned Districts. In clause 6 of Section 1, *for* "the first day of May 1882," *read* "the 22nd day of September 1884." In Section 3, *for* the definitions of "Court" and "District Court," *read* 'Court,' and 'District Court,' mean "the principal Civil Court of original Jurisdiction in a District." In Section 123, 218, and 219, *for* "High Court" *read* "Court of the Judicial Commissioner." In Section 26, *for* "one of its Secretaries" and in Section 36 *for* "one of the Secretaries to such Government" *read* "his Secretary."

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Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

No. and Year.	Subject.	Extent of Application.	Modifications.
VI of 1882. (Contd.)	The Indian Companies Act, 1882. (Contd.)	Madras and Bombay at least one such office and;" and the second paragraph of Section 252.	In Section 55, *for* "any Judge of a High Court" *read* "the Court of the Judicial Commissioner." In Section 65, *for* "such district" *read* "the Hyderabad Assigned Districts." In Section 68, *for* "The High Court or any Judge thereof" *read* "The Court of the Judicial Commissioner." In Section 130, *for* the last fifty-two words *read* "the Court of the Judicial Commissioner, in which case the word 'Court' shall mean the Court of the Judicial Commissioner." In Section 171, *for* "the High Court" and "a High Court" *read* "the Court of the Judicial Commissioner." In Section 254, *for* the "High Court" *read* "Resident."
VIII of 1882.	To amend the Indian Penal Code.	The whole Act.	In Sections 9 and 11, *for* "British India" *read* "the Hyderabad Assigned Districts;" and in Section 11 omit the words "and it shall come into force on the first day of January, 1883."

Notification No. 3358 I., dated the 17th September, 1886.—The Governor General in Council is pleased to extend the Prisoners Act, Amendment Act, IX of 1882, to the Hyderabad Assigned Districts, with effect from the 1st January, 1883, subject to the following modifications :— *a*, *b*. IX of 1882.

In Section 1, *for* "British India" *read* "the Hyderabad Assigned Districts."

In Section 2, *for* "British India" *read* "the Hyderabad Assigned Districts" and *for* "Local Government," in both places in which those words occur *read* "Resident at Hyderabad."

a. For the Prisoners Act, see Act V of 1871 included in Notification No. 212 of the 24th October 1873 (Page 8).

b. See also Act X of 1886 extended by Notification No. 3723 *I*, of the 20th September, 1889.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 4402 I., dated the 22nd December, 1886.[a]—The Governor General in Council is pleased to extend Sections 188 to 192 (inclusive) of Act V of 1879 (The Bombay Land Revenue Code, 1879) to the Hyderabad Assigned Districts. Bombay Act V of 1879.

Notification No. 4742 I., dated the 4th November, 1887.—The Governor General in Council is pleased to extend to the Hyderabad Assigned Districts the provisions, so far as they may be applicable, of the Indian Explosives Act, IV of 1884, subject to the following modifications, namely :— IV of 1884.

(*a*). In Section 1, sub-section (2), for the words "whole of British India" the words "Hyderabad Assigned Districts" shall be read.

(*b*). In Section 2, sub-section (1), for the words "on such day as the Governor General in Council by Notification in the *Gazette of India* appoints" the words "on the first day of January 1888" shall be read.

(*c*). In Section 4, sub-section (6), for the words "British India by sea or land" the words "the Hyderabad Assigned Districts" shall be read.

(*d*). For the first 36 words of Section 5, sub-section (1), the words "The Resident at Hyderabad, with the previous sanction of the Governor General in Council, may" shall be read.

(*e*). In Section 7, sub-section (1), for the words "Governor General in Council or the Local Government," and in Section 9, sub-section (1), for the words "Local Government," the words "Resident at Hyderabad" shall be read.

(*f*). For Section 18, sub-section (5), the following shall be read, namely :—

"(5). A rule made under this Act shall not take effect until it has been published in the Hyderabad Residency Orders."

(*g*). In Section 18, sub-section (6), for the word "Gazette" the words "Hyderabad Residency Orders" shall be read.

(*h*). The following shall be omitted :—

Section [b] 3 ; in Section 6, sub-section [c] (2) ; in Section 9, sub-section [d] (3) ; Section [e] 11 ; in Section 13 the words [f] "or port," "ship" and "or conservator of the port ;" and Section [g] 15.

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a. This Notification has been included as Section 189 authorizes Revenue officers to summon witnesses and provides that persons summoned shall be bound to attend, bound to speak the truth and bound to produce documents, thus making them liable to punishment if they fail to attend, give false evidence or refuse to produce documents.

b. Omitted, because it repealed certain Sections of Act XII of 1875 not extended to the Hyderabad Assigned Districts.

c. Omitted, as it referred to officers of sea-customs.

d. Omitted, as it related to Presidency town.

e. Omitted, as it related to the distress of vessel for realization of fine imposed on the owner of a vessel.

f. Omitted, as unnecessary.

g. Omitted, as it referred to Act XI of 1878 (Arms Act) not extended to the Hyderabad Assigned Districts.

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Notification No. 2156 I., dated the 1st June, 1888.—The Governor General in Council, in exercise of the powers conferred upon him by the Foreign Jurisdiction and Extradition Act, XXI of 1879, [a] and of all other powers enabling him in this behalf, is pleased to extend the provisions of Act XVI of 1861 (an Act for Licensing and Regulating Stage Carriages) to the Hyderabad Assigned Districts, with effect from the first day of June, 1888, subject to the following modifications :— XVI of 1861.

(1). *For* "British India," wherever the words occur, *read* "the Hyderabad Assigned Districts."

(2). *Omit* the words "or by the Chief Commissioner of Police of a Presidency town," "or Chief Commissioner of Police," and "or Chief Commissioner of Police as aforesaid," wherever they occur.

(3). In section 5, after the words "in the English" *insert* "and in the Marathi."

(4). In section 21, *omit* the definition of "British India," and for the definition of "horse" *read* "All expressions and provisions which in this Act are applied to horses shall also apply to all other animals employed in drawing any carriage ordinarily used for the purpose of conveying passengers for hire to or from any place in the Hyderabad Assigned Districts." [b].

(5). *Omit* section [c] 22.

Notification No. 4116 I., dated the 16th October, 1888.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to extend the Indian Telegraph Act, XIII [d] of 1885, to the Hyderabad Assigned Districts, subject to the following modifications, namely :— XIII of 1885.

(1). In Section 1, *for* the second and third sub-sections, *read* "and it extends to the Hyderabad Assigned Districts."

(2). In Sections 4 and 20, *for* "British India," *read* "the Hyderabad Assigned Districts."

(3). In sub-section (1) of Section 5 and in Section 26 *for* "A Local Government," and in Sections 15 and 33 *for* "the Local Government" *read* "the Resident at Hyderabad."

(4). In sub-section (2) of Section 5 *for* "or to the Local Government," *read* "or the Secretary to the Resident at Hyderabad ;" and

(5). In sub-section (1) of Section 33 *for* "as it thinks fit" *read* "as he thinks fit."

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a. This is the earliest uncancelled Notification which quotes the Foreign Jurisdiction and Extradition Act as an authority for the exercise of power.

b. Similar addition was made in British India by Act XVI of 1876.

c. Omitted, because relating to commencement, &c. only and repealed in British India by Act XIV of 1870.

d. A Section has been added to the Indian Act XIII of 1885 by Act XI of 1888 but the Section only relates to application of the Act to Presidency towns and Rangoon.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 1651 I., dated the 26th April, 1889.—The Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions of the Code of Criminal Procedure, *a. d. e.* Act X *b.* of 1882, as modified by Acts *c.* III of 1884, X of 1886 and V of 1887, so far as the same may be applicable : X of 1882. III of 1884. X of 1886. V of 1887.

Provided that references to a Local Government shall be read as referring to the Resident at Hyderabad, and references to British India or the territories subject to a Local Government as referring to the Hyderabad Assigned Districts :

Provided also that for the purpose of facilitating the application of the provisions of the Code hereby applied any Court in the Hyderabad Assigned Districts may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

Foreign Department Notifications No. 1494 *I.*, *f.* dated 21st December, 1882, No. 2810 *I.*, *g.* dated 18th August, 1885, and No. 2422 *h.* *I.*, dated 16th July, 1886, are hereby cancelled.

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a. These Acts have been also amended by Act III of 1891, extended to the Hyderabad Assigned Districts by Notification No. 2546 *I.* of the 12th June, 1891, by Act IV of 1891, extended by Notification No. 2547 *I.* of the 13th June, 1891, and by Act X of 1891, extended by Notification No. 3827 *I.* of the 17th September, 1891.

b. Sections 331 and 553 and the date 1881 in Section 549 of Act X of 1882 have been repealed in British India, the word "or" has been inserted in the Indian Act between 'District Magistrate' and 'Sub-divisional Magistrate' in Section 191 and after 'Sub-divisional Magistrate' in Section 206, and in Schedule III in the Part entitled 'I, Ordinary Powers of Magistrates of the third class,' "(1. A.) Power to arrest or direct the arrest of, and to commit to custody, a person committing an offence in his presence. Section 64." has been inserted. These amendments have been made by Act XII of 1891 only partially (*i. e.* as far as it affects the Indian Registration Act, III of 1877) extended to the Hyderabad Assigned Districts by Notification No. 15 *I.* of the 1st January, 1892.

c. Section 6 of Act III of 1884 and Sections 20 and 24, sub-section (2), were repealed in British India, because spent by the same Act (XII of 1891.)

d. Section 54 of Act X of 1882 has been amended by Act XIV of 1887, not specially extended to the Hyderabad Assigned Districts, Section 78, by the insertion of the following words "or of belonging to Her Majesty's Indian Marine Service and being illegally absent from the service" after the words "Army or Navy."

e. Section 93 of Act X of 1882 has been amended in British India by the Metal Tokens Act, I of 1889, not extended to the Hyderabad Assigned Districts.

f. This Notification extended Act X of 1882 with effect from 1st January 1883.

g. This Notification extended Act III of 1884.

h. This Notification extended Act X of 1886.

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Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 3723 I., [a] *dated the 20th September, 1889.*—With reference to Foreign Department Notification No. 1651 *I.*, dated the 26th April, 1889, the Governor General in Council is pleased to direct that so much of Act X of 1886 (to amend the Code of Criminal Procedure, [d] 1882, and certain other Acts) as amends the Indian Penal Code [b] and the Prisoners [c] Act, 1871, shall be deemed to have applied to the Hyderabad Assigned Districts from the date of that Notification to the extent and subject to the provisions specified therein. X of 1886.

2. The Governor General in Council is further pleased to direct that for the purposes of Section 31, sub-section (2), of the Prisoners [c] Act, 1871, as amended by Act X of 1886, the Nagpore Jail shall be deemed to be a prison within the territories subject to the Resident at Hyderabad.

Notification No. 651 I., dated the 20th February, 1890.—The Governor General in Council is pleased to declare that the provisions (so far as they are applicable) of Act XVIII [f] of 1886 and Act XX of 1889 (amending Act XXXVI [e] of 1858, relating to Lunatic Asylums) apply to the Hyderabad Assigned Districts. XVIII of 1886. and XX of 1889.

Notification No. 3530 I., dated the 24th October, 1890.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of the Indian Merchandise Marks Act, [h] IV of 1889, (except sections [g] 10, 11, 13 and 19), to the Hyderabad Assigned Districts, subject to the following modifications :— IV of 1889.

In Section 16, sub-section (1), for the words "Governor General in Council" and the words "Gazette of India and Local Official Gazette," the words "Resident at Hyderabad" and "Residency Orders" shall respectively be read.

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a. This Notification was issued to correct a mistake made in Notification No. 1651 *I.* of the 26th April, 1886. That Notification had cancelled the old Notification by which Act X of 1886 had been extended and had re-extended only such parts of Act X of 1886 as amended the Code of Criminal Procedure, the fact that Act X of 1886 had amended other Acts, than the Code of Criminal Procedure being apparently overlooked.

b. Act XLV of 1860 included in Notification No. 212 of the 24th October, 1873.

c. Act V of 1871 included in Notification No. 212, of the 24th October, 1873.

d. Act X of 1882 extended by Notification No. 1651 *I.* of the 26th April, 1889.

e. Extended to the Hyderabad Assigned Districts and included in Notification No. 212 of the 24th October, 1873.

f. Section 3 of Act XVIII of 1886 has been partially repealed in British India by Act XII of 1891 extended to the Hyderabad Assigned Districts, but only so far as it affects the Indian Registration Act, III of 1877, by Notification No. 15 *I.* of the 1st January, 1892.

g. Omitted, as they related to the Sea Customs Act, 1878, not extended to the Hyderabad Assigned Districts. Two sections of that Act have since been extended. See Notification No. 1331 *I.*, dated the 20th April, 1893.

h. Amends the Indian Penal Code, Act XLV of 1860, included in Notification No. 212 of the 24th October, 1873.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 3661 I., dated the 25th October, 1890.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply, so far as they may be suitable, the provisions of Act X of 1890, amending Act XXV [a] of 1867 (an Act for the Regulation of Printing Presses and Newspapers, for the preservation of Copies of Books, printed in British India and for the Registration of such Books), to the Hyderabad Assigned Districts, subject to the following modifications :— X of 1890.

For the words "Local Government," wherever they occur, the words "Resident at Hyderabad" shall be read.

Notification No. 337 I., dated the 22nd January, 1891.—Whereas the Governor General in Council has power and jurisdiction within the Hyderabad Assigned Districts, the Cantonment of Secunderabad and the Hyderabad Residency Bazars :

In exercise of such powers and jurisdiction and of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they are suitable, of the Indian Census Act, XVII of 1890, to the aforesaid territories, subject to the following modifications :— XVII of 1890.

(1) References to "British India" shall be construed as applying to the Hyderabad Assigned Districts, the Cantonment of Secunderabad, or the Hyderabad Residency Bazars, as the case may be.

(2) Reference to a Local Government shall be construed as applying to the Resident at Hyderabad.

II. Foreign Department Notifications No. 7 *G. J.*, dated the 17th December, 1880, and No. II *G. J.*, dated the 23rd December, 1880, which applied the Indian Census Act, XIV of 1880, to the Hyderabad Assigned Districts and the Cantonment of Secunderabad, respectively, are hereby cancelled.

Notification No. 1332 I., dated the 23rd March, 1891.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions, so far as they may be suitable, and as amended for the time being by subsequent [b] enactments, of the Indian Railways Act, IX of 1890, subject to the modification that references to a Local Government shall be construed as referring to the Resident at Hyderabad. IX of 1890.

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a. This Act is included in Notification No. 212 of 24th October, 1873.

b. This is the only Notification extending an Act that provides for future amendments.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 2544 I., dated the 13th June, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act I of 1891 (an Act to amend the Cattle-trespass Act, [a] 1871, and incorporate therein Act XVIII of 1883) to the Hyderabad Assigned Districts, subject to the following modifications:— I of 1891.

(1). Section 1 [b] shall be omitted.

(2). For the words "Local Government" and "Official Gazette", wherever they occur in the Act, the words "Resident at Hyderabad" and "Hyderabad Residency Orders" shall respectively be read.

Notification No. 2545 I., dated the 13th June, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act II of 1891 (an Act to amend the Indian Christian Marriage Act, [c] 1872) to the Hyderabad Assigned Districts, subject to the following modifications:— II of 1891.

(1). In section 6 of the Indian Christian Marriage Act, 1872, as substituted by section 1, sub-section (1), of Act II of 1891, for the words "Local Government," "its," and "Local Official Gazette," the words "Resident at Hyderabad," "his," and "Hyderabad Residency Orders" shall respectively be read.

(2). In section 62, sub-section (1), of the Indian Christian Marriage Act, 1872, as substituted by section 4 of Act II of 1891, for the words "Local Government by which he was licensed," "Local Government," and "that Government," the words "Resident at Hyderabad," "Resident," and "the Resident" shall respectively be read.

(3). Section 62, sub-section (2), of the Indian Christian Marriage Act, 1872, as substituted by section 4 of Act II of 1891, shall be omitted.

(4). In section 4, sub-section (2), of Act II of 1891, for the words "section 30 of the Births, Deaths, and Marriages Registration Act, 1886," the words "section 28 of the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, [d] 1888," shall be read.

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a. Act I of 1871 included in Notification No. 212 of the 24th October, 1873.

b. Section 1 of Act I of 1891 amended Section 1 of Act I of 1871 in order that Local Governments might exclude areas from the operation of that Act without the sanction of the Government of India and might vary their orders from time to time. The effect of omitting Section 1 of Act I of 1891 is to leave the old Section 1 of Act I of 1871 unaltered.

c. Act III of 1872 included in Notification No. 212 of the 24th October, 1873.

d. A Local Law. See Government of India Notification No. 347 *I.*, of the 19th January, 1889.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 2546 I., dated the 13th June, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act III of 1891 (an Act to amend the Indian Evidence Act, [a] 1872, and the Code of Criminal Procedure, [b] 1882) to the Hyderabad Assigned Districts. III of 1891.

Notification No. 2547 I., dated the 13th June, 1891.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act IV of 1891 (an Act to amend the Code of Criminal Procedure, [b] 1882) to the Hyderabad Assigned Districts. IV of 1891.

Notification No. 3827 I., dated the 17th September, 1891.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of Act X of 1891 (an Act to amend the Indian Penal Code [c] and the Code of Criminal Procedure, [b] 1882) to the Hyderabad Assigned Districts. X of 1891.

Notification No. 3884 I., dated the 22nd September, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction andExtradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the Vaccination Act (XIII of 1880), subject to the following modifications :— XIII of 1880.

(1) For the second paragraph of section 1 *read*—

"It shall apply only to such Municipalities and Cantonments in the Hyderabad Assigned Districts as it may be extended to in the manner hereinafter provided."

(2) *For* the words "Local Government," "Official Gazette," and "Local Official Gazette," wherever they occur, *read* the words "Resident at Hyderabad" and "Residency Orders" respectively.

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a, Act 1 of 1872 included in Notification No. 212 of the 24th October, 1873.

b, Act X of 1882 extended by Notification No. 1651 *I.* of the 26th April, 1889.

c, Act XLV of 1860 included in Notification No. 212 of the 24th October, 1873.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 4043 I., dated the 2nd October, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the Indian Factories Act [a] (XI of 1891) to the Hyderabad Assigned Districts, subject to the following modifications, *viz* :— XI of 1891.

(1). *For* "Local Government," wherever those words occur, *read* "Resident at Hyderabad."

(2). In that portion of Section 10 which substitutes a new Section for Section 9 of Act XV [b] of 1881, *for* "such Government" *read* "the Resident."

(3). In that portion of Section 16 which substitutes a new sub-section (4) in Section 18 of Act XV [b] of 1881 *omit* "its or."

(4). *For* the words "Official Gazette," wherever they occur in this Act and in the Indian Factories Act (XV [b] of 1881), *read* "Hyderabad Residency Orders."

Notification No. 1071 I., dated the 10th March, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions, so far as they may be suitable, of the Indian Treasure Trove Act (VI of 1878), subject to the following modifications, namely :— VI of 1878.

(1). In Section 1, for the words "British India," the words "the Hyderabad Assigned Districts" shall be read.

(2). Section [c] 2 and the Schedule [c] shall be omitted.

(3). In Sections 3, 5, and 19, for the words "Local Government," the words "Resident at Hyderabad" shall be read.

(4). In Section 9, for the words "Chief Controlling Revenue Authority" the words "Commissioner of the Hyderabad Assigned Districts" shall be read.

(5). After Section 16 the following Section shall be inserted :—

"16 A. If any treasure exceeds rupees one lakh in amount or value so much of such treasure as exceeds that amount or value shall vest in, and become the property of, the Government, and nothing in Sections 9 to 16, both inclusive, shall be deemed to apply to so much of such treasure as exceeds that amount or value."

(6). For the words "Her Majesty," in Sections 20 and 21, the words "the Government" shall be read.

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a. This Act amends but does not repeal Act XV 1881 extended by Notification No. 207 *I.* of the 16th January, 1884.

b. Extended by Notification No. 207 *I.* of the 26th January, 1884.

c. Omitted as they referred to the repeal of certain enactments not in force in the Hyderabad Assigned Districts.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 401 I., dated the 31st January, 1893.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of Bombay Act II of 1891 (the Bombay Boiler Inspection Act, 1891) to the Hyderabad Assigned Districts, subject to the following modifications, namely :— Bombay Act II of 1891.

(1). *For* the words "the Governor in Council," "Government" and "the Government" wherever they occur, *read* "the Resident at Hyderabad," and *for* the word "Collector," wherever it occurs, *read* "Deputy Commissioner."

(2). In Section 1, sub-section (2), *omit* the words and figures from "in the city" to the end.

(3). In Section 2, sub-section (2,) *omit* the words and figures "or under the Boiler Inspection Act, 1873."

(4). In Section 8, *omit* the words from "if it be situate" in sub-section (1) to "give notice" in sub-section (3), and *omit* sub-section (5).

(5). In Section 10, sub-section (3), *omit* the words "except as is otherwise provided in sub-section (5) of section 8."

(6). In Section 12, sub-section (1), *omit* the words from "within four days" to "city of Bombay, and" a and the words "if the boiler be situated elsewhere."

(7). In Section 17, sub-section (4), *omit* the words "Elsewhere than in the city of Bombay;" and in Section 17, sub-section (5), *for* "persons" *read* "person," and *for* "are, in the city of Bombay, the Inspector, and elsewhere" *read* "is."

(8). In Section 18, sub-section (1), *omit* the words "any Presidency Magistrate in the city of Bombay, or by," the word "elsewhere" and the words "Magistrate or."

(9). In Section 24, sub-section (3), *for* "Presidency of Bombay" *read* "Hyderabad Assigned Districts."

(10). In Section 28, clause (*c*), *omit* the words "to the Inspector."

(11). In Section 32, *omit* the words from "in the city" to "and elsewhere."

(12). *Omit* Sections 34 and 37.

(13). In Section 35, clause (*a*), for "Collectors" *read* "Deputy Commissioners."

(14). In the concluding paragraph of Section 35, *for* "*Bombay Government Gazette*" *read* "*Residency Orders.*"

2. The Notification of the Government of India in the Foreign Department, No. 175 *I.*, [a] dated the 13th January, 1888, is hereby cancelled.

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a. This Notification extended to the Hyderabad Assigned Districts the Bombay Boiler Inspection Act, 1887, repealed in Bombay by the Act extended to the Hyderabad Assigned Districts by the present Notification.

Notifications of the Government of India extending the Acts of other Indian Legislative Authorities.

Notification No. 1426 I., dated the 1st April, 1889.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of Act I [a] of 1888 (*to amend the Indian Stamp Act, 1879* [b]) to the Hyderabad Assigned Districts. I of 1888.

Notification No. 15 I., dated the 1st January, 1892.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions of the Repealing and Amending Act (XII [c, d] of 1891) so far as they affect the Indian Registration Act (III of 1877) as applied to those Districts. XII of 1891.

Notification No. 1331 I., dated the 20th April, 1893.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions, so far as suitable, of Sections 19 and 167 [e] (together with article 8 of the Schedule appended to the said Section 167) of the Sea Customs Act (VIII of 1878), subject to the following modification, *viz*:—*For* the words "British India" wherever they occur, *read* "the Hyderabad Assigned Districts." VIII of 1878.

a. This Act amends the Stamp Act in regard to Policies of Insurance.

b. Act 1 of 1879, extended to the Hyderabad Assigned Districts by Notification No 114 *I. J.*, dated the 4th June, 1879.

c. See against Act III of 1877 extended by Notification No. 131 *I. J.*, dated the 24th January, 1881.

d. This Act repeals the last paragraph of Section 84, and amends Sections 1, 83, 84 and 90 of Act III of 1877.

e. Section 19 authorizes the Governor General in Council to prohibit the introduction of goods by sea or land and Section 167 provides a punishment, the penalty being given in article 8 of the Schedule.

Notification No. 239 I. J., dated the 29th August, 1879.—The Governor General in Council is pleased to make the following rules [a] for the Hyderabad Assigned Districts with regard to the arrest of persons registered in British India under the Criminal Tribes Act (XXVII of 1871) and found in these districts :—

1. Any person registered under the provisions of the Criminal Tribes Act (XXVII of 1871), who is found in any part of the Hyderabad Assigned Districts without such pass as may be required by the rules under the said Act, or in a place or at a time not permitted by the conditions of his pass, or who escapes from a reformatory settlement in British India and is found in any part of the said districts, may be arrested without warrant by any policeman or village-watchman and taken before a Magistrate who, on proof of the facts, shall order him to be removed to the district in British India in which he ought to have resided, or to the reformatory settlement from which he has escaped (as the case may be), there to be dealt with according to the rules under the said Act for the time being in force.

2. The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under these rules, provided that an order from the Resident at Hyderabad or from the Inspector General of Prisons shall not be necessary for the removal of such persons.

3. It shall be the duty of every village headman, and village watchman in a village, and of every owner or occupier of land, [b] to give the earliest information in his power at the nearest police station of the arrival at such village or on such land (as the case may be) of any person who may reasonably be suspected of belonging to any tribe, class, or gang which has been declared criminal under the said Act.

4. Any village headman, village watchman, owner or occupier of land, [b] who shall fail to comply with the requirements of Rule 3, shall be deemed to have committed an offence under the first part of Section 176 of the Indian Penal Code.

Notification No. 3766 I., dated the 22nd October, 1886, as modified by Notification No. 5020 I., dated the 23rd October, 1891.—Whereas it is expedient to amend the law relating to forests in the Hyderabad Assigned Districts ; the Governor General in Council has been pleased to make the following rules :—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (1) These rules may be called the Berar Forest Law, 1886, and are hereinafter referred to as "this Law."

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[a] Based on Sections 20, 21 and 22 of Act XXVII of 1871.

[b] In Section 20 of the British Act the words "or of the agent of any such owner or occupier" have been inserted after "land" by Act VII of 1876, Section 2.

(2) This Law extends to the whole of the Hyderabad Assigned Districts:

Provided that the Resident may, by Notification in the Residency Orders, exempt any place in those districts from the operation of the whole or any part of it, but not so as to affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced, in that place before the exemption; and

(3) It shall come into force on such day as the Resident may, by Notification in the Residency Orders, direct. *a*.

Repeal.

2. On and from that day the rules published in the Notification of the Government of India in the Department of Revenue, Agriculture and Commerce, No. 520, dated the 25th October, 1871, shall be repealed, but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced, before that day.

Definitions.

3. In this Law, unless there is something repugnant in the subject or context,—

(1) "Resident" means the Resident at Hyderabad:

(2) "Deputy Commissioner" means the chief executive revenue-officer of the district:

(3) "State-forest" means—

(*a*) a forest which, under rule 8 of the rules published in the Notification of the Government of India, No. 520, dated the 25th October, 1871, was declared to be, and at the time of this Law coming into force was, a State-forest; and

(*b*) any land which may be constituted a State-forest under Section 4 of this Law:

(4) "Forest-officer" means any person appointed by name, or as holding an office, by or under the orders of the Governor General in Council or the Resident, to be a Conservator, Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest-ranger, Forester, or Forest-guard, or to discharge any function of a Forest-officer under this Law or any rule thereunder:

(5) *b*. "tree" includes palms, bamboos, stumps, brushwood and canes:

(6) "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:

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a, This Law was brought into force on the 15th June, 1892, by Resident's Notification No. 171, dated the 1st June, 1892.

b, This sub-section has been substituted by Section 2 of the Berar Forest Law, Amendment Law, 1891, published in Gazette of India, Foreign Department Notification No. 5020 *I.*, dated the 23rd December, 1891.

(7) *a.* "forest produce" includes —

(*a*) the following, whether found in or brought from a forest or not, that is to say :—

Timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac and myrabolams, and

(*b*) the following, when found in or brought from a forest, that is to say :—

(i) trees and leaves, flowers and fruits, and all other parts or produce not herein before mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds, and moss), and all parts or produce of such plants.

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries):

(8) "forest-offence" means an offence punishable under this Law :

(9) "cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids : and

(10) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class, when he is specially empowered by the Resident to try forest-offences.

CHAPTER II.

STATE-FORESTS.

Constitution of State-Forests.

4. (1) The Resident may, by Notification in the Residency Orders, declare any woodland, ramna, permanent grazing ground or other land which is the property of Government and is not already a State-forest, to be a State-forest from a date to be fixed in the Notification.

(2) *b.* The Notification shall specify as nearly as possible the situation and limits of the land in respect of which the declaration is made :

Provided that, in the case of the lands of which a survey map has been prepared, the Notification may specify in lieu of the aforesaid particulars, the survey numbers of the land.

(2*a*.) *b.* From the date fixed in any such Notification the land shall be deemed to be a State-forest.

(3) The Deputy Commissioner shall, before that date, cause a translation of the Notification in the language of the country to be published in the towns and villages in the neighbourhood of the land.

a. Substituted by the Berar Forest Law, Amendment Law, 1891, Section 3, published in Gazette of India, Foreign Department Notification No. 5020 *I.*, dated the 23rd December, 1891.

b. Substituted by the Berar Forest Law, Amendment Law, 1891, Section 4, published in Gazette of India, Foreign Department Notification No. 5020 *I.*, dated the 23rd December, 1891.

Demarcation of State-forests.

5. Whenever a State-forest is not bounded by a road, stream or other existing well-defined boundary-mark, it shall be demarcated by cleared lines, or in such other manner as the Resident may direct.

Bar of acquisition of rights.

6. No right of any description adverse to Government shall be acquired in or over a State-forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of, the Government.

Power to close roads and pathways.

7. (1) In any State-forest the Conservator may, from time to time, with the previous sanction of the Resident, determine what roads and pathways shall be authorized for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only.

(2) The Conservator shall cause public notice to be given of the closing of any existing road or pathway.

Penalties for trespass or damage in State-forests.

8. Any person who in a State-forest—

(*a*) trespasses, or pastures cattle, or permits cattle to trespass off any road or pathway authorized for public traffic, or

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber, or

(*c*) lops, notches, strips off the leaves from or otherwise damages any tree, or

(*d*) hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State-forests.

9. Any person who—

(*a*) sets fire to a State-forest, or

(*b*) [a] in contravention of any rules made by the Resident, kindles any fire, or leaves any fire burning,

or who in a State-forest—

(*c*) kindles, keeps or carries any fire except at such seasons, and in such manner, as the Forest-officer specially empowered in this behalf may from time to time notify, or

(*d*) fells, girdles, marks, taps, strips off the bark from, or uproots or burns any tree, or

(*e*) quarries stone or moorum, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest-produce, or

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a. Substituted by the Berar Forest Law, Amendment Law, 1891, Section 5, published in Gazette of India Foreign Department Notification No. 5020 *I.*, dated the 23rd December, 1891.

(*f*) makes any dhya, or clears, cultivates or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Court may direct.

Acts excepted from prohibitions contained in sections 8 and 9.

10. (1) Nothing in section 8 or section 9 shall be deemed to prohibit any act done—

(*a*) with the permission of a Forest-officer specially empowered to give such permission ; or

(*b*) in pursuance of any permission granted by the Resident ; or

(*c*) in accordance with any rules made by the Resident with the previous sanction of the Governor-General in Council.

(2) The permission of the Forest-officer referred to in clause (*a*) of sub-section (1) shall be in writing, and shall only authorize the doing of some particular act on some particular occasion.

(3) The permission referred to in clause (*b*) of that sub-section may be a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family, but not for the purposes of trade.

(4) The rules referred to in clause (*c*) of that sub-section may be applied by the Resident, by Notification in the Residency Orders, to all or any State-forests or to any part of a State-forest, and may, with respect thereto,—

(i) regulate the cutting, sawing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest-produce ;

(ii) regulate the quarrying of stone or moorum, the boiling of cutch and the burning of lime or charcoal ;

(iii) regulate hunting, shooting, fishing, poisoning water and setting traps or snares ;

(iv) prescribe, or authorize any Forest-officer to prescribe, subject to the control of the Resident, the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit or partly in transit, or otherwise.

(5) The Resident may cancel any permission given by a Forest-officer or withdraw any privilege granted by himself, and may by Notification in the Residency Orders, cancel or modify, with the previous sanction of the Governor General in Council, all or any rules made under this section.

11. (1) The Resident may, with the previous sanction of the Governor General in Council, by Notification in the Residency Orders, direct that, from a date fixed by such Notification, any State-forest or any portion thereof shall cease to be a State-forest.

Power to declare forest no longer State-forest.

(2) From the date so fixed such forest or portion shall cease to be a State-forest.

CHAPTER III.

FOREST-PRODUCE IN TRANSIT.

12. The Conservator may, subject to the control of the Resident, establish stations for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same, within the limits of or out-side any State-forest.

Power to establish forest-stations.

13. (1) No timber or other forest-produce shall be taken out of any State-forest, except by a route on which such a station has been established or of which the use for the removal of timber or other forest-produce has been especially authorized by the Conservator.

Power to prescribe routes for removal of timber and other forest-produce.

(2) A full description of every such route shall be fixed up by the Forest-officer in charge of the forest-division in the towns and villages in the neighbourhood of the forest served by the same.

14. (1) No timber or other forest-produce, whether the produce of a State-forest or of other land, shall be taken along any route authorized for the removal of timber or other forest-produce under section 13, unless covered by a pass issued by a Forest-officer whom the Conservator has duly authorized in that behalf, or by the owner of the land, as the case may be.

Timber and other forest-produce in transit to be covered by pass.

(2) Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

15. Any person who contravenes the provisions of section 13 or section 14 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalties for breach of provisions of Sections 13 and 14.

Power to exempt from operation of sections 13 and 14.

16. A general exemption from the operation of section 13 or section 14, or both sections,—

(*a*) with respect to any class of timber or other forest-produce, or

(*b*) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a Forest-officer specially empowered in this behalf.

CHAPTER IV.

CATTLE-TRESPASS.

Application of Cattle-trespass Act, 1871.

17. Cattle trespassing in a State-forest shall be deemed to be cattle doing damage to a public plantation within the meaning of the Cattle-trespass Act, 1871, section 11, and may be seized and impounded as such by any Forest-officer or Police-officer.

Power to alter fines fixed by that Act.

18. The Resident may, by Notification in the Residency Orders, direct that, in lieu of the fines fixed by section 12 of the aforesaid Act, there shall be levied for each head of cattle impounded under section 17 of this Law such fines as he thinks fit, but not exceeding the following (that is to say):—

	Rs.	A.
For each elephant	10	0
For each buffalo or camel	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid.	0	8

CHAPTER V.

PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation, and report thereof.

19. (1) When there is reason to believe that a forest-offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any Forest-officer or Police-officer.

(2) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

Provided that, when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure thereupon.

20. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Timber, forest-produce, tools &c. when liable to confiscation.

21. (1) When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence shall be liable, by order of the convicting Magistrate, to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for the offence.

Disposal, on conclusion of trial for forest-offence, of timber or produce in respect of which offence was committed.

22. When the trial of any forest-offence is concluded, any timber or other forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf, and may, in any other case, be disposed of in such manner as the Court may order.

Procedure when offender is not known or cannot be found.

23. (1) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made tover to such Forest-officer or other person as the Magistrate considers entitled o receive the same :

Provided that no such order shall be made until the expiration of one month from the date of the seizure of such property, or without hearing the person (if any) claiming any right thereto and the evidence (if any) which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

Procedure as to perishable property seized under section 19.

24. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 19 which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

Appeal from orders under sections 21, 22 and 23.

25. Any person claiming to be interested in property seized under section 19 may, within one month from the date of any order passed by a Magistrate under section 21, section 22 or section 23, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the orders passed on such appeal shall be final.

Property when to vest in Government.

26. When an order for the confiscation of property has been passed under section 21 or section 23, and no appeal from such order has been presented within the period prescribed by section 25, or when, on an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of the property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized.

27. Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 19, and the withdrawal of any charge made in respect of such property.

Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary-marks.

28. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,— XLV of 1860.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person ; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest-officers ; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer ; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any State-forest,

shall be punished with imprisonment for a term which may extend to two years or with fine, or with both.

Power to arrest without warrant.

29. (1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence, if such person refuses to give his name or residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under sub-section (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case, "or to the officer in charge of the nearest police station." *a.*

Punishment for wrongful seizure or arrest.

30. (1) Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Law, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct and the fine or portion be recovered, be given, subject to the direction of the last paragraph of section 545 of the Code of Criminal Procedure, as compensation to the person aggrieved by such seizure or arrest. X of 1882.

Power to prevent commission of offence.

31. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Operation of other laws not barred.

32. Nothing in this Law shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any other or higher punishment or penalty than that provided by this Law:

Provided that no person shall be punished twice for the same offence.

Power to compound offences.

33. *b.* (1) The Resident may, by Notification in the Residency Orders, empower any Forest-officer by name, or as holding any office,—

a. The words quoted have been substituted by Section 6 of the Berar Forest Law Amendment Law, 1891, published in Gazette of India, Foreign Department Notification No. 5020 *I.* of the 23rd December, 1891.

b. This Section has been substituted for the original Section by Section 7 of the Berar Forest Law Amendment Law, 1891, published in Gazette of India, Foreign Department Notification No. 5020 *I.* of the 23rd December, 1891.

(*a*) to accept from any person against whom reasonable suspicion exists that he has committed any Forest-offence, other than an offence specified in section 28 or section 30, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(*b*) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer,

and may withdraw any power so conferred.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) No Forest-officer of rank inferior to that of a ranger or in receipt of a monthly salary not amounting to one hundred rupees shall be empowered under this section; and the sum of money accepted as compensation under sub-section (1), clause (*a*), shall in no case exceed the sum of fifty rupees.

Presumption that timber or forest-produce belongs to Government.

34. When, in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government until the contrary is proved.

Penalties for offences in respect of which special penalties have not been prescribed.

35. Any person contravening any provision of this Law shall, if no special penalty is provided for the breach of the provision, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VI.

FOREST-OFFICERS.

Resident may invest Forest-officers with certain powers.

36. (*1*) The Resident may invest any Forest-officer by name, or as holding an office, with all or any of the following powers (that is to say):—

(*a*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

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(*b*) power to issue search-warrants, under the Code of Criminal Procedure; X of 1882.

(*c*) powers to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence ;

(*d*) power to notify the seasons and manner in which fire may be kindled kept or carried in a State-forest ;

(*e*) power to grant the permission referred to in section 10, sub-section (*1*) clause (*a*) ;

(*f*) power to grant general exemptions under section 16 ;

(*g*) power to take possession of property under sections 22, 23 and 43 ;

(*h*) power to direct the release of property and withdrawal of charges under section 27 ;

(*i*) *Repealed by Section 8 of the Berar Forest Law Amendment Law, 1891, (Foreign Department Notification No. 5020 I. of the 23rd December 1891).*

and may withdraw any powers so conferred.

(*2*) Evidence recorded under clause (*e*) of this section shall be admissible in any subsequent trial of the alleged offender before a Magistrate :

Provided that the evidence has been taken in the presence of the accused person, and recorded in the manner provided by section 355, section 356 or section 357 of the Code of Criminal Procedure. X of 1882.

Forest-officers deemed public servants.

37. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code. XLV of 1860.

Indemnity for acts done in good faith.

38. No suit or criminal prosecution shall lie against any public servant for anything done or omitted to be done by him in good faith under this Law.

Forest-officers not to trade.

39. Except with the permission, in writing, of the Resident, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in British or foreign territory.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Additional power to make rules.

40. The Resident may make rules consistent with this Law—

(*a*) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Law on a Forest-officer shall be exercised or performed ;

(*b*) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Law, or from the public treasury ; and

(*c*) generally to carry out the provisions of this Law.

Persons bound to give information and assistance to Forest-officer and Police-officer.

41. Every person who is permitted by a Forest-officer, or to whom the privilege has been granted by the Resident, to pasture cattle in, or to collect and remove any forest-produce from, a State-forest, and

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer, any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence ; and shall assist any Forest-officer or Police-officer demanding his aid—

(*a*) in extinguishing any fire occurring in such forest ;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest ;

(*c*) in perventing the commission in such forest of any forest-offence ; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Recovery of fines and other money due to Government.

42. (*1*) The provisions of sections 63, 68, 69, and 70 of the Indian Penal Code, and of sections 386 and 387 of the Code of Criminal Procedure, shall apply to all fines imposed under this Law. XLV of 1860. X of 1882.

(2) All money, other than fines, payable to the Government under this Law, or under any rule made hereunder, or on account of the price of any timber or other forest-produce, or of expenses incurred in the execution of this Law in respect of such timber or produce, may, if not paid when due, be recovered, under the Law of the time being in force, as if it were an arrear of land-revenue.

Lien on forest-produce for such money.

43. (1) When any such money is payable for, or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce; and the produce may be taken possession of by a Forest-officer specially empowered in this behalf, and may be retained by him until the amount has been paid.

(2) If the amount is not paid when due the Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

Recovery of penalties due under bond.

43-A.[a] When any person, in compliance with any rule under this Law, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding any thing in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land-revenue. IX of 1872.

Government and its officers not liable for loss or damage in respect of certain timber.

44. The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 12, or while detained elsewhere for the purposes of this Law; and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

Land required under this Law to be deemed to be needed for a public purpose under Land Acquisition Act.

45 Whenever it appears to the Resident that any land is required for any of the purposes of this Law, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870, section. 4. X of 1870.

Rules when to have force of law.

46. All rules made by the Resident under this Law shall be published in the Residency Orders, and shall thereupon have the force of law.

Powers of Resident exercisable from time to time.

47. All powers conferred by this Law on the Resident may be exercised from time to time as occasion requires.

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a, Inserted by Section 9 of the Berar Forest Law Amendment Law, 1891, published in Gazette of India, Foreign Department Notification No. 5020 *I.*, of the 23rd December, 1891.

Notification No. 3938 I., dated the 5th November, 1886.—Whereas it is expedient to make better provision for the organization and administration of Municipalities in the Hyderabad Assigned Districts, His Excellency the Viceroy and Governor General in Council is pleased to issue the following orders :—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (1) These orders may be called the "Berar Municipal Law, 1886," and are hereinafter referred to as "this Law."

(2) This Law extends to the Hyderabad Assigned Districts ; and

(3) It shall come into force on the first day of January, 1887.

(4) Any power conferred by this Law to make rules or issue orders may be exercised at any time after the publication of this Law in the *Gazette of India* ; but a rule or order so made or issued shall not take effect until this Law comes into force.

Definitions.

2. In this Law, unless there is something repugnant in the subject or context,—

(1) "committee" means a municipal committee constituted under this Law :

(2) "municipality" means a local area to which this Law has been applied under section 4 or section 5 :

(3) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service :

(4) "Resident" means the Resident at Hyderabad :

(5) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in a municipality or in a local area to which the Resident has by notification declared his intention to apply this Law :

(6) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway :

(7) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as

agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(8) "notification" means a notification published by authority of the Resident in the Residency Orders:

(9) "notified" means published as aforesaid: and

(10) "prescribed" means prescribed by rules made by the Resident under this Law.

Notification of intention to apply this Law.

3. (1) The Resident may, by notification and in such other manner as he may from time to time determine, declare his intention to apply this Law to any town or to any group of towns in the immediate neighbourhood of one another.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Application of this Law.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of this Law, submit his objection in writing to the Resident within six weeks from the publication of the notification, and the Resident shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Resident has considered the objections (if any) which have been submitted under sub-section (1), the Resident may, by notification, apply this Law to the local area.

Special rule as to application of this Law to towns to which Act IV of 1873 applies.

5. The Resident may, by notification, apply this Law to any local area which is a municipality established under Act IV of 1873, and shall, within three months from the date on which this Law comes into force, so apply it to every such local area unless before the expiration of that period—

(*a*) this Law has been applied under section 4 to some local area in which that local area in comprised; or

(*b*) the Resident has declared, by notification, that the provisions of this Law are unsuited to that local area.

CHAPTER II.

Organization of Municipal Committees.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality and consisting of—

(*a*) so many elected members as may be determined in manner prescribed, representing the whole municipality or wards of the municipality ; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Resident may, subject to rules made under this Law, appoint in this behalf.

Magistrate to convene meeting to determine system of representation and election.

7. (1) The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Law has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting, within such further time not exceeding three months from date of the meeting as the Resident may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(2) The Resident may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

Persons to be invited to meeting.

8. Notices under section 7 shall be issued to the following persons, namely :—

(*a*) all Honorary Magistrates having jurisdiction within the limits of the municipality ;

(*b*) when the municipality comprises any local area for which a municipal committee has been appointed under Act IV of 1873, the members of that committee ; and

(*c*) any leading residents of the municipality not included under the foregoing clauses who in the opinion of the District Magistrate should be allowed to take part in the discussion.

9. The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under the section, submit through the District Magistrate to the Resident, proposals regarding the following matters, namely :—

Matters to be considered at the meeting.

(*a*) the treatment of the municipality as a whole for the purposes of representation, or the division of the municipality into wards ;

(*b*) the number of representatives proper for the municipality or for each ward ;

(*c*) the qualifications of electors and of candidates for election ;

(*d*) the registration of electors ;

(*e*) the nomination of candidates, the time of election and the mode of recording votes ; and

(*f*) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

10. (1) The Resident shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with the fine which may extend to fifty rupees.

Power to Resident to make rules regarding representation and election.

(2) The Resident may, after the committee has come into existence as hereinafter provided, amend, after consulting the committee, the rules made under this section ; but no amendment made under this sub-section shall take effect until six months after it has been published in the Residency Orders.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

11. (1) The term of office of a member of a committee shall be fixed by the Resident by rule made under this Law, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

Term of office of member of Committee.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

12. A member of a committee may resign by notifying in writing his intention to do so to the Resident, and, on his resignation being accepted by the Resident, be deemed to have vacated his office.

Resignation of member.

Powers of Resident as to removal of members.

13. (1) The Resident may remove any member of a committee :—

(*a*) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be a member ;

(*b*) if he has been declared by notification to be disqualified for employment in the public service ;

(*c*) if he, without an excuse sufficient in the opinion of the Resident, neglects for more than three consecutive months to be present at the meetings of the committee ;

(*d*) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order ; or,

(*e*) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Resident otherwise directs.

Filling of casual vacancies.

14. (1) When the place of an elected member of a committee becomes vacant by his resignation, removal, death or otherwise, a new member shall be elected in manner prescribed to fill the place :

Provided that the Resident may, subject to the limitation of the proportion of appointed members of the committee fixed by section 6, clause (*b*), direct in any such case that the vacancy shall be left unfilled.

(2) When the place of an appointed member of a committee becomes vacant as aforesaid, the Resident may, if he thinks fit, but subject to the rules made under this Law, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

Incorporation of committee.

15. Every committee shall be a body corporate by the name of the committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules made under this Law, to transfer any pro-

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perty held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time for committees coming into existence.

16. A committee shall come into existence at such time as the Resident may, by notification appoint in this behalf.

Consequences of establishment of committee where commitee exists.

17. (1) When a committee comes into existence under section 16 for a municipality constituted under this Law, and that municipality comprises within its limits a local area which is a municipality under Act IV of 1873, the following consequences shall ensue, namely :—

(*a*) the said Act IV of 1873 shall cease to apply to the local area ;

(*b*) the committee (if any) constituted under that Act for the local area shall cease to exist ;

(*c*) all property vested in the old committee shall, for the purposes of this Law, vest in the committee constituted under this Law (hereinafter called the new committee) subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property ;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Law had not been passed ;

(*e*) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Resident ; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

(2) When a committee comes into existence under section 16 for a municipality constituted under this Law, and that municipality comprises within its limits a local area in which Book Circular No. XIV of 1881 is in force, that Book Circular shall cease to have effect in that local area, and the committee constituted under the Book Circular for that local area shall cease to exist.

Chairman and Vice-chairman.

Election or appointment of chairman.

18. A committee shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Resident, but not otherwise, become chairman of the committee :

Provided that—

(*a*) if the office of chairman remains vacant for three months from the date of the first meeting of the committee, or, in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Resident may in his discretion appoint such person as he thinks fit by name or by virtue of office to be chairman; and

(*b*) in such municipalities as the Resident may, from time to time, by notification, exempt from the operation of this section, the Resident may, from time to time, appoint such person as he thinks fit by name or by virtue of office to be chairmen.

Election of vice-chairman.

19. In every municipality the committee shall, from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

Term of office of chairman and vice-chairman.

20. (1) The term of office of a member of the committee elected to be chairman shall be the residue of his term of office as member.

(2) The term of office of any other person elected to be chairman, or of a chairman appointed by the Resident, shall be such term not exceeding three years as the Resident may by rule prescribe.

(3) The term of office of a vice-chairman shall be one year:

Provided that, when at the time of his election as vice-chairman the residue of his term of office as member of the committee is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(4) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of chairman or vice-chairman.

21. (1) A chairman of a committee may resign by notifying in writing his intention to do so to the Resident, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

(2) A vice-chairman of a committee may resign by notifying in writing his intention to do so to the committee, and, on his resignation being accepted by the committee, he shall be deemed to have vacated his office.

Removal of chairman or vice-chairman.

22. The Resident may remove any chairman or vice-chairman of a committee from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such

order, as implies, in the opinion of the Resident, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the committee.

Casual vacancies in office of chairman or vice-chairman.

23. (1) If an elected chairman or a vice-chairman dies or resigns his office, or is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

(2) If a chairman appointed by the Resident dies, resigns his office or is removed, the Resident shall appoint another chairman.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office :

Provided that if a person so elected is a member of the committee at the time of his election, he shall go out of office on ceasing to be a member.

(4) A person going out of office under sub-section (3) shall, if otherwise qualified, be again eligible for election or appointment.

Chairman to become member if not already member.

24. When a person not already a member of the committee is elected or appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman.

Notification of Elections, Appointments and Vacancies.

Notification of elections, appointments and vacancies.

25. Every election and appointment of a member or chairman of a committee and every vacancy in the office of member or chairman shall be notified.

Joint Committees.

Joint committees.

26. (1) A committee may, from time to time, concur with any other municipal committee, or with a district board, or with a cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(2) If any difference of opinion arises between committees, boards or authorities acting under this section, the decision thereon of the Commissioner shall be final.

Conduct of Business.

Time for holding meetings.

27. (1) A committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

(2) The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

28 (1) A meeting of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Law or the rules made under this Law to be transacted at a special meeting.

Quorum.

29. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the whole committee.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 34 :

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Chairman of meeting.

30. (1) At every meeting of a committee the chairman, if present, shall preside.

(2) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

31. (1) Except as otherwise provided by this Law, or by any rule made by the Resident under this Law, all questions which may come before any meeting of a committee shall be decided by the majority of the votes of the members present.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

Certain officers entitled to attend and speak.

32. The Civil Surgeon, the Executive Engineer and the Inspector of Schools shall be entitled to attend any meeting of the committee, and to address the committee on any matter affecting respectively sanitation, public works and public instruction.

Resolutions to be recorded and published.

33. (1) Every resolution passed by a committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Resident may direct.

(2) A copy of every resolution passed by a committee at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Magistrate.

Power to make rules as to meetings and proceedings.

34. (1) Every committee may, from time to time, at a special meeting, make rules consistent with this Law and any rules made under this Law by the Resident as to—

(*a*) the time and place of its meetings ;

(*b*) the manner of convening ordinary and special meetings respectively, and of giving notice thereof ;

(*c*) the quorum necessary for the transaction of business at ordinary meetings ;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings ;

(*e*) the division of duties among the members of the committee ;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Law ; and

(*g*) all other similar matters.

(2) Every rule made under this section shall be published in such manner as the Resident may direct.

Officers and Servants.

Appointment of secretary.

25. (1) Every committee shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

(2) If a person who is an officer in the service of the Government, and who is not a member of the committee, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of such appointment, and shall continue to be a member of the committee as long as he holds the office of secretary.

(3) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases the committee may, with the previous sanction of the Commissioner, assign to a secretary such pay as it thinks fit.

Employment of other officers and servants.

36. Subject to the other provisions of this Law, and to such rules as the Resident may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Pensions of Government officials serving committees.

37. In the case of a Government official a committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force ; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Resident.

Pensions of others.

38. In the case of an officer or servant not being a Government official, a committee may—

(1) grant him leave-allowances and if he is employed under a committee constituted under Act IV of 1873 when this Law comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity ; and

(2) if empowered in this behalf by the Resident—

(*a*) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force ; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Contracts.

Authority to contract.

39. (1) A committee may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the committee at a meeting.

Mode of executing contracts.

40. (1) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing.

(2) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary:

Provided that the committee may delegate to one or more of its members the power of executing any contract which he is or they are empowered to enter into under section 39, sub-section (1).

(3) If a contract to which this section applies is executed otherwise than in conformity there-with, it shall not be binding on the committee.

CHAPTER III.

TAXATION.

Taxation.

Taxes which may be imposed.

41. (1) Subject to any general rules or special orders which the Governor General in Council may make in this behalf, and to any rules made by the Resident under this Law, a committe may, from time to time, for the purposes of this Law and in the manner by this Law directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(*A*) with the previous sanction of the Resident—

(*a*) a tax on buildings and lands situate within the municipality, not exceeding seven-and-a-half per centum on the annual value of the buildings and lands;

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality ;

(*c*) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality ;

(*d*) a tax on vehicles and animals used as aforesaid entering the municipality ;

(*e*) a tax on menial and domestic servants ;

(*f*) an octroi on animals for slaughter, or goods, or both, brought within the municipality for consumption or use therein ; and

(*B*) with the previous sanction of the Resident and of the Governor General in Council, any other tax.

(2) In this section, "annual value" means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let :

Provided that, in the case of land which is assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so directs, be deemed to be double the amount of the land-revenue for the time being assessed on the land, or, when the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which, but for such release, composition, redemption or assignment, would have been assessable as land-revenue.

Scavenging-tax.

42. When a committee has, in exercise of the powers conferred by this Law, provided for the performance, with regard to any buildings or lands by its agents, of the duties usually performed by sweepers, it may, with the previous sanction of the Resident, in the manner by this Law directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Law, a tax, to be called the scavenging-tax, at such rate or of such amount as it thinks fit :

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Water-tax.

43. (1) Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Resident, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Law directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level ; but in fixing it, regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purpose.

Procedure in imposing taxes.

44. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43.

(2) When such a resolution has been passed, the committee shall publ a notice, defining the class of persons or description of property proposed t be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee ; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Resident, on receiving such proposals may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Resident sanctions any such proposals which require the further sanction of the Governor General in Council, he shall submit the same to the Governor General in Council, with the objections (if any) received through the committee ; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Resident for further consideration.

(7) When the proposals of a committee have been sanctioned by the Resident or by the Resident and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force :

Provided that—

(*a*) no tax shall come into force until it has been notified ;

(*b*) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable ; and

(*c*) no other tax shall come into force less than one month from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Law shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Law.

Power to abolish or reduce taxes.

45. A committee may, by a resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to exempt from taxation.

46. (1) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Power for Resident to suspend levy of tax.

47. (1) If at any time it appears to the Resident, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, he may require the committee to take within a specified period measures to remove the objection ; and, if within that period the requirement is not complied with to the satisfaction of the Resident, the Resident may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Resident may at any time, by notification, rescind any such suspension.

Taxes not invalid for defect of form.

48. No tax imposed under this Law shall be invalid merely for defect of form ; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known ; and it shall not be necessary to name the owner or occupier thereof.

49. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Resident, may, by rule, from time to time, direct.

Taxes when payable.

50. For all sums paid on account of any tax under this Law a receipt stating the amount and the tax on account of which it is paid shall be given by the person receiving the same, on request by the person making the payment.

Receipts to be given.

51. (1) An appeal against the assessment or levy of any tax under this Law shall lie to the District Magistrate, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Resident in this behalf.

Appeals against taxation.

(2) The order of the appellate authority shall be final.

52. (1) No appeal shall lie in respect of a tax on any building or land unless it is preferred within one month after the publication of the notice prescribed by section 58, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made :

Limitation for appeals.

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

53. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Law is provided.

Taxation not to be questioned except under this Law.

54. All taxes leviable in any local area under Act IV of 1873, at the time when a committee having authority over that local area comes into existence under this Law, shall, so far as their imposition and assessment are consistent with this Law and within the powers conferred thereby, be deemed to have been imposed and assessed under this Law.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Law.

Tax on Immoveable Property.

55. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Preparation of assessment-list.

(*a*) the name of the street or division in which the property is situate ;

(*b*) the designation of the property, either by name or by number, sufficient for identification ;

(*c*) the names of the owner and occupier, if known ;

(*d*) the annual value on which the property is assessed ; and

(*e*) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value.

Publication of notice of assessment.

56. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected ; and every person claiming to be either owner or occupier of any property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

57. (1) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment ; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

Settlement of list.

58. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard, either in person or by authorized agent as they think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein ; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to inspection by all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

59. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

Further amendments of assessment-list.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent as he thinks fit.

60. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

New list need not be prepared every year.

61. (1) When a tax payable under section 41, sub-section (1), clause (*a*), or under section 42 or section 43, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted :

Remission of tax on unoccupied immoveable property.

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 41, sub-section (1), clause (*a*), or under section 42 or section 43, is wholly or in great part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

62. (1) A tax payable under section 41, sub-section (1), clause (*a*), shall be paid by the owner of the property in respect of which it is payable.

Taxes on immoveable property by whom payable.

(2) A tax payable under section 42 or section 43 shall be paid by the occupier of the property in respect of which it is payable.

63. (1) When any sum is due on account of a tax payable under this Law in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

Recovery of taxes payable by owner.

(2) If the bill is not paid within one month from the presentation thereof, the sum due shall be deemed to be an arrear of tax.

(3) The amount of every such arrear may be recovered, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon :

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

Octroi and Tolls.

64. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorised by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Power to search where octroi is leviable.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine article liable to octroi.

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article ; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

66. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Presentation of bill for octroi.

67. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

Recovery of octroi and tolls.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the chairman or a vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as the chairman or vice-chairman may, having regard to the nature of the articles, think proper.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

68. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(*a*) all sums received by or on behalf of the committee under this Law or otherwise ;

(*b*) all fines realized in cases in which prosecutions are instituted under this Law or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality ; and

(*c*) when there has been included within the municipality any municipality constituted under Act IV of 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

Application of fund.

69. (*1*) The committee shall set apart and apply annually out of the municipal fund—

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it ;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions, contributions and payments as are referred to in sections 37 and 38, and such sum as may be required for the maintenance of a police-establishment under Chapter V ;

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education,

Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Resident to be equitably debitable to the committee in return for services rendered to it by those Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner, outside the municipality, when such application of the fund is for the benefit of the inhabitants of the municipality, namely:—

(*a*) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses ;

(*b*) the watering and lighting of such streets or any of them ;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions ;

(*e*) the training of teachers and the establishment of scholarships ;

(*f*) the giving of relief and the establishment and maintenance of relief-works, in time of famine or scarcity ;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals ;

(*h*) the planting and preservation of trees ;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure ;

(*j*) the holding of fairs and industrial exhibitions ; and

(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody of municipal fund.

70. (1) In places where there is a Government treasury or sub-treasury the municipal fund shall be kept in the treasury or sub-treasury.

(2) In places where there is no such treasury or sub-treasury, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Resident may in each case think sufficient.

Investment of same.

71. (1) A committee may, from time to time, with the previous sanction of the Resident, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

Management of public institutions.

72. The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee :

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Resident.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

73. Every committee shall maintain a police-establishment for watch and ward, and the prevention and suppression of nuisances, within the municipality, and for the enforcement of this Law and the rules made thereunder, and of the orders of the committee.

Constitution of establishment.

74. The establishment maintained under section 73 shall, as the committee with the approval of the Resident may direct, be either a body of watchmen or a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861 ; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the District Magistrate and the Commissioner, and subject to the final decision of the Resident, direct.

Appointment, punishment and duties of municipal watchmen.

75. If the establishment maintained under section 73 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Resident may make in this behalf ; and shall perform such duties, and be liable to such penalties, as may be prescribed with the sanction of the Governor-General in Council.

Duties of municipal police enrolled under Act V of 1861.

76. If the establishment is part of the general police force, the Resident may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

Powers under section 34 of Act V of 1861.

77. In any municipality in which section 34 of Act V of 1861 is in force, every watchman under this Law shall have the powers of a police-officer under that section.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building sites adjoining new streets.

78. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

79. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street.

Power to permit temporary occupation of street, &c.

80. The committee may grant permission in writing for the temporary occupation of any street or of any land under its control or management, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

81. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Name of streets and numbers of buildings.

82. (1) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punished with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

83. The committee at a meeting may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing ; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

84. (1) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future or beyond the front of the building on either side thereof, the committee may whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings ; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the committee :

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

85. (1) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Law given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely :—

(*a*) free passage or way in front of the building ;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging ;

(*c*) ventilation and drainage ;

(*d*) level and width of foundation, level of lowest floor and stability of structure ; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street :

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.— The expression "erect any building" includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and constructions.

86. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any street, or projects into or encroaches on any drain, aqueduct or sewer in the street :

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Law, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

87. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

88. The committee may fix places within, or, with the approval of the District Magistrate, beyond the limits of the municipality, for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

89. (1) The committee may, with the approval of the District Magistrate, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal at any other place for sale within the municipality shall be punished with fine which may extend to twenty rupees.

Burial and Burning Places.

90. (1) The committee may by public notice order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed after the passing of this Law without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

Removal of corpses.

91. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable Materials.

92. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats, or erecting booths or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

93. (1) The committee, by any person authorised by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies or cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building or by the occupier, as the committee may direct; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

94. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally limewashed, disinfected or otherwise cleansed for sanitary reasons.

Power to enter and inspect buildings, &c.

95. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

Other powers of entry on building or land.

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation; or

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Law empowered to execute or maintain.

96. The committee, by any person authorised by it in this behalf may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Law for which a license has not been duly taken out.

Power to enter for discovery of vehicles or animals liable to taxation.

97. The committee, by any person authorised by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein ; and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption ;

Power to inspect places for sale of food or drink &c., and to seize unwholesome articles exposed for sale.

and in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

98. (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land.

Power of entry for purpose of scavenging.

(2) Such provision may be made in respect of individual buildings or lands, or of buildings or lands generally in any ward or part of the municipality.

(3) Nothing in this section or section 42 shall be deemed to preclude the committee from making provision of a different nature for different buildings or lands, or different wards or parts of the municipality, and charging scavenging-tax, at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid.

(4) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties ; and the committee by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

99. When any building used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Law, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

100. The committee may; by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof, and for discharging the same so as not to inconvenience persons passing along the streets.

Troughs and pipes for rain-water.

101. (1) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

Provision of privies, &c.

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(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair and closing of drains, privies and cesspools.

102. (1) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool or to close any cesspool belonging thereto.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or rules or to the provisions of this Law, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorized buildings over drains, &c.

103. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

104. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

105. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

106. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect, or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks, &c., to be secured.

107. If any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Building, &c. in ruinous or dangerous state.

Buildings and Grounds in unsanitary Condition.

108. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

109. The committee may, by notice, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon, which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets.

110. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to have building or land cleansed.

111. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the committee is satisfied that it has been rendered fit for such use.

Power in respect of building unfit for habitation.

112. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

113. (1) The Resident may, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that, when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1), he shall be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

114. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow; or

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naptha or any inflammable oil, spirit or explosive substance ;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades.

115. (1) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

Power of committee to make rules.

116. (1) A committee may, from time to time, at a special meeting, make rules—

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses, and the conditions under which they are to be granted and may be revoked ;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours ;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census ;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family ;

for the registration and inspection of such buildings ;

for promoting cleanliness and ventilation in such buildings ;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings ;

and generally for the proper regulation of such buildings ;

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets and slaughter-houses ;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control ;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(*i*) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(*j*) generally for carrying out the purposes of this Law.

(2) In making any rule under this section the commitee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(3) No rule made under this section shall come into force until it has been confirmed by the Resident and published for such time and in such manner as the Resident may prescribe in this behalf.

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Supplemental.

117. (1) When any notice under this chapter requires any act to be done for which no time is fixed by this Law, it shall fix a reasonable time for doing the same.

Execution of acts required to be done by any notice.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

118. (1) Where, under this Law the owner or occupier of property is required by the committee to execute any work, and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

Recovery of costs of execution.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner :

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable ; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit or, on application to a Magistrate having jurisdiction within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

119. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Law, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

Compensation out of municipal fund.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Law to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable. X of 1870.

Appeals against certain orders of committee.

120. (1) Any person aggrieved by any order made by a committee under the powers vested in it by section 90, 91, 111 or 115 may appeal within thirty days from the date thereof to the District Magistrate; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the District Magistrate is himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

Offences Affecting the Public Health, Safety or Convenience.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

121. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees.

Discharging sewage.

122. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

123. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more that twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punished with fine which may extend to fifty rupees.

Non-removal of filth, &c.

124. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the control of the committee, shall be punished with fine which may extend to fifty rupees.

Making or altering drains without authority.

125. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 104, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punished with fine which may extend to twenty rupees, and, when a notice has been issued, with a further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Penalty for making or keeping latrines, &c., near any source of water-supply.

126. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punished with fine which may extend to twenty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Keeping animals so as to be injurious to health.

127. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punished with fine which may extend to fifty rupees.

Feeding animals on deleterious substances.

128. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punished with fine which may extend to twenty rupees.

Driving vehicles without proper lights.

129. Whoever discharges firearms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punished with fine which may extend to twenty rupees.

Discharging firearms, &c.

130. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse whether ridden or driven, shall be punished with fine which may extend to twenty rupees.

Control of elephants and camels.

131. Whoever, contrary to any orders of the committee, takes an elephant along a street, shall be punished with fine which may extend to twenty rupees.

Taking elephants along streets.

132. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punished with fine which may extend to twenty rupees.

Suffering dogs to be at large.

133. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any street or public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building-materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees.

Altering, obstructing or encroaching upon streets, &c.

134. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

135. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting place for vehicles or animals of any description or as place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees.

Picketting animals and collecting carts.

136. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punished with fine which may extend to ten rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

137. Whoever without being authorized by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place shall be punished with fine which may extend to twenty rupees.

Destroying direction-posts, lamp-posts, &c.

Penalty for disobedience to orders of committee under Chapter VI.

138. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by Chapter VI, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues :

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Law, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Law.

Prosecution to be suspended in certain cases.

139. A prosecution for an offence under section 90, section 115 or section 138, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal ; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner or District Magistrate.

140. The Commissioner, or the District Magistrate when he is not a member of the Committee, may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any committee or joint committee, or any work in progress under the direction of a committee or joint committee ;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee ;

(*c*) by order in writing require any committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he thinks fit to call for ; and

(*d*) record in writing for the consideration of any committee or joint committee any observations he thinks proper in regard to its proceedings or duties.

Power to suspend action by committee or joint committee.

141. (1) The Commissioner or the District Magistrate may, by order in writing, suspend the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done in pursuance of, or under cover of, this Law, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(2) When the Commissioner or the District Magistrate makes any order under this section, he shall forthwith forward a copy thereof with a statement of his reasons for making it, if the Magistrate to the Commissioner, if the Commissioner to the Resident, who may thereupon rescind the order, or direct that it continune in force with or without modification permanently or for such period as he thinks fit.

Extraordinary powers of District Magistrate in case of emergency.

142. (1) In cases of emergency, the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

(3) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section.

Powers of Resident in case of default of committee.

143. (1) If at any time it appears to the Resident that a committee has made default in performing any duty imposed on it by or under this Law or any other law, the Resident may, by order, in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Resident may appoint the District Magistrate to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to the Magistrate by the committee.

(3) If the expense is not so paid, the District Magistrate, with the previous sanction of the Resident, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

Power of Resident to supersede committee in case of incompetency, persistent default or abuse of powers.

144. (1) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Law or any other law for the time being in force, or exceeds or abuses its powers, the Resident may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the Residency Orders, declare that committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue :—

(*a*) all members of the committee shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Resident appoints in that behalf; and

(*c*) all property vested in the committee shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted, and the persons who vacated their offices under clause (*a*) of sub-section (2) shall not be deemed disqualified for being members.

Power of Resident to frame forms and make rules.

145. (1) The Resident may frame forms for any proceeding of a committee for which he considers that a form should be provided, and make rules consistent with this Law—

(*a*) as to the appointment of members of a committee ;

(*b*) as to the term of office of members of a committee, and of chairmen who, not being members of a committee at the time of their election, have been elected to the office of chairman or who have been appointed to that office by the Resident ;

(*c*) as to the filling of casual vacancies among elected and appointed members of a committee ;

(*d*) as to the language in which business shall be transacted, proceedings recorded and notices issued ;

(*e*) as to the assessment and collection of taxes imposed under this Law and for preventing evasion of the same ;

(*f*) as to the authority on which money may be paid from the municipal fund ;

(*g*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange, or otherwise ;

(*h*) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill ;

(*i*) as to the intermediate office or offices, if any, through which correspondence between committees and the Resident or his officers and representations addressed to the Resident, under this Law, shall pass ;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought ;

(*k*) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality ;

(*l*) as to the priority to be given to the several duties of the committee ;

(*m*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned ;

(*n*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Law, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;

(*o*) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned ;

(*p*) as to the returns, statements and reports to be submitted by committees ;

(*q*) as to the publication of notices ; and,

(*r*) generally, for the guidance of committees and public officers in all matters connected with the carrying out of this Law.

(2) In making rules under clause (*e*) of sub-section (1), the Resident may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

CHAPTER IX.

SUPPLEMENTAL.

Penalty on member, officer or servant of committee being interested in contract made with committee.

146. (1) If any member, officer or servant of a committee is otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV of 1860.

(2) A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Suits against committee and its officers.

147. No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, left at its office, and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff ; and the plaint must contain a statement that such a notice has been so delivered or left :

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877. I of 1877.

Liability of members for loss, waste or misapplication.

148. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee ; and a suit for compensation may be instituted against him by the committee with the previous sanction of the Commissioner or by the Government.

Acquisition of land under Act X of 1870.

149. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Law, the Resident may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

X of 1870.

Procedure for making rules.

150. (1) The authority empowered to make rules under section 10, section 116 or section 145 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any af those sections shall be published in such manner as the Resident may direct; and such publication shall be conclusive proof that the rule has been made as required by this section.

Prosecutions.

151. A Court shall not take cognizance of an offence punishable under this Law, or the rules made under this Law, except on the complaint of the committee, or of some person authorised by the committee in this behalf.

Saving of prosecutions under other laws.

152. Nothing in this Law shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Law or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Law or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Recovery of taxes, &c.

153. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

Notification of intention to alter limits of municipality.

154. The Resident may, by notification, and in such other manner as he may determine, declare his intention—

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification, or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification :

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

155. (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Resident within six weeks from the publication of the notification, and the Resident shall take the objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Resident has considered the objections (if any) which have been submitted under sub-section (1), the Resident may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. (1) When a local area is excluded from a municipality under section 155,—

(*a*) this Law, and all rules, orders, directions and powers made, issued or conferred under this Law, shall cease to apply thereto ; and

(*b*) the Resident shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in the Government for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Government ; and, on the publication of the scheme in the Residency Orders, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in the Government under sub-section (1) shall be applied under the orders of the Resident to discharging the liabilities imposed on the Government under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

Effect of including local area in municipality.

157. When a local area is included in a municipality under section 155, this Law, and all rules, orders, directions and powers made, issued or conferred under this Law and in force throughout the whole municipality at the item the local area is so included, shall apply to the local area.

Powers exerciseable from time to time.

158. All powers conferred by this Law on the Governor General in Council or on the Resident may be exercised from time to time as occasion requires.

Saving of Act XI of 1879.

159. Nothing in this Law shall affect the Local Authorities Loan Act, 1879, as applied to the Hyderabad Assigned Districts. XI of 1879.

Member of committee to be municipal commissioner.

160. Every member of a committee constituted under this Law shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

Vacancies and irregularities not to invalidate proceedings.

161. Anything done or any proceeding taken under this Law shall not be questioned on account of any vacancy in a committee or joint committee, or an account of any defect or irregularity not affecting the merits of the case.

CHAPTER X.

Exceptional Provisions.

Power to except municipalities from operation of provisions of this Law regarding election.

162. (1) If it appears to the Resident that the circumstances of any municipality are such that the provisions of this Law requiring that a certain proportion of the members of a committee be elected are unsuited thereto, the Resident may, by notification, except the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply, or shall only apply in part, as the case may be, to the excepted municipality until again applied thereto by a like notification of the Resident:

Provided that a notification shall not be issued under this section in respect of a municipality for which a committee has come into existence unless its issue has been sanctioned by the Governor General in Council.

(2) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (1), the Resident may appoint such of the members of the committee as would otherwise have been elected.

Power to withdraw municipal area altogether from operation of this Law or Act IV of 1873.

163. (1) The Resident may with the previous sanction of the Governor-General in Council, by notification, withdraw from the operation of this Law or Act IV of 1873 the area of any municipality constituted under this Law or that Act.

(2) When a notification is issued under this section in respect of any municipality, this Law or that Act, as the case may be, and all rules, bye-laws, orders, directions and powers made, issued or conferred thereunder, shall cease to apply to the local area comprised in the municipality, the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the committee shall vest in the Government, and the liabilities of the committee shall be transferred to the Government.

(3) All property vested in the Government under sub-section (2) shall be applied under the orders af the Resident to discharging the liabilities imposed on the Government by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

Notification No. 3585 I., dated the 22nd October, 1885.—Whereas certain revenues are applicable to local purposes in each of the Hyderabad Assigned Districts, namely—

Preamble.

(*a*) the surplus of the jaglia and local cess levied in respect of land situated beyond the limits of municipalities and of villages in which Book Circular XIV of 1881 is in force ;

(*b*) the proceeds of the town-fund assessment and bazaar-cess levied beyond those limits ;

(*c*) the portion of the land revenue set aside by the Government, and the sums levied by the Government from Jagirdars, for the construction and maintenance of roads ; and

(*d*) the proceeds of the cess levied for the establishment and maintenance of schools :

And whereas it is expedient to make better provision for the constitution of local bodies in each of those districts to administer the expenditure of those revenues and of the income accruing from certain others sources of revenue which may, from time to time, be made applicable to the like purposes ; His Excellency the Viceroy and Governor General in Council is pleased to issue the following orders :—

1. (1) These orders may be called the "Berar Rural Boards Law, 1885," and are hereinafter referred to as "this Law."

Short title.

Extent.

(2) This Law extends to the territories known as the Hyderabad Assigned Districts: and

Commencement.

(3) It shall come into force on the first day of January 1886.

(4) The power conferred by this Law on the Resident to make rules or to issue orders may be exercised at any time after the publication of this Law; but a rule or order so made or issued shall not take effect until the Law comes into force.

Power to make rules in anticipation of Law coming into force.

Finance.

Constitution, vesting and application of district fund.

22. (1) There shall be formed for each district a fund, to be called the district fund, and there shall be placed to the credit thereof—

(*f*) the surplus accruing in the district under section 18 of the Cattle-trespass Act, 1871, after deduction therefrom of expenses incurred in Civil stations:

(*k*) fines levied under section 34, Act V, 1861, in respect of offences committed beyond the limits of municipalities:

Supplemental Provisions.

Penalty on member, officer, or servant being interested in contracts made with district or taluk board or joint-committee.

37. (1) If any member, officer or servant of a district board, taluk board, or joint committee established or appointed under this Law is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that district board, taluk board, or joint committee, he shall be deemed to have committed an offence under the Indian Penal Code, Section 168, and shall be liable to removal from office by order of the Commissioner. XLV of 1860.

(2) A person shall not, by reason of being a share holder in, or a member of, any incorporated or registered Company, be held to be interested in any contract entered into between the company and a board or joint committee; but he shall not take part in any proceedings of the board or joint committee relating to any such contract.

Notification No. 347 I., dated the 25th January, 1889.—Whereas it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons in the Hyderabad Assigned Districts, for the more effectual registration of those births and deaths and of marriages registered in those districts under the Indian Christian Marriage Act, [a] 1872, and for the establishment of a general registry office for keeping registers of those births, deaths and marriages :

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of those districts, and to declare that copies of the entries in those registers shall be admissible in evidence ;

The Governor General in Council has been pleased to issue the following orders :—

CHAPTER I.

PRELIMINARY.

Title and commencement.

1. (1) These orders may be called the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888, and are hereinafter referred to as "this Law ;" and

(2) They shall come into force on such day as the Governor General in Council, by Notification in the *Gazette of India*, directs. [b]

(3) Any power conferred by this Law to make rules or to issue orders may be exercised at any time after the publication of this Law in the *Gazette of India*, but a rule or order so made or issued shall not take effect until the Law comes into force.

Extent.

2. This Law extends to the whole of the Hyderabad Assigned Districts.

Definitions.

3. In this Law, unless there is something repugnant in the subject or context,—

(4) "Registrar of Births and Deaths" means a Registrar of Births and Deaths appointed under this Law.

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a. Act XV of 1872 extended to the Hyderabad Assigned Districts by Notification No. 212 dated the 24th October, 1873. (Page 9.)

b. Brought into force from the 1st December, 1890,—Notification No. 3839 *I.*, dated the 19th November, 1890.

4. Nothing in this Law, or in any rule made under this Law, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

Saving of local laws.

Powers exercisable from time to time.

5. All powers conferred by this Law may be exercised from time to time as occasion requires.

CHAPTER III.

Registration Establishment.

Registrar to be deemed a public servant.

13. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Penalty for False Information.

Penalty for wilfully giving false information.

26. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths any false statement in connection with any notice of a birth or death under this Law, he shall be punished with imprisonment for a term which may extend to three years, or with fine or with both.

Notification No. 3097 I., dated the 5th August, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules to regulate Legal Practitioners in the Court of the Judicial Commissioner of the Hyderabad Assigned Districts and in Courts subordinate to that Court.

CHAPTER I.

PRELIMINARY.

1. The rules published in the Resident's Book Circular No. XV of 1885 are rescinded:

Provided that—

(I) Every advocate admitted under the said rules and on the roll of the Court when these rules come into force shall be deemed to have been admitted under these rules; and

(II) Every pleader's certificate granted under the rules first aforesaid and in force when these rules come into force shall be deemed, if it is in Form A, to have been granted in Form I, and, if it is in Form B, to have been granted in Form II, under these rules.

2. In these rules, unless there is something repugnant in the subject or context,—

(1) "The Court" means the Court of the Judicial Commissioner of the Hyderabad Assigned Districts.

(2) "Courts subordinate to the Court of the Judicial Commissioner of the Hyderabad Assigned Districts" means—

(*a*) all Civil and Criminal Courts, excepting Revenue Courts, and including Courts of Small Causes, in the Hyderabad Assigned Districts, and

(*b*) all other Courts which may be here after declared by the Governor General in Council to be Courts subordinate to the Court of the Judicial Commissioner of the Hyderabad Assigned Districts for the purposes of these rules.

(3) "The Resident" means the Resident at Hyderabad.

(4) "Advocate" means any person admitted under Chapter III.

(5) "Pleader" means any person holding a certificate granted under Chapter IV.

CHAPTER II.

General Provisions.

3. Except as provided in the Codes of Civil and Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for any other person in the Court, or in any Court subordinate thereto, unless he has been admitted as an advocate under Chapter III, or holds a certificate in Form I or Form II annexed to these rules authorizing him to practise in that Court:

Provided that any person who is entered as an advocate, vakil or attorney on the roll of any High Court established under the 24 and 25 Vict., Cap. 104, or as an advocate on the roll of the Chief Court of the Punjab, or of the Court of the Judicial Commissioner of the Central Provinces, or who holds a certificate in Form A under the rules published in the Notification of the Government of India in the Foreign Department, No. 3096-I., dated the 5th August, 1892, authorizing him to practise in the Court of the Resident and the Courts subordinate thereto, and who ordinarily practises in the said High Court, Chief Court or Courts of the Judicial Commissioner of the Central Provinces and the Resident or in some Court subordinate thereto, shall be entitled to practise in the Court, or in any Court subordinate thereto, without such admission or certificate.

CHAPTER III.

ADVOCATES.

4. Any person who has been admitted as a Barrister in England or Ireland, or as a member of the Faculty of Advocates in Scotland, may, in the discretion of the Judicial Commissioner, be admitted as an advocate of the Court.

5. Every person applying under rule 4 to be admitted as an advocate of the Court must produce a certificate showing that he has been admitted as a Barrister in England or Ireland, or as a member of the Faculty of Advocates in Scotland, together with satisfactory testimonials to his good character and ability.

6. The mode of applying to be admitted as an advocate of the Court shall be by letter stating the date on which and the Inn by which the applicant was called to the bar, and that it is his intention to practise within the jurisdiction of the Court. The letter shall be addressed to the Judicial Commissioner, together with the certificate and testimonials required by rule 5.

7. The Judicial Commissioner may in his discretion grant or refuse the application. He shall not be bound to specify reasons for refusal, and his order shall be final.

If the application is granted, the Judicial Commissioner will give the applicant, on his supplying a stamp of the value of Rs. 300, a certificate of admission under his signature and the seal of the Court, and enrol his name in the Court's Register of Advocates.

8. Any person admitted under this Chapter shall be entitled to practise in the Court or in any Court subordinate thereto.

CHAPTER IV.

EXAMINATION AND CERTIFICATES OF PLEADERS.

9. Except as otherwise provided by these rules, any person desirous of obtaining a pleader's certificate under these rules must pass the examination required hereby.

10. (*a*) There will be two standards in the examination. Candidates who desire to practise in the Court and in all Courts subordinate to it will be required to pass according to the higher standard. Candidates who wish to practise only in Courts subordinate to that of the Judicial Commissioner will be required to pass according to the lower standard. The examination for both standards will be the same. It will be held annually in the month of September, or at such other convenient time as may be determined by the Resident, on a date and at a place of which four months' notice will be given in the *Hyderabad Residency Orders*.

(*b*) The examination will be conducted by a Committee of which the Civil and Sessions Judge, Hyderabad Assigned Districts, or such other officer as the Resident may be pleased to appoint, will be President, and the other members will be appointed by the President.

(*c*) The duty of preparing the examination papers will be entrusted to the Civil and Sessions Judge, subject to the approval of the Judicial Commissioner.

(*d*) The remuneration to be paid to a non-official member appointed under clause (*b*) shall be fixed by the Commissioner, and shall be paid for from the fees levied under rule 11 (4).

11. Every person desiring to be examined must submit an application in writing, which must reach the Judicial Commissioner within two calendar months from the date of the *Residency Orders* Notification mentioned in rule 10 (*a*), together with—

(1) a certificate showing the place of his birth, and that his age at the date of the examination will be more than 22 and less than 35 years: provided that the Judicial Commissioner may, if he thinks fit, dispense with the provision fixing 35 years as the maximum age for applicants;

(2) a certificate that he has passed the entrance examination of the Bombay University, or any other examination which the Resident may declare to be equivalent thereto, and that he can speak, read and write the Marathi language fairly, and has a good colloquial knowledge of the Urdu language;

(3) a satisfactory certificate that he is of good moral character, dated not earlier than six calendar months immediately preceding the date of the examination; and

(4) a fee of Rs. 10 (Government currency), for which a receipt will be furnished by the Judicial Commissioner.

12. The certificates mentioned in the last preceding rule may be signed by the First Assistant Resident at Hyderabad; by the Commissioner, Hyderabad Assigned Districts; by the Judicial Commissioner, Hyderabad Assigned Districts; by any Deputy Commissioner in the Hyderabad Assigned Districts; by the Director of Public Instruction, Hyderabad Assigned Districts; by the Registrar of any High Court or of the Chief Court of the Punjab, or of the Judicial Commissioner's Court in the Central Provinces; by the Principal of any College or other Institution recognized by any of the Universities at the Presidency towns; by any Commissioner, Judicial Commissioner, Deputy Commissioner, Collector or District Judge in British India; or by the Chief Political Officer of the British Government in any Native State.

13. Any candidate who has failed to pass any examination under these rules will, subject to the limitation of age prescribed by rule 11 (1) and to the provisions of rule 18, be allowed to appear again for examination on production only of a certificate of good moral character as required under rule 11 (3).

14. After perusal of the certificates required by rule 11, and after such enquiry as may appear necessary, the Judicial Commissioner may in his discretion admit or reject any candidate. He shall not be bound to specify reasons for rejection, and his order shall be final. He shall return to rejected candidates the fee of Rs. 10 prescribed by rule 11 (4).

At a reasonable time before the date fixed for the examination, a list of the candidates who have been admitted will be published in the *Hyderabad Residency Orders.*

15. (*a*) The examination will be conducted in writing and in the English language. Want of proficiency in this language will of itself be held to disqualify a candidate.

(*b*) One paper will be set in each of the undermentioned subjects: the maximum number of marks obtainable is shown opposite each subject :—

I.	Hindu and Muhammadan Law, the Indian Succession and Probate and Administration Law	100
II.	The Laws of Civil Procedure and Limitation and the Hyderabad Assigned Districts Small Cause Courts Law, 1889...	100
III.	The Law of Contracts and Torts	200
IV.	Specific Relief, Transfer of Real Property, Mortgages and Trusts	
V.	The Law of Evidence, Registration and Stamps ...	100
VI.	Criminal and Police Laws	100

(*c*) In addition to the Acts, Regulations and Law Reports bearing on the above subjects, the following text books are recommended :

Mayne on Hindu Law and Usage.

Macnaghten's Principles and Precedents of Muhammadan Law.

Field on the Law of Evidence.

Leake on Contracts.

Conningham's Commentaries on the Indian Contract Act.

Addison on Torts.

Collett on Torts.
Smith's Equity Jurisprudence, or Snell's Principles of Equity.
Broom's Legal Maxims.
Macpherson on Mortgages.

16. In order to pass the examination according to the higher standard, the candidate must obtain at least 30 per cent. of the marks obtainable in each paper and 70 per cent. of the aggregate number of marks obtainable in all the papers. In order to pass the examination according to the lower standard, the candidate must obtain at least 30 per cent. of the marks for each paper and 50 per cent. of the aggregate number of marks for all the papers.

17. A list of successful candidates in the higher and lower standards respectively will be submitted by the Examining Committee for the orders of the Judicial Commissioner.

18. If the Committee are of opinion that any candidate has come up for examination without due preparation, they may prohibit his appearance at the next examination.

19. Any candidate who may have been considered qualified by the Committee may be rejected by the Judicial Commissioner, whose orders shall be final.

20. Candidates who have passed the examination, and who are not rejected by the Judicial Commissioner, will receive from the Judical Commissioner certificates (hereinafter called original certificates) in Form I or in Form II appended to these rules. Certificates in Form I will be granted to those who have qualified according to the higher standard, and certificates in Form II to those who have qualified according to the lower standard.

21. (1) Original certificates will be valid till the 31st December following the date of issue, but the holders may apply for renewed certificates, and in that case shall deliver up the old ones for cancellation to the issuing officer.

(2) Persons who at the time these rules come into force hold certificates granted under Book Circular No. XV of 1885 in Form A or Form B prescribed by that circular, and still in force, shall be entitled, on the expiration of the period for which such certificates hold good, to have the same renewed in Form I or Form II prescribed by these rules as if they were original certificates in Form I or Form II granted under these rules, as the case may be.

22. Renewed certificates shall be valid till the 31st December of the year in which they are issued, but may be again renewed from year to year.

23. The Judicial Commissioner shall cause to be published every year in the *Hyderabad Residency Orders* a list of persons whose certificates are valid for the current year.

24. Every certificate in Form I, whether original or renewed, shall be written upon stamped paper of the value of Rs. 50 to be provided by the applicant ; and every certificate in Form II, whether original or renewed, shall be written upon stamped paper of the value of Rs. 25 to be provided by the applicant :

Provided that in the case of original certificates, or certificates renewed under rule 21, sub-rule (2), which are issued for a portion only of the year, the fees shall be proportionately reduced, but no reduction shall be made for a fraction of a quarter.

25. Holders of certificates in Form I shall be entitled to practise in the Court and in all Courts subordinate thereto. Holders of certificates in Form II shall be entitled to practise only in the Courts subordinate to the Court of the Judicial Commissioner of the Hyderabad Assigned Districts :

Provided that any person who obtained previous to the year 1889, and, at the time these rules come into force, holds a certificate in Form B granted under the rules published in Book Circular No. XV of 1885, and thereafter is deemed to hold, or by renewal actually holds a certificate in Form II under these rules, may, notwithstanding anything contained in such certificates, practise in the Court of the Judicial Commissioner in all cases except the following :

(*a*) Applications for permission to appeal to Her Majesty in Council, Chapter XLV of the Code of Civil Procedure.

(*b*) Cases in which the High Court may exercise powers under Chapter XLVI of the Code of Civil Procedure, except in regard to applications to review decrees or orders passed by Courts of Small Causes.

(*c*) Any application not hereinbefore specified which is made to the High Court as such under any of the provisions of the Code of Civil Procedure.

(*d*) Appeals to the High Court under section 589, proviso (*b*), of the Code of Civil Procedure.

(*e*) Any criminal case or proceeding.

26. The Judicial Commissioner may in his discretion exempt any advocate, vakil or attorney on the roll of any chartered High Court, or any person holding a certificate in Form A under the rules published in the Notification of the Government of India in the Foreign Department No. 3096-I., dated the 5th August, 1892, authorizing him to practise in the Court of the Resident and the Courts subordinate thereto from passing the test herein mentioned, and may permit him to practise premanently in the Court of the Judicial Commissioner, and in all or any of the Courts subordinate to it, on such advocate, vakil, attorney or other person submitting an application, together with

satisfactory testimonial to his good character, a certificate that he can speak, read and write the Marathi language fairly, and a certificate that he has practised for the space of at least three years in the said High Court or Court of the Resident or in some Court subordinate thereto. An advocate, vakil, attorney or other person admitted under this rule shall be liable to the higher fee prescribed in rule 24.

CHAPTER V.

Suspension and Dismissal of Advocates and Pleaders.

27. The Judicial Commissioner may suspend from practice, or cancel the admission or certificate of, any advocate or pleader who is convicted of any criminal offence implying a defect of character which unfits him to be an advocate or pleader; and may likewise suspend or cancel the admission or certificate of any advocate or pleader for fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

28. The suspension from practice or cancellation of the admission or certificate of any advocate or pleader under rule 27 shall not take effect unless the order of the Judicial Commissioner in this respect has been confirmed by the Resident.

29. If the presiding officer of any Court subordinate to the Court of the Judicial Commissioner has reason to believe that any advocate or pleader practising before him has been guilty of fraudulent or unprofessional conduct, he shall reduce to writing in a concise form the grounds for his belief, and forward a copy of the same to the advocate or pleader, together with a notice that on a day therein appointed, not being less than 20 days from the date of despatch of the said copy, the matter will be taken into consideration.

On such day, or on any subsequent day to which the enquiry may be dajourned, the presiding officer shall receive and record all evidence properly produced in support of and opposition to the charge, and record his finding in the case.

30. (1) If such officer finds the charge established, and considers that the advocate or pleader should be suspended in consequence, or that his admission or certificate should be cancelled, he shall forward the proceedings in the case and his finding for the orders of the Judicial Commissioner. Every report made under this rule—

(*a*) by any Civil Judge in the Hyderabad Assigned Districts, other than the Civil and Sessions Judge, or by any District Magistrate in the Hyderabad Assigned Districts, shall be made through the Civil and Sessions Judge, Hyderabad Assigned Districts;

(*b*) by any Magistrate in the Hyderabad Assigned Districts subordinate to a District Magistrate shall be made through the District Magistrate and the Civil and Sessions Judge, Hyderabad Assigned Districts.

(2) Each officer through whom such report is forwarded shall record his opinion on the case for the information of the Judicial Commissioner.

31. The Judicial Commissioner may call for the record of any proceedings taken under rule 30, and pass such order thereon as he thinks fit.

32. Any advocate or pleader who has been suspended from practice, or whose admission or certificate has been cancelled under these rules, shall forthwith deliver up his certificate to the Court to which the Judicial Commissioner may order him to deliver up the same.

CHAPTER VI.

Remuneration of Advocates and Pleaders.

33. In any taxation of costs as between party and party in any suit or proceeding in the Court of the Judicial Commissioner of the Hyderabad Assigned Districts, or in any Court subordinate thereto, the sums allowed against the unsuccessful party in respect of the fees of his adversary's advocate or pleader shall not exceed the following :

(*a*) (1) In all regular suits and appeals in which the pecuniary value of the relief claimed, or of the relief decreed, as the case may be, has been or can be exactly defined, 3 per cent. on the value of the relief claimed.

(2) In all other regular suits and appeals, the valuation for the purpose of calculating the fees payable by either party shall be considered to be the amount of the largest money claim which would be covered by the court-fee affixed to the plaint :

(*b*) Provided that in no case shall a higher fee than Rs. 1,000 be allowed without the sanction of the Judicial Commissioner.

(*c*) Fractions of rupees will be omitted in calculating the amount of fees payable.

(*d*) The fees of one advocate or pleader only will be allowed as costs in a suit.

(*e*) The fees mentioned in the foregoing clauses of this section include fees for conducting execution of a decree when the advocate or pleader employed for this purpose was engaged in the original prosecution of the suit.

(*f*) In proceedings for execution of a decree in which a new advocat or pleader is engaged, and in miscellaneous proceedings, the fee allowable shall be one-fourth of the amount allowable under th foregoing clauses of this rule.

34. When a suit is brought to enforce an agreement between an advocate or pleader and his client with regard to the amount or manner of payment for the whole or any part of any services rendered, charges incurred or disbursements made in connection with business transacted by such advocate or pleader, the Court may, if it shall be of opinion that the agreement is not fair and reasonable, reduce the amount payable under it, or may order the agreement to be cancelled, and the costs, charges and disbursements connected with the said business to be ascertained in the same manner as if no such agreement had been made.

35. An agreement between an advocate or pleader and his client shall bar any further claim on the part of the advocate or pleader beyond the terms of the agreement with respect to any services, fees, charges or disbursements in relation to the conduct and completion of the business in respect of which the agreement has been made, except such services, fees, charges or disbursements, if any, as have been expressly excepted by the agreement.

36. Any provision in any such agreement that the advocate or pleader shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such advocate or pleader, shall be void.

CHAPTER VII.

Penalties.

37. Should any person attempt to practise in the Court, or any Court subordinate thereto, in contravention of the provisions of these rules, the Court shall refuse to hear him, and he shall be incapable of maintaining any suit for, or enforcing any lien with respect to, any fee or reward for, or with respect to, anything done or any disbursement made by him as an advocate or pleader while he has been contravening the provisions of these rules.

38. Any advocate or pleader failing to deliver up his certificate as required by rule 32 shall be liable, by order of the Court to which the delivery should have been made, to a fine not exceeding two hundred rupees, and, in default of payment, to imprisonment in the civil jail for a term not exceeding three months.

39. Any advocate or pleader who under the provisions of these rules has been suspended from practice, or whose admission or certificate has been cancelled, and who during such suspension or after such cancellation practices as pleader in the Court, or in any Court subordinate thereto, shall be deemed to have been guilty of a contempt of such Court, and shall be punishable accordingly.

40. Every order under rules 37, 38 and 39 shall be subject to revision by the Judicial Commissioner.

41. Whoever commits any of the following offences, namely :

(*a*) solicits or receives from any advocate or pleader any gratification in consideration of procuring or having procured his employment in any legal business ;

(*b*) retains any gratification out of remuneration paid or delivered, or agreed to be paid or delivered, to any advocate or pleader for such employment ; or

(*c*) being an advocate or pleader, tenders, gives or consents to the retention of any gratification for procuring or having procured the employment in any legal business of himself or any other advocate or pleader ;

shall be liable, on conviction by a Magistrate of the first class, to simple imprisonment for a term which may extend to six months or to fine which may extend to five hundred rupees, or to both.

FORM I.

IN THE COURT OF THE

Dated *189*

To,

In conformity with the rules made by the Government of India to regulate Legal Practitioners in the Court of the Judicial Commissioner of the Hyderabad Assigned Districts, and in Courts subordinate to that Court, you are hereby authorized to practise as a pleader in the Court of the Judicial Commissioner of the Hyderabad Assigned District, and in all Courts subordinate to that Court.

This certificate is subject to renewal as required by the said rules.

Judicial Commissioner,

FORM II.

IN THE COURT OF THE

Dated *189*

To

In conformity with the rules made by the Government of India to regulate Legal Practitioners in the Court of the Judicial Commissioner of the Hyderabad Assigned Districts, and in Courts subordinate to that Court, you are hereby authorized to practise as a pleader in all Courts subordinate to the Court of the Judicial Commissioner, Hyderabad Assigned Districts.

This certificate is subject to renewal as required by the said rules.

Judicial Commissioner.

Notification No. 1385 I., dated the 29th March, 1889 as modified by Notifications No. 4082 I., dated the 18th October, 1889, and No. 778 I., dated the 5th March, 1890.—The Governor General in Council has been pleased to make the following rules relating to Courts in the Hyderabad Assigned Districts :—

Preliminary.

1. (1) These rules may be called the Hyderabad Assigned Districts Courts Law, 1889, and are hereinafter referred to as "this Law"; and

Title and commencement.

(2) They shall come into force on the first day of July, 1889, (hereinafter called the commencement of this Law).

(3) Any authority conferred on the Resident or on the Judicial Commissioner by this Law to issue orders or make rules may be exercised at any time after the publication of this Law; but an order or rule so issued or made shall not take effect till the commencement of this Law.

2. (1) On and from the commencement of this Law the Notifications of the Government of India, Foreign Department, No. 156-I., dated the 30th September, 1870, and No. 640-G., dated the 20th March, 1874, shall be deemed to be rescinded.

Notifications rescinded.

(2) Any law or document referring to either of those Notifications shall be construed to refer to this Law or to the corresponding portion thereof; and

(3) All declarations and appointments made, powers conferred and orders issued under those Notifications shall, so far as may be, be deemed to have been respectively made, conferred and issued under this Law.

Definitions.

3. In this Law, unless there is something repugnant in the subject or context,—

(1) "Resident" means the Resident at Hyderabad :

(2) "Assistant Commissioner" includes Extra Assistant Commissioner :

(3) "Tahsildar" includes Attaché : and

(4) "value" used with reference to a suit means the amount or value of the subject-matter of the suit.

Court of the Judicial Commissioner.

Judicial Commissioner to be High Court.

4. (1) A Judicial Commissioner shall be appointed by the Governor General in Council.

(2) Subject to the provisions of this Law and of any other law for the time being in force, the Court of the Judicial Commissioner shall be deemed to be the highest Civil Court of appeal in, and the highest Court of Criminal appeal or revision for, the Hyderabad Assigned Districts.

(3) Where, on the application of any enactment of the Governor General in Council to those districts, words signifying the Court of the Resident have been substituted for an expression signifying a High Court in British India, those words shall after the commencement of this Law and subject to the provisions thereof, be construed to mean the Court of the Judicial Commissioner.

Jurisdiction under Divorce Act,

5. For the purposes of the Indian Divorce Act the Judicial Commissioner shall throughout those districts be the District Judge. IV of 1869

Other Civil Courts.

Classes of Courts.

6. Besides the Court of the Judicial Commissioner and the Courts of Small Causes established under the Hyderabad Assigned Districts Small Cause Courts Law, 1889, there shall be the following classes of Civil Courts, namely :—

(*a*) the Court of the Deputy Commissioner ;

(*b*) the Court of the Assistant Commissioner of the first class ;

(*c*) the Court of the Assistant Commissioner of the second class ;

(*d*) the Court of the Assistant Commissioner of the third class ;

(*e*) the Court of the Tahsildar of the first class ;

(*f*) the Court of the Tahsildar of the second class.

Court of Deputy Commissioner to be District Court.

7. (1) The local limits of the jurisdiction of the Court of the Deputy Commissioner shall be those of the district of the revenue-administration of which he is in charge.

(2) Subject to the provisions of this Law and of any other law for the time being in force,—

(*a*) the Court of the Deputy Commissioner shall be competent to try original civil suits without limit as regards the value ; and

(*b*) the Deputy Commissioner shall be deemed to be the District Judge of the district, and his Court to be the District Court or principal Civil Court of original jurisdiction in the district.

Courts of Assistant Commissioners and Tahsildars.

8. (1) The Resident may, by order in writing, declare, as regards any Assistant Commissioner, that his Court shall be that of an Assistant Commissioner of the first or of the second or of the third class, and, as regards any Tahsildar, that his Court shall be that of a Tahsildar of the first or of the second class, and may cancel such order.

(2) Courts of Assistant Commissioners and Tahsildars shall be competent to try original civil suits of which the value does not exceed that specified against each Court in the following table :—

Courts.	Value.
Court of the Assistant Commissioner of the first class	Five thousand rupees.
Court of the Assistant Commissioner of the second class	One thousand rupees.
Court of the Assistant Commissioner of the third class	Five hundred rupees.
Court of the Tahsildar of the first class.	Three hundred rupees.
Court of the Tahsildar of the second class	One hundred rupees.

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Provided that the Resident may, by order in writing, limit the classes of original civil suits which the Courts of Tahsildars of the first or of the second class shall be competent to try.

(3) The local limits of the jurisdiction of the Courts mentioned in this section shall be such as the Resident may, by order in writing, define.

Special Jurisdiction.

Appointment of Civil Judges and Munsifs.

9. (1) The Resident may, by order in writing, invest any person—

(*a*) with all or any of the powers of the Court of the Deputy Commissioner under this Law, or

(*b*) with all or any of the powers of the Court of a Tahsildar of the first or of the second class under this Law ;

and declare that the powers with which any person is so invested shall be exercised within any specified local area, and with respect to any particular class, or particular classes, of cases, or with respect to cases generally and that they shall be exercised in that local area with respect to those cases for a limited period only, and may cancel or modify such order.

(2) A person invested with powers under sub-section (1) shall be designated Civil Judge if invested under clause (*a*), and Munsif if invested under clause (*b*).

(3) The Court of a Civil Judge and the Court of a Munsif shall, for all purposes connected with the exercise of the powers with which the Civil Judge or the Munsif has been invested, be deemed to be respectively the Court of a Deputy Commissioner and the Court of a Tashildar.

(4) The Resident may, by order in writing, direct how business shall be distributed between a Deputy Commissioner and a Civil Judge and between a Tahsildar and a Munsif.

Power to confer Small Cause Court jurisdiction.

10. (1) The Resident may, by order in writing, confer, within such local limits as he thinks fit, upon any Court of an Assistant Commissioner of the first or of the second class, the jurisdiction of a Judge of a Court of Small Causes under the Hyderabad Assigned Districts Small Cause Courts Law, 1889, for the trial of suits cognizable by such Courts up to such value as he thinks fit, not exceeding, if the Court is that of an Assistant Commissioner of the first class, five hundred rupees, or, if the Court is that of an Assistant Commissioner of the second class, one hundred rupees.

(2) So much of Chapters III and IV of the Hyderabad Assigned Districts Small Cause Courts Law as relates to—

(*a*) the nature of the suits cognizable by Courts of Small Causes,

(*b*) the exclusion of the jurisdiction of other Courts in those suits,

(*c*) the practice and procedure of Courts of Small Causes,

(*d*) appeal from certain orders of those Courts and revision of cases decided by them, and

(*e*) the finality of their decrees and orders subject to such appeal and revision as are provided by the said Law,

applies to Courts invested under Sub-section (1) with the jurisdiction of a Court of Small Causes so far as regards the exercise of that jurisdiction by those Courts.

Conferment of jurisdiction in certain suits on Naib Tahsildars.

11. The Resident may, by order in writing, invest, within such local limits as he thinks fit, any Naib Tahsildar with jurisdiction to try suits of the nature cognizable by a Court of Small Causes established under the Hyderabad Assigned Districts Small Cause Courts Law, 1889, up to such value, not exceeding fifty rupees, as he thinks fit.

Administrative Control over Civil Courts.

Superintendence and control of subordinate Courts by Courts of Judicial Commissioner and Deputy Commissioner.

12. (1) The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Judicial Commissioner.

(2) Subject to the general superintendence and control of the Court of the Judicial Commissioner, the control of all other Civil Courts in a district shall be vested in, and all such Courts shall be subordinate to, the Court of the Deputy Commissioner :

Provided that the Resident may, by order in writing, direct that a Civil Judge shall be subject to the control of, and subordinate to, the Court of the Judicial Commissioner only.

Power of Deputy Commissioner to distribute business.

13. Notwithstanding anything in the Code of Civil Procedure, "or in the Hyderabad Assigned Districts Small Cause Courts Law, 1889, or in this Law," *a.* the Court of the Deputy Commissioner may, by order in writing, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit :

a. The words quoted have been inserted by Government of India, Foreign Department, Notification No. 778 *I.* of the 5th March, 1890.

"Provided that, except in so far as it may affect the exclusive jurisdiction of a Court of Small Causes or a Court invested with the jurisdiction of a Court of Small Causes, a direction given under this Section shall not empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction." *a*

Civil Appellate and Revisional Jurisdiction.

Appeals to whom to lie.

14. (1) An appeal from a decree passed in an original civil suit by a Court subordinate to the Court of the Deputy Commissioner shall, when the appeal is allowed by law and the value of the suit does not exceed five hundred rupees, lie to the Court of the Deputy Commissioner.

(2) An appeal from a decree passed in an original civil suit of value exceeding five hundred rupees by the Court of an Assistant Commissioner of the first or of the second class, or by a Civil Judge who is subordinate to the Court of the Deputy Commissioner, and from a decree passed in an original civil suit of any value by the Court of a Deputy Commissioner or by a Civil Judge who is not subordinate to that Court, shall, when the appeal is allowed by law, lie to the Court of the Judicial Commissioner.

(3) An appeal from an appellate decree passed by a Civil Court subordinate to the Court of the Judicial Commissioner shall, when the appeal is allowed by law, lie to the Court of the Judicial Commissioner.

Revisional jurisdicion and jurisdiction under the Land-acquisition Act.

15. (1) Paragraph (14) of the Notification of the Government of India, Foreign Department, No. 1099-I., dated the 3rd May, 1883, and so much of the first paragraph of the Notification of the Government of India in the same Department, No. 209— I. J., dated the 20th October, 1881, as relates to the definition of the expression "Court" in Section 3 of the Land-acquisition Act, 1870, are hereby rescinded.

(2) For the definition of "Court" in Section 3 of the Land-acquisition Act 1870, the following shall be substituted, namely :—

"The expression 'Court' means the Court of the Civil Judge of the district, or, where there is not such a Court in a district, such Court of a Civil Judge in the Hyderabad Assigned Districts as the Judicial Commissioner may nominate to discharge the functions of a Court under this Act."

Rules.

Power of Judicial Commissioner to make rules for all subordinate Courts.

16. (1) The Judicial Commissioner may make rules consistent with this Law and any other law for the time being in force—

a. Substituted for the original proviso by Government of India, Foreign Department, Notification, No. 778 *I.* of the 5th March, 1890.

(*a*) declaring what persons shall be permitted to practise as petition-writers in Civil and Criminal Courts subordinate to his Court, and regulating the conduct of persons so practising ;

(*b*) prescribing forms for seals to be used by those Courts ;

(*c*) regulating the procedure in cases where persons are entitled to inspect records of those Courts or obtain copies of records therein, and prescribing the fees payable for searches and copies ;

(*d*) conferring and imposing on the ministerial officers of those Courts such powers and duties of a non-judicial or quasi-judicial nature as he thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed ;

(*e*) prescribing forms for such books, entries, statistics and accounts as he thinks necessary to be kept, made or compiled in those Courts or submitted to any authority ;

(*f*) providing for the inspection of those Courts and the supervision of the working thereof ; and

(*g*) regulating all such matters as he may think fit, with a view to promoting the efficiency of the judicialand ministerial officers of those Courts and maintaining proper discipline among those officers.

(2) A rule made by the Judicial Commissioner under Sub-section (1) or under any other law for the time being in force shall not take effect until it has been sanctioned by the Resident and published in the *Residency Orders*.

(3) Whoever breaks any rule made under clause (*a*) of Sub-section (1) may be suspended or removed from the list of authorised petition-writers or be punished with fine which may extend to fifty rupees.

(4) any rule made by the Judicial Commissioner under clause (*d*), (*e*), (*f*) or (*g*) of Sub-section (1) shall be submitted to the Resident, for the purposes of Sub-section (2), through the office of the Commissioner of the Hyderabad Assigned Districts.

(5) Rules made under clause (*g*) of Sub-section (1) may provide, among other matters, for fines, to an amount not exceeding one month's salary, being imposed on ministerial officers for misconduct or neglect in the performance of their duties, and for the recovery of fines so imposed by deduction of the amount thereof from any salary that may be or become due to the officers fined.

Supplemental Provisions.

Books and accounts and statements and returns, to be kept and furnished by Judicial Commissioner.

17. (1) The Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of his Court, and shall submit to the Resident such of those registers, books and accounts, and such statements of the work done in his Court, as may be required by the Resident.

(2) The Judicial Commissioner shall also comply, in such form and manner as the Resident may deem proper, with such requisitions as may be made by the Resident for records of, or papers belonging to, the Court of the Judicial Commissioner or any Court subordinate thereto, or for certified copies of, or extracts from, such records or papers, or for returns, statements or reports.

Place of sitting of Courts.

18. (1) The Resident may, by order in writing, fix the place or places at which any Court is to be held.

(2) Except as may be otherwise provided by any order under this Section, a Court may be held at any place within the local limits of its jurisdiction.

Holidays.

19. (1) The Judicial Commissioner, with the approval of the Resident, shall publish in the *Residency Orders* before the commencement of each calendar year a list of days to be observed in that year as holidays in his Court and the Courts subordinate thereto.

(2) A judicial act done by a Court on a day specified in the list as a day to be observed by the Court as a holiday shall not be invalid by reason only of its having been done on that day.

Mode of conferring powers.

20. The Resident may, when he is empowered by this Law to confer any powers, confer them on any person specially by name or by virtue of his office.

Powers exercisable from time to time.

21. All powers conferred by this Law may be exercised from time to time as occasion requires.

Publication of certain orders.

22. All orders required by this Law to be issued by the Resident in writing shall be published in the *Residency Orders*.

Procedure where presiding officer of Court is personally interested in a case.

22-A. *a.* (1). The presiding officer of a Civil Court shall not try any suit or other proceeding to which he is a party or in which he is personally interested.

a. Inserted by Government of India, Foreign Department, Notification No. 4082 *I.*, dated the 18th October, 1889.

(2) The presiding officer of an appellate Civil Court under this Law shall not try an appeal against a decree or order passed by himself in another capacity.

(3) When any such suit, proceeding or appeal as is referred to in Sub-section (1) or Sub-section (2) comes before any such officer, the officer shall forthwith transmit the record of the case to the Court to which he is immediately subordinate with a report of the circumstances attending the reference.

(4) The superior Court shall thereupon dispose of the case under Section 25 of the Code of Civil Procedure.

(5) Notwithstanding any thing in any other part of this Law, the Court of the Resident shall for the purposes of this Section and of Section 555 of the Code of Criminal Procedure, 1882, be deemed to be the Court to which the Judicial Commissioner is immediately subordinate and the Court to which an appeal lies from the Court of the Judicial Commissioner, respectively, and any case which the Judicial Commissioner is precluded by either of those Sections from disposing of shall be disposed of by the Resident subject to the rules applicable to a like case when disposed of by the Judicial Commissioner.

Transitory Provisions.

Pending proceedings.

23. (1) A case or proceeding pending in the Court of the Resident on the day on which this Law comes into force shall be disposed of as if this Law had not been passed.

(2) A case or proceeding pending on that day in the Court of the Judicial Commissioner as a Court of Civil Judicature shall, subject to the law applicable to the case or proceeding, be continued as in the highest Civil Court of Appeal in the Hyderabad Assigned Districts.

(3) A case or proceeding pending on that day in the Court of the Judicial Commissioner as a Court of Session shall be transferred to the Court of Session to be established on that day for the Hyderabad Assigned Districts.

(4) A case or proceeding pending on that day in any Civil Court subordinate to the Court of the Judicial Commissioner shall be disposed of as if this Law had not been passed :

Provided that the Judicial Commissioner may transfer any such case or proceeding to the Court of any Civil Judge or Munsif competent to dispose of it.

Appeals after commencement of Law against decrees and orders passed before.

24. An appeal from a decree or order passed and not appealed against before the commencement of this Law shall lie and be disposed of as if this Law had not been passed, and not otherwise :

Provided that, where the appeal is from a decree or order passed by the Court of a Tahsildar or of an Assistant Commissioner in an original suit of value not exceeding five hundred rupees, it may be disposed of by a Civil Judge having authority on that behalf.

Notification No. 1387 I., dated the 29th March, 1889.—Whereas it is expedient to consolidate and amend the law relating to Courts of Small Causes in the Hyderabad Assigned Districts, the Governor General in Council has been pleased to make the following rules :—

CHAPTER I.

PRELIMINARY.

Title and commencement.

1. (1) These rules may be called the Hyderabad Assigned Districts Small Cause Courts Law, 1889, and are hereinafter referred to as "this Law ;" and

(2) They shall come into force on the 1st day of July, 1889.

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

Saving of power to appoint Judge of Court of Small Causes to other office.

21. (1) Nothing in this Law shall be construed to prevent the Resident from appointing a person who is a Judge of a Court of Small Causes to be also a Judge of any other Civil Court or to be a Magistrate of any class or to hold any other public office.

(2) When a Judge is so appointed the ministerial officers of his Court shall, subject to any orders of the Resident in this behalf, be deemed to be ministerial officers appointed to aid him in the discharge of the duties of the other office.

Notification No. 3477 I., dated the 9th September, 1892.—For the purposes of the exercise of criminal jurisdiction within and in respect of the Cantonment of Secunderabad and with reference to the Notifications of the Government of India cited in the margin, * the Governor General in Council is pleased to make the following order :—

* Foreign Department No. 2523 *I.*, and No. 2524, dated the 31st July, 1890.

The Governor General in Council may, by Notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal or proceedings in revision pending before—

(*a*) the Resident at Hyderabad, by virtue of his jurisdiction over the said Cantonment, to the Judicial Commissioner of the Hyderabad Assigned Districts ; or

(*b*) any Criminal Court having jurisdiction within the said Cantonment and subordinate to the Resident at Hyderabad, to any other Criminal Court of equal or superior jurisdiction subordinate to the

Judicial Commissioner of the Hyderabad Assigned Districts whenever it appears to the Governor General in Council that such transfer will promote the ends of justice or tend to the general convenience of parties or witnesses.

The Court to which such case or appeal or proceedings in revision may be transferred shall deal with the same as if the case or appeal or proceedings had been initiated in such Court.

Notification No. 3478 I., dated the 9th September, 1892.—For the purposes of the exercise of criminal jurisdiction within and in respect of the Hyderabad Residency Bazars, and with reference to the Notification of the Government of India cited in the margin, * the Governor General in Council is pleased to make the following order :—

* Foreign Department No. 1637, *I.*, dated the 22nd May, 1885.

The Governor General in Council may, by Notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal or proceedings in revision pending before—

(*a*) the Resident at Hyderabad, by virtue of his jurisdiction over the said Residency Bazars, to the Judicial Commissioner of the Hyderabad Assigned Districts ; or

(*b*) any Criminal Court having jurisdiction in the said Residency Bazars and subordinate to the Resident at Hyderabad to any other Criminal Court of equal or superior jurisdiction subordinate to the Judicial Commissioner of the Hyderabad Assigned Districts,

whenever it appears to the Governor General in Council that such transfer will promote the ends of justice or tend to the general convenience of parties or witnesses.

The Court to which such case or appeal or proceedings in revision may be transferred shall deal with the same as if the case or appeal or proceedings had been initiated in such Court.

Notification No. 2007 I., dated the 11th May, 1891.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of civil and criminal justice within the Cantonment of Hingoli :—

British Courts having jurisdiction, civil and criminal, within the district of Basim may exercise the same jurisdiction and powers, following the same procedure, and applying the same Laws, within the Cantonment of Hingoli.

Notification No. 4045 I., dated the 2nd October, 1891.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of civil and criminal justice within the Cantonments of Aurangabad and Jalna :—

British Courts having jurisdiction, civil and criminal, within the district of Buldana may exercise the same jurisdiction and powers, following the same procedure, and applying the same Laws, within the Cantonments of Aurangabad and Jalna.

Notification No. 4607 I., dated the 24th November, 1891.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of civil and criminal justice within the Cantonment of Mominabad :—

British Courts having jurisdiction, civil and criminal, within the district of Buldana, may exercise the same jurisdiction and powers, following the same procedure, and applying the same Laws, within the Cantonment of Mominabad.

Notification No. 172 I., dated the 13th January, 1892.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Hingoli :—

1. The Bazar Regulations of the Hyderabad Contingent stations, so far as they apply to the said Cantonment, are repealed.

2. The administration of the police and the maintenance of the peace within the limits of the said Cantonment, or within such lesser limits as may from time to time be fixed by order of the Resident, shall be vested in the Officer Commanding the station.

3. The immediate charge of the police within the said limits shall, under the orders of the Officer Commanding the station, be vested in the Superintendent of Police or in such other officer as may be specially appointed by the Resident or by the Officer Commanding the Hyderabad Contingent subject to the Resident's confirmation.

4. All persons residing within the said limits shall be subject to all regulations issued by the Officer Commanding the station and confirmed by the Resident for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations.

5. All persons found guilty of a breach of any of the regulations specified in the preceding Section shall be punishable with fine not exceeding one hundred rupees, and in default of payment of fine with imprisonment of either description not exceeding one month.

6. The officer in immediate charge of the police under these orders may arrest or cause to be arrested within the said limits any vagrant or suspicious person who has no ostensible means of subsistence or any person of notoriously bad character, and the Officer Commanding the station may expel such person or persons from the said limits.

7. Any person resident beyond the said limits, who is summoned as a witness and attends to give evidence in any proceeding under these orders, shall be entitled to receive payment of his reasonable expenses at the rate of not less than one anna or more than four annas per day. The rate shall be fixed by the Court with reference to the rank and circumstances of the witness.

8. Any person smuggling or attempting to smuggle any spirituous liquor or intoxicating drug into the said limits and any person not being a vendor duly licensed selling the same, or having in his possession within the said limits and without a permit from the proper authority more than half a bottle of any spirituous liquor or more than a quarter seer of any intoxicating drug, shall, on conviction, be liable to punishment as provided in Section 5 of these orders.

9. All sentences of imprisonment passed under these orders shall be carried out in the Basim Jail.

10. No person amenable to the Articles of War shall be tried under Section 5 or Section 8 of those orders without the previous sanction of the Officer Commanding the station. Such sanction may be given generally or for a particular case.

11. Nothing herein contained shall apply to—

(*a*) any proceedings pending at the date of the issue of these orders ; or

(*b*) proceedings against European British subjects.

Notification No. 837 I., dated the 25th February, 1892.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Aurangabad :—

(*For orders 1, 2, 3, 4, 5, 6, 7 and 8, see pages 112 and 113.*)

9. All sentences of imprisonment passed under these orders shall be carried out in such jail within the jurisdiction of the Resident at Hyderabad as the Resident may from time to time appoint.

(*For orders 10 and 11, see page 113.*)

Notification No. 838 I., dated the 25th February, 1892.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Jalna :—

(*For orders 1, 2, 3, 4, 5, 6, 7 and 8, see pages 112 and 113.*)

9. All sentences of imprisonment passed under these orders shall be carried out in such jail within the jurisdiction of the Resident at Hyderabad as the Resident may from time to time appoint.

(*For orders 10 and 11, see page 113.*)

Notification No. 839 I., dated the 25th February, 1892.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Mominabad :—

(*For orders 1, 2, 3, 4, 5, 6, 7 and 8, see pages 112 and 113.*)

9. All sentences of imprisonment passed under these orders shall be carried out in such jail within the jurisdiction of the Resident at Hyderabad as the Resident may from time to time appoint.

(*For orders 10 and 11, see page and 113.*)

Notification No. 1431 I., dated the 27th April, 1893.—Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory ;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner ;

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows :

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this Notification, and, in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the superintendent or keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such superintendent or keeper is to cause the execution to be carried out.

2. The Jail in British India to which the Court may send its warrant under the provisions of this Notification shall be such as the Governor General in Council, or a Local Government authorized by him in this behalf, may by general or special order direct.

3. Every warrant for the execution of a sentence of death to be issued by a Court under the provisions of this Notification shall be in the form set forth in the Schedule hereto annexed.

SCHEDULE.

FORM OF WARRANT.

To

The Superintendent or Keeper of the Jail at

in British India.

Whereas at a trial held on the day of , 189 , at (*name of place*), in (*name of territory*), before me, A. B. (*name of Judge*), being the presiding officer of a British Court exercising in (*or* with respect to) territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory, C. D. (*name of prisoner*) was duly convicted of the offence of culpable homicide amounting to murder and sentenced to suffer death [* and the said sentence has been confirmed by E. F. (*name of authority*)] ;

And whereas there is in (*name of territory*) no secure place for the confinement of a prisoner under sentence of death (*or* no suitable appliances for the execution of a person under sentence of death in a decent and humane manner) ;

And whereas this court is of opinion that for the reasons aforesaid the said sentence should be executed in British India ;

* To be omitted when sentence does not require confirmation.

This is to authorise and require you, the said superintendent (*or* keeper) being a superintendent (*or* keeper) of a jail specified in an order under Section 2 of Act No. V of 1893 passed by the Governor General of India in Council, to receive the said C. D. (*prisoner's name*) into your custody in the said jail, together with this warrant, and there him safely to keep until the time hereinafter appointed, and then to carry the said sentence into execution by causing the said C. D. (*prisoner's name*) to be hanged by the neck until he be dead, at (*time and place of execution*) and to return this warrant to this Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of 189 .

(Seal)

(Signature)

Notification No. 531 I., dated the 3rd February, 1891.—In continuation of so much of Foreign Department Notification No. 212 J., [a] dated the 24th October, 1873, as relates to the Court Fees Act, VII of 1870, the Governor General in Council is pleased to declare that for the words "figure head" in Section 30 of the said Act as applied to the Hyderabad Assigned Districts, the words "centre of the stamp" shall be read.

Notification No. 2651 I., dated the 25th June, 1891.—An order respecting the publication of newspapers and other printed works in places administered by the Governor General in Council, but not forming part of British India.

Whereas some misapprehension has hitherto existed as to the regulations in force in territory under the administration of the Governor General in Council, but beyond the limits of British India, with reference to newspapers published within such territory, the Governor General in Council has been pleased to make the following orders:

1. No newspaper or other printed work, whether periodical or other, containing public news or comments upon public news, shall, without the written permission for the time being in force of the Political Agent, be edited, printed, or published after the 1st day of August, 1891, in any local area administered by the Governor General in Council, but not forming part of British India.

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a. Reprinted see page 6 of this Manual.

2. If after the day aforesaid any person shall, without such permission as aforesaid, edit, print, or publish any such newspaper or other work as aforesaid in any such local area as aforesaid, the Political Agent may, by order in writing,—

(*a*) require him to leave such local area within seven days from the date of such order, and

(*b*) prohibit him from re-entering such local area without the written permission of the Political Agent.

3. If any such order as is mentioned in the last foregoing paragraph be disobeyed, the offender shall be liable to forcible expulsion from such local area in pursuance of an order to be made in writing by the Political Agent.

4. Any written permission granted by a Political Agent for the editing, printing, or publishing of any such newspaper or other work as aforesaid may at any time be withdrawn by the Political Agent or any of his successors in office.

5. The expression "Political Agent" has in these orders the meaning assigned thereto by the Foreign Jurisdiction and Extradition Act, 1879, and the Code of Criminal Procedure, 1882.

Notification No. 386 I., dated the 26th January, 1892.—The Governor General in Council is pleased to make the following modifications in the Berar Rural Boards Law, 1885, published under Foreign Department Notification No. 3585 *I.*, [a] dated the 22nd October, 1885 :—

Preamble, clause (*a*).—Omit the words and figures "and of villages in which Book Circular XIV of 1881 is in force."

Preamble, clause (*b*).—For the words "those limits" substitute words "the limits of municipalities and civil stations."

Section 3.—Omit the words and figures "or of a village in which Book Circular XIV of 1881 is in force."

Section 5, clause (*3*).—Omit the words and figures from "and there may be" down to "form part thereof," both inclusive.

Section 22, clause (*1*) (*b*).—Omit the words and figures "and of villages in which Book Circular XIV of 1881 is in force."

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a. Extract has been reprinted see page 87 of this Manual.

Section 22, clause (I) (c).—For the words "those limits" substitute the words "the limits of municipalities and civil stations."

Section 22, clause (I) (K).—At the end of the clause add the words "and civil stations."

Section 33, clause (K).—Omit the entire clause—

2. The Governor General in Council is further pleased to order.

(1) that the above modifications shall come into force on such date [a] as the Resident may, by Notification in the Residency Orders, direct; and

(2) that the balances standing to the credit of the committees constituted under Book Circular No. XIV of 1881, on the day on which the above modifications come into force, shall be transferred to the credit of the District Fund.

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a. These Modifications were brought into force by Resident's Notification No. 36, dated the 10th February, 1892.

Abkari Rules sanctioned by Government of India Letter No. 3541, dated the 10th October, 1873, as amended by Resident's Letter No. 1023, dated the 16th September, 1874, Residency Orders Notification No. 109, dated the 11th July, 1875, Residency Orders Notification No. 104, dated the 27th September, 1876, and Residency Orders Notification No. 137, dated the 23rd May, 1893.

PART I.

GENERAL.

CHAPTER I.

Definitions.

Abkari officer.

1. In these rules the word 'Abkari Officer' includes all Deputy and Assistant Commissioners, Tahsildars, Naib Tahsildars, Police Officers of a rank not below that of Head Constables and all officers of the Excise Department. *b.*

Magistrate.

'Magistrate' means any person lawfully exercising the powers of a Magistrate of the 1st or 2nd Class as defined by Act X of 1872. *c.*

Fermented liquors and foreign spirits.

'Fermented liquors' and 'Foreign spirits' shall be deemed to mean, respectively, all kinds of ale, beer, porter and other fermented liquors, and all kinds of spirits manufactured after any process used in any part of Europe, whether imported to, or made in, Berar.

Country spirits.

'Country spirits' means any kind of spirit manufactured after the native process and 'tari,' fresh or fermented.

Drugs.

'Drugs' includes ganjah, bang, charrus, opium, *a.* and every preparation or admixture of the same.

Retail sale.

'Retail sale' shall be deemed to mean the sale of any quantities of any liquors or drugs as follows :—

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a. But see Resident's Notification No. 114 A, dated the 21st August 1879.

b. This clause has been substituted for the orginal clause by Resident's Notification No. 137, dated the 23rd May, 1893, issued under the authority of the Foreign Department Letter No. $\frac{\text{Ex.}}{2043}$, dated the 12th May, 1893.

c. Now read Act X of 1882.

In the case of fermented liquors, foreign spirits, liquors, and wines, of less than, and of country spirits or drugs not more than, those specified below :—

(*a*) Fermented liquors, foreign spirits or wines—two imperial gallons, or one dozen quart bottles.

(*b*) Country spirits—one seer.

(*c*) Tari—four seers.

(*d*) Ganjah, bang, or any admixture or preparation of the same—one quarter of a seer.

(*e*) Charrus, or opium, [a] or any preparation or admixture of the same—five tolahs weight.

CHAPTER II.

Manufacture and sale of fermented liquors, foreign spirits, and wines.

Fermented liquors and foreign spirits.

2. No person shall manufacture or sell any description of fermented liquors or foreign spirits or shall construct any brewery or distillery for the manufacture of the same without a special license from the Deputy Commissioner of the district : such license shall not be current until conditions attached thereto shall have been submitted to, and approved of by, the Resident, who may revise such conditions as he may deem proper.

Currency of licenses.

3. A license for wholesale vend shall be current only for the official year in which it is granted, and shall be chargeable with a fee of 16 rupees.

A license for retail sale shall be current only for the official year in which it is granted, and shall be chargeable with a fee of not less than 100 rupees.

The amount of the fees chargeable may, from time to time, be altered by the Resident.

No person shall have a claim to any refund on account of relinquishment of his license, and no part of any fee shall be refunded on such account except with the sanction of the Commissioner of the Division.

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a. But see Resident's Notification No. 114 A, dated the 21st August, 1879.

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Exception 1.—A travelling merchant may take out a general license authorizing him to sell by wholesale in any district which he may visit without taking out a fresh license for that district under such rules and restrictions as the Resident may, from time to time, prescribe.

Exception 2.—Persons taking out a retail license late in the official year may obtain such diminution in the amount of their fee as shall appear proper to the Deputy Commissioner with the sanction of the Commissioner.

Sales of more than specified quantities.

4. Except for the supply of licensed vendors, country spirits and drugs shall not be sold in larger quantities than are specified under Section 1 as coming within the meaning of the word 'retail sale.'

CHAPTER III.

Manufacture and sale of country spirits and drugs.

Manufacture and sale of country spirits and drugs.

5. No person shall manufacture or sell any country spirits or drugs in any district without a license from the Deputy Commissioner of the district, except as hereafter provided for in the case of Sub-contractors and pass-holders.

Rules respecting manufacture and sale.

6. The Resident may, from time to time, make rules for the regulation of the licenses and passes to be granted for the manufacture, sale, purchase, possession, transport, and storage of country spirits and drugs, and the conditions attached thereto.

Resident may suspend rules by Notification.

7. It shall be lawful for the Resident to suspend by public Notification in any district or part of a district the operation of any one or more of these rules with respect to any one or more of the liquors or drugs mentioned therein.

And no person shall, in such district or part of a district, be liable to any penalty for the infringement of any such rule or rules with respect to such liquor or drug as shall be mentioned in the Notification during the continuance in force of such order, and until its cancelment.

Special licenses for sale of unfermented 'tari.'

8. The Deputy Commissioner may grant special licenses for the sale of the unfermented 'tari' only, at those periods of the year when the fresh juice is in request: such license shall be chargeable with a fee of one rupee. But no Contractor or Sub-contractor need take out such license.

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CHAPTER IV.

Contractors and Sub-contractors.

Abkari Division.

9. It shall be lawful for the Deputy Commissioner, with the sanction of the Commissioner to fix limits within which one or more distilleries may be set up and country spirits sold. The said limits shall comprise an 'Abkari Division.'

Sale of right to manufacture and sell country spirits in an Abkari Division.

10. The Deputy Commissioner may, under the general control of the Commissioner, offer for sale the right to manufacture and sell country spirits at any place or places in his district, either by public auction or by tender. But the Deputy Commissioner shall not be obliged to accept the highest or any other bid or tender. The conditions and rules of the sale, with a list of the places where shops are to be allowed, shall be affixed in writing at the place of sale seven days previous to the holding of the sale, and they shall be read out publicly before the sale commences.

License to be given to Abkari Contractor.

11. The Deputy Commissioner shall give the Contractor a written license to manufacture and sell country spirits, and the Contractor shall execute a counterpart engagement in conformity with the terms of the license which shall set forth the conditions which must be observed under pain of forfeiture of the license.

The sale authorized by this license shall be for retail only, but the Deputy Commissioner, or, where he is not present, a Magistrate of the 1st Class, may give a special pass or order for the supply to a person or persons mentioned in such pass or order, on one occasion only, of a larger quantity.

Number of shops and their localities in an Abkari Division.

12. The number of shops which may be established, and their locality, shall be stated in the license to be given to the Contractor.

Proviso.—Provided that the Deputy Commissioner may order a Contractor to remove any shop from any locality whatever to some other within the said limits, should the same be necessary for the public good.

Contractors licenses to be filed in the Deputy Commissioner's office.

13. A Contractor must give to his Sub-contractor a license for the manufacture and sale, or sale only, of country spirits as aforesaid, and must file the name of such Sub-contractor, together with a description of the shops let on sub-contract, in a list to be kept at the Deputy Commissioner's office.

And no Contractor shall in any Court be able to recover from any Sub-contractor on account of any abkari lease unless the above provisions shall have been complied with.

Rules respecting sale of country spirits equally applicable to the sale of drugs.

14. All the foregoing rules contained in this Chapter relative to the sale of country spirits shall be equally applicable to the sale of drugs; but for the vend of drugs, a separate license must be granted.

Power of Deputy Commissioner to attach property of defaulters.

15. In case of any default, the Deputy Commissioner is hereby empowered to attach any moveable property of such defaulter or his security within the Deputy Commissioner's magisterial jurisdiction, and may deal with the same as he is empowered to deal with property confiscated under these rules, and further, may resell the right.

CHAPTER V.

Hemp and Opium.

To whom the cultivators of ganjah, bang, or opium plants may sell.

16. No cultivator of the plants producing ganjah, bang, or opium *a.* shall sell any ganjah, bang or opium *a.* to any other than—

(1) a person licensed to sell the same.

(2) a person holding a pass from the Deputy Commissioner for the purchase of the same.

Passes to be obtained to buy or hold opium, ganjah, or bang for wholesale trade.

17. Any person desiring to buy or hold ganjah, bang, or opium, *a.* for the purposes of wholesale trade must take out a pass from the Tahsildar, who will grant it on application, and such pass shall remain in force for two months.

The sale of any quantity of ganjah, bang, or opium, *a.* held under such pass, not exceeding 20 seers in weight, shall be deemed a retail sale, and is hereby prohibited. *b.*

Exportation of opium to the Nizam's country.

18. *a.* No opium shall be exported without a pass, and any person wishing to export his opium into those portions of His Highness the Nizam's country lying beyond the boundary of the Assigned Districts shall obtain a pass which will be granted to him at the head-quarters of each district, and at all Tahsil offices: such pass will contain the date and place of issue, name and address of person to whom it is given, weight of opium, route to be taken and period of currency, which will in no case be more than two months.

a. But see Resident's Notification No. 114 A, dated the 21st August, 1879.

b. The words "and these drugs can only pass from hand to hand by endorsement on the pass" at the end of this clause have been expunged under the authority of letter No. 1023, dated the 16th September, 1874, from the 1st Assistant Resident.

Such pass carries no exemption from duty in the Nizam's country, and exporters of opium are required to take their opium past one of the following posts :—

Mulkapore.	Chicklee.	Sindkhair.	Rissoad.
Phallegaon.	Poosud.	Sawurgaon.	Kaeer.

Permission to export opium under this Section may also be granted by endorsement on a pass obtained under Section 17.

Exportation of opium to Bombay Presidency and beyond sea.

19. *a.* No pass will, under any circumstances, be granted for the exportation of opium to the Bombay Presidency "or the Central Provinces ;" *b.* but any person desirous of passing his opium across the Berar frontier to Bombay for export beyond sea may obtain a pass for the same, subject to the regulations contained in the Appendix to these rules.

Export duty not leviable on opium passing through Nizam's Dominions to Madras.

20. *a.* No export duty shall be levied in Berar on opium passing through His Highness the Nizam's Dominions to Madras.

PART II.

PROCEDURE.

CHAPTER VI.

Deputy Commissioners.

Deputy Commissioner to collect Abkari Revenue.

21. The collection of the revenue arising from the manufacture and sale of country and foreign spirits, fermented liquors, and drugs, shall be under the charge of the Deputy Commissioner, who shall perform the duties connected therewith under the control of the Commissioner and of the Resident.

a. But see Resident's Notification No. 114 A, dated the 21st August, 1879.

b. The words "or the Central Provinces" in these rules were added under the authority of Residency Orders Notification No. 104, dated the 27th September, 1876.

And all orders passed by the Deputy Commissioner under these rules shall be appealable in the usual manner to the Commissioner.

Warrant of arrest.

22. The Deputy Commissioner may issue his warrant for the arrest of any person whom he may have reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs or to have in his possession any such liquors or drugs liable to confiscation under these rules.

Search warrant.

23. The Deputy Commissioner may issue his warrant for the search of any house, boat, or other place in which, upon any of the grounds mentioned in the last preceding rule, he may have reason to believe that spirits are unlawfully manufactured, or that spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, are kept or concealed ; and such warrant may be executed by any officer above the rank of Head Constable in the manner prescribed.

Proceedings after arrest or seizure.

24. Whenever any person is arrested, or any articles seized under the warrant of the Deputy Commissioner, the Deputy Commissioner, after such enquiry as he thinks necessary, shall send the person arrested, or the articles seized, to the Magistrate, or shall order the immediate discharge of such persons, or the release of such articles.

Confiscated property, service.

25. All property confiscated under these rules shall be under the orders of the Deputy Commissioner, who may dispose of such property by sale, or utilize it for the public

CHAPTER VII.

Abkari Officers.

Inspection of shops.

26. Any Abkari officer may enter or inspect at any time, by day or by night, the shop or premises in which any licensed manufacturer or retail vendor shall carry on the manufacture of country spirits, or the sale of spirituous liquors or drugs.

Arrest of persons carrying spirits &c., liable to confiscation.

27. Any Abkari officer may stop and detain any person carrying any spirituous or fermented liquors, or drugs liable to confiscation under these rules, and may seize the liquors or drugs, with the vessels, packages, or coverings in which they are contained, and the animals and conveyances used in carrying them, and may also arrest the person in whose possession such liquors or drugs are found.

Arrest of unlicensed distilleries.

28. Any Abkari officer may arrest any person having in his possession an unlicensed still, or any other spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, or who is engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs, and may seize such still, the materials for working it, and all such liquors and drugs.

Power to search on information of illicit manufacture and possession.

29. Whenever any Abkari officer shall have good reason to believe, from information given by any person,—which information shall be taken down in writing—that spirits are unlawfully munufactured, or that any spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, are kept or concealed in any house, boat, or other place, such officer may, between sunrise and sunset, enter into any such house, boat or place, and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away all stills and materials used in the manufacture of such spirits, and all such liquors and drugs, and may also arrest the occupier of the house, boat, or place, with all other persons concerned in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.

Abkari officer to report every arrest, seizure or search to his official superior, and to take the person arrested to the Magistrate for trial.

30. Whenever any Abkari officer shall arrest any person, or seize any still, or any liquors, or drugs liable to confiscation under these rules, or enter any house, boat, or place for the purpose of searching for any such illicit articles, he shall, within 24 hours thereafter, make a full report of all the particulars of such arrest, or seizure, or search, to his official superior, and, unless acting under the warrant of the Deputy Commissioner, shall carry or forward the person arrested, or the illicit articles seized, with all convenient despatch to the Magistrate.

And every search under this Chapter made by an Abkari officer, not being the Deputy Commissioner or the District Superintendent of Police, shall be made in the presence of two respectable inhabitants of the town or village within the limits of which the search is made.

CHAPTER VIII.

General.

Rules of Criminal Procedure Code for summons cases to be observed in cases under these rules.

31. All the rules prescribed under Criminal Procedure Code (Act X [a] of 1872) for the conduct of cases in which a summons must issue, and for appeal against orders passed, shall be observed in all cases tried under these rules.

a. Now read Act X of 1882.

Adjudgment by Magistrate, and period of limitation.

32. All forfeitures and penalties for the breach of these rules, and all seizures of goods declared liable to confiscation under these rules, shall be adjudged by the Magistrate on information of an Abkari officer.

Proviso.—Provided that any person may lay information directly before a Magistrate of any infraction of Section 40; but that no prosecution after lapse of six months from date of offence charged shall be entertained.

Rewards to informers.

33. The Deputy Commissioner may, with the sanction of the Commissioner, award rewards not exceeding 100 rupees for information leading to detection of breach of these rules and for apprehension of the offender.

The rewards to be paid on conviction before Magistrate. For higher rewards the sanction of the Resident must be obtained.

Police officers to aid Abkari officers.

34. All police officers are hereby required, when called upon, to aid Abkari officers in the exercise of their functions under these rules. And any police officer neglecting or refusing to give aid when called upon by an Abkari officer may be punished according to the provisions of Section 29 of the Police Act.

PART III.

PENALTIES.

CHAPTER IX.

Manufacture, sale, possession, and transport of spirits, fermented liquors, wines and drugs.

Penalty for conniving at the illicit manufacture or sale of spirits, &c.

35. Every Jagirdar or Enamdar, and every Maccadam, Patwari, or other village official, who shall authorize or connive at the manufacture of country spirits, or the sale of spirituous or fermented liquors, or intoxicating drugs, by an unlicensed person, shall forfeit, for every such offence, a sum not exceeding 500 rupees.

Breach of Section 2.

36. Whoever shall commit a breach of the provisions of Section 2 shall be liable to a fine not exceeding 1,000 rupees, and liquors manufactured by such person and all materials and implements collected for the purpose of manufacturing foreign spirits and fermented liquors, may be confiscated.

And every person obtaining a license under Section 2, who shall contravene any rule or condition attached to the license and approved by the Resident, or any rule framed by the Resident under such Section, shall be liable to a fine not exceeding 200 rupees.

Sale of foreign spirits, fermented liquors, and wines without license.

37. Any person who shall sell foreign spirits fermented liquors, or wines without a license shall be liable to a fine not exceeding 500 rupees.

Proviso.—Provided that nothing in this rule shall apply to the sale of any foreign spirits, fermented liquors, or wines, purchased by any person for his private use, and not for sale, and disposed of by such person as overstock, or on quitting the station, or on behalf of such person's estate on his decease.

Wholesale vendor selling by retail.

38. Any person who, having taken out a license for the wholesale vend only of foreign spirits, fermented liquors, and wines, shall sell the same by retail, shall be liable to a fine not exceeding 500 rupees.

Manufacture or sale of Country spirits or drugs without license.

39. Any person who shall, in any Abkari Division, manufacture or sell country spirits or drugs without a written license from the Deputy Commissioner or from a Contractor, shall be liable to a fine not exceeding 1,000 rupees.

Contractors, Sub-contractors and Pass-holders to show licenses and passes, when demanded, to Abkari officers.

40. Every Contractor or Sub-contractor, and every person who obtains any pass from the Deputy Commissioner or from a Tahsildar, who shall not show his license or pass when demanded by an Abkari officer, shall be liable to a fine not exceeding 50 rupees.

Penalty for permitting drunkenness, &c., in shops.

41. Every person licensed to sell any description of liquors or drugs who shall permit drunkenness, riot, or gambling in his shop, or shall permit persons of a notoriously bad character to meet and remain therein, or shall receive any wearing apparel or other effects in barter for a pledge for the payment of liquors or drugs shall forfeit, for every such offence a sum not exceeding 200 rupees.

Wholesale vendors and pass-holders selling by retail.

42. Every Contractor or Sub-contractor who shall sell any country spirits or durgs to any person in excess of what is permitted for retail sale, or who shall sell spirits or drugs at any place except that specified in his license, and every person holding a pass under Section 17 who shall sell opium, *a.* ganjah, or bang, in quantities not exceeding 20 seers, shall forfeit, for every such offence, a sum not exceeding 200 rupees.

a. But see Resident's Notification No. 114 A., dated the 21st August, 1879.

Proviso.—Provided that nothing in this Section shall be deemed to apply to cultivators of opium, [a] ganjah, or bang, when they sell to persons to whom they are empowered to dispose of their said produce under the provisions of Section 16.

Breach of license.

43. Every Contractor or Sub-contractor, who shall, in any Abkari Division, commit any act in breach of the license granted to the Contractor, or of his counter part engagement, not otherwise provided for by these rules, shall forfeit, for every such offence, a sum not exceeding 100 rupees.

Illegal possession of spirits, &c.

44. Every person, other than a person licensed to manufacture or sell, or a pass-holder, who shall have in his possession any quantity of foreign or country spirits, fermented liquors, or drugs in excess of what may be sold under these rules by retail, shall forfeit, for every such offence, a sum not exceeding 100 rupees; and the liquors or drugs, together with the vessels, packages and coverings in which they may be found, and the animals and conveyances used in carrying them, shall be liable to confiscation, subject to the exceptions specified below: and if the drug be opium, or any preparation or admixture of the same, such person shall be liable, in addition to the above, to a penalty not exceeding 10 rupees for every seer found in his possession.

EXCEPTION I.—Foreign or country spirits, fermented liquors, and wines, purchased by any person for private use and not for sale.

EXCEPTION II.—Cultivators of the plants producing opium, [a] ganjah, or bang, in possession of such produce grown by themselves.

EXCEPTION III.—Persons using the juice of the sendee tree (*Phœnix Sylvestris*) merely for the manufacture of goor or molasses.

EXCEPTION IV.—[a] Travellers and visitors from countries without the limits of Berar, having any quantity of opium not exceeding 2 seers, the produce of any country without the limits of Berar, intended for the private use of such travellers, or visitors, or their attendants, and not for sale or traffic.

EXCEPTION V.—[a] Dealers in horses, travelling with batches of horses, and having in their possession opium, the produce of countries without the limits of Berar, not exceeding in quantity 10 tolas per horse.

Any quantities found in the possession of any traveller, visitor, or horse dealer, in excess of those specified above, shall be liable to confiscation; but the person in whose possession the opium may be found shall not be subject to any further penalty. [a]

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[a] But see Resident's Notification No. 114 A, dated the 21st August, 1879.

45. Any cultivator of the plants producing ganjah, bang or opium, [a] who shall sell ganjah, bang, or opium [a] to persons to whom he is not permitted to sell under the provisions of Section 16 shall be liable to a fine not exceeding 200 rupees ; and the drugs thus sold may be confiscated.

Sale, by cultivator, of ganjah, bang, or opium, to persons not authorized to buy.

46. Any person who shall commit a breach of these rules, the penalty for which is not specially provided in these rules, and for which no penalty is provided in any other law applicable to Berar, shall be liable to a penalty not exceeding 100 rupees.

Breach of rules not specially provided for.

47. Whenever any person who has been convicted of any offence under these rules shall be again convicted of the same or any other offence under these rules, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding 6 months on every subsequent conviction.

Penalty for repetition of offences.

And if such subsequent offence be committed within one year after any former conviction the imprisonment may, in the discretion of the Magistrate, be in a Criminal Jail.

48. The provisions of Chapter VI of the Indian Penal Code with respect to abetment shall, wherever possible, be deemed applicable to these rules.

Abetment.

49. [b] If the offence for which sentence can be awarded under the Abkari Rules be punishable with fine only, the following term of imprisonment may be awarded in default of payment of the fine, *viz.*, for any term not exceeding two months when the amount of the fine does not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case.

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[c] *Notification No. 114 A, dated the 21st August, 1879.*—The following rules made by the Resident in the exercise of the power conferred upon him by Sections 5 and 13 of the Opium Act, 1878, having received the sanction of the Governor General in Council are hereby published as required by the Act, [d] and shall have effect from the 21st August 1879, from which date so much of the Abkari Rules for the Hyderabad Assigned Districts sanctioned by the Government of India in October, 1873, as relates to opium shall cease to have effect.

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a. But see Residenit's Notification No. 114 A, dated the 21st August, 1879

b. This rule was added by Residency Orders Notification No. 109, dated the 11th July, 1875, issued under the authority of Government of India, Financial Department, Letter No. 7279, dated the 23rd December, 1874.

c. This Notification is reprinted, in full, in Part II.

d. Opium Act, 1 of 1878.

PART II.

LOCAL RULES.

Notifications under the Abkari Rules.

Notification No. 20, dated the 28th January, 1893.—In exercise of the powers conferred on him by rule 7 of the Berar Abkari Rules, the Resident is pleased to suspend the operation of rule 4 and of exception I to rule 44 of the Abkari Rules in the Ellichpur District in respect to country spirit.

Notification No. 21, dated the 28th January, 1893.—In exercise of the powers conferred on him by rule 6 of the Berar Abkari Rules, the Resident is pleased to make the following rule :—

"In the Ellichpur District the maximum quantity of country spirit which may be sold by a licensed vendor by retail at one time, or to one and the same person in the aggregate on any one day, shall be one imperial gallon."

Notification No. 52, dated the 25th February, 1893.—In exercise of the powers conferred on him by rule 7 of the Berar Abkari Rules, the Resident is pleased to suspend the operation of rule 4 and of exception 1 to rule 44 of the Abkari Rules in the Amraoti taluk of the Amraoti District in respect to country spirit.

Notification No. 53, dated the 25th February, 1893.—In exercise of the powers conferred on him by rule 6 of the Berar Abkari Rules, the Resident is pleased to make the following rule :—

"In the Amraoti Taluk of the Amraoti District the maximum quantity of country spirit which may be sold by a licensed vendor by retail at one time or to one and the same person in the aggregate on any one day shall be one imperial gallon."

PART II.—LOCAL RULES.

Notifications under the Abkari Rules and the Arms Act.

Notification No. 65, dated the 2nd March, 1893.—In exercise of the powers conferred by rule 6 of the Berar Abkari Rules, the Resident is pleased to direct that on and after the 1st April, 1893, country spirit in excess of the quantity specified in the Schedule below shall not be removed or transported from or to the areas specified in the Schedule except under a permit granted by the Deputy Commissioner of Ellichpur or by an officer empowered by him in this behalf:—

SCHEDULE.

Area.	Maximum quantity.	
	If transported or removed from one place to another within the area named.	If transported or removed from any place within the area named to any place without the said area or *vice versa*.
Taluks of Ellichpur, Daryapur and Amraoti.	One imperial gallon or six reputed quart bottles.	One quarter of a pint.
Melghat Taluk.	Do.	Do.

Notification No. 1971 G., dated the 18th September, 1874.—The Governor General in Council is pleased to authorize District Superintendents of Police [illegible] and Assigned Districts, for the time being, to exercise the power of [illegible] the books of licensed manufacturers or dealers in arms &c., described in Section 14 of Act XXXI of 1860 (the Arms Act of 1860).

Notifications under the Berar Forest Law.

Notification No. 184, dated the 6th June, 1892.—In exercise of the powers conferred on him by Section 40 (*c*) of the Berar Forest Law, 1886, the Resident is pleased to make the following rule :—

State-forests in the Hyderabad Assigned Districts shall be divided into four classes according to the public purpose which each class of forest is principally intended to serve, namely,—

Class A—For the production of timber and fuel.

Class B--For the production of high grass (ramnas).

Class C—For pasture. State-forests of class C shall be grouped under two divisions as follows :—

Division I, Forests reserved for pasture and not ordered not to be resumed during the term of settlement.

Division II, Forests reserved for pasture and ordered not to be resumed during the term of settlement.

Class D--A fluid class, to be eventually absorbed in one or other of the preceding classes or be restored to the ordinary control of the revenue authorities.

2. The Resident is also pleased to direct, under the authority of the same Section, that the several existing State-forests shall be distributed among the four classes as specified in the following Schedule :—

(*Schedule has not been printed as it is not required by Criminal Courts.*)

Notification No. 185, dated the 6th June, 1892.—The following rules applicable to forests in Berar which have been, or may hereafter be, declared to be State-forests of class A or class B, have been made by the Resident at Hyderabad, with the previous sanction of the Governor General in Council, under the powers conferred by the Berar Forest Law, 1886 :—

1. All words and phrases used in these rules and defined in the Berar Forest Law, 1886 (as amended by the Berar Forest Law Amendment Law, 1891), shall, unless there is something repugnant in the subject or context, have the same meaning as in that Law.

2. Forest produce may be felled, cut, sawn, converted or collected under a written order from the District Forest Officer, or from any other Forest Officer, not below the rank of Ranger, who may be specially empowered in writing by the District Forest Officer to issue such orders.

3. (1) Forest produce may be removed from the forest under a pass in such form as the Resident may from time to time prescribe.

(2) Such passes may be issued by the District Forest Officer, or by any subordinate Forest Officer specially empowered in writing by the District Forest Officer to issue the same, and shall be issued under such regulations consistent with these rules as may be prescribed by the Resident :

Provided that no person acting under the authority of any order or pass signed by such subordinate Forest Officer shall be bound to enquire whether or not such officer has been duly empowered to sign the same.

4. The pasturing of cattle, other than camels, goats, and sheep, may be allowed in a forest of class A on licenses granted under the written orders of the District Forest Officer :

Provided that no cattle shall be so pastured unless they are in charge of a herdsman having with him a license covering such cattle.

5. Every cattle-owner shall take out a separate license in his own name for the number of cattle which he intends to pasture, but a single herdsman may have charge of the cattle of several owners.

6. All passes issued and licenses granted under the foregoing rules must be produced on the demand of any Forest Officer. If any pass or license be lost, a duplicate may be obtained on payment of a fee of eight annas.

7. Stone or "moorum" may be quarried, cutch boiled, and lime or charcoal burned under a written order from the District Forest Officer and subject to such conditions as he may prescribe.

8. (1) Any person may hunt, shoot, fish, or set traps under a license granted by the District Forest Officer, but no such license shall be granted without the previous sanction of the Deputy Commissioner given generally or in any particular case :

Provided that no licensee shall be bound to enquire whether or not such sanction has been given.

(2) No such license shall permit the hunting or shooting of jungle-fowl, partridges, quails, hare or deer during the breeding season, namely, during the months of April, May, June, July, August and September, or of hinds or does (excepting the female or Cervus muntjak) during any part of the year.

9. Subject to the control of the Resident forest produce may be sold either by public auction or private contract, or may be disposed of in accordance with a scale of fees, royalties, or other payments fixed as next hereinafter provided.

10. A scale of fees, royalties or other payments for the disposal of the forest produce of a forest may be fixed from time to time (subject to a maximum scale to be prescribed by the Resident) by the Conservator of Forests in communication with the Deputy Commissioner, and every scale so fixed shall be duly notified in the villages adjoining such forest. No alteration in any scale so fixed shall come into force until after the lapse of six months from the date of the Notification under which the alteration is made.

11. All forest produce sold or otherwise disposed of under rule 9 shall be paid for, as the Conservator may determine, either—

(*a*) in cash before removal, in which case a special pass will be issued, or

(*b*) at the stations established under Section 12 of the Berar Forest Law, 1886, or

(*c*) where no such stations have been established at such other places as the Conservator may determine.

12. When any authority granting any permission or privilege to take forest produce under Section 10 of the Berar Forest Law, 1886, or any rule made thereunder, restricts such permission or privilege to such forest produce as may be required and intended for the use of the person to whom such permission or privilege is granted and of his family or for the household and agricultural purposes of such person, then, if any forest produce taken in pursuance or under colour of such permission or privilege is used for any purpose of trade, or is sold, bartered or given away to any person not entitled under such permission or privilege to cut, collect, or remove forest produce, the value of the said produce, as estimated by the District Forest Officer, shall be recoverable, on behalf of the Government, from the person by whom such produce was taken and also from every person in whose possession the same or any part thereof may be found and who received it knowing that it had been dealt with in contravention of such permission or privilege.

Notification No. 186, dated the 6th June, 1892.—The following rules applicable to forests in Berar which have been, or may hereafter be, declared to be State-forests of class C, Division I or II, as the case may be, have been made by the Resident at Hyderabad, with the previous sanction of the Governor General in Council, under the powers conferred by the Berar Forest Law, 1886:—

1. All words and phrases used in these rules and defined in the Berar Forest Law, 1886 (as amended by the Berar Forest Law Amendment Law, 1891), shall, unless there is something repugnant in the subject or context, have the same meaning as in that Law.

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2. (1) Trees and timber may be felled, cut, sawn converted or collected under a written order from the Deputy Commissioner, or from any subordinate officer specially empowered by him in writing to issue such orders :

Provided that, except with the concurrence of the Conservator, no order shall be issued for the felling of any tree of the following kinds :—

1. Peepul (Ficus religiosa).
2. Tamarind (Tamarindus Indica).
3. Mango (Mangifera Indica).
4. Neem (Melia Indica).
5. Banyan (Ficus Bengalensis).
6. Sendhi (Phœnix Sylvestris).
7. Kowah (Terminalia Arjuna).
8. Mohwa (Bassia latifolia).
9. Bijasal (Pterocarpus marsupium).
10. Hilda (Terminalia chebula).
11. Tendu (Diospyros melanoxylon).
12. Jamun (Eugenia jambolana).
13. Bel (Ægle marmelos).
14. Bahara (Terminalia bellerica).

(2) The Resident may add to, or remove from, the above list any description of tree.

3. All trees shall be cut down as level with the ground as possible.

4. (1) Forest produce may be removed from the forest under a pass in such form as the Resident may prescribe.

(2) Such passes may be issued by the Deputy Commissioner or by any subordinate officer specially empowered by him in writing to issue the same, and shall be issued under such regulations consistent with these rules as may be prescribed by the Resident :

Provided that no person acting under the authority of any order or pass signed by such subordinate officer shall be bound to enquire whether or not such officer has been duly empowered to sign the same.

5. (1) In forests of division I of class C (*i.e.*, forests reserved for pasture and not ordered not to be resumed during the term of settlement) the pasturing of cattle is permitted when such cattle are in charge of a herdsman having with him a license covering the same granted by the Deputy Commissioner, or by any subordinate officer specially empowered in writing by the Deputy Commissioner to grant such licenses ; but no licensee shall be bound to enquire whether or not the officer granting the license has been duly empowered to grant the same.

(2) The license shall be issued in such form and at such rates, and subject to such exemptions in respect of payment for plough-cattle, and under such regulations consistent with these rules, as may be prescribed by the Resident.

(3) Every such license shall confer the right to graze, for the period specified therein, in all the forests of class C situate within the district for which the license is granted, or within such other local area as the Conservator may from time to time direct.

(4) Every such license shall be for a period not exceeding one year, and shall lapse on the last day of the financial year during which it was issued.

(5) Every cattle-owner shall take out a separate license in his own name for the number of cattle which he intends to pasture, but a single herdsman may have charge of the cattle of several owners.

6. In any forest of division II of class C (*i. e.*, forests reserved for pasture and ordered not to be resumed during the term of settlement) the pasturing of cattle is during the term of settlement permitted without a license, provided that the cattle are in charge of a herdsman; but a single herdsman may have charge of the cattle of several owners.

7. All passes issued and licenses granted under the foregoing rules must be produced on the demand of any Forest Officer. If any pass or license be lost, a duplicate may be obtained on payment of a fee of eight annas.

8. Stone or "moorum" may be quarried, cutch boiled, earth excavated, or bricks, tiles, lime or charcoal burned under a written order from the Deputy Commissioner and on such conditions for the due protection of the grazing area as he may from time to time prescribe.

9. Subject to the provisions of Act XXXI [a] of 1860 (*an Act relating to the manufacture, importation and sale of arms and ammunition and for regulating the right to keep and use the same, and to give power of disarming in certain cases*), as applied to the Hyderabad Assigned Districts, and of any regulations made by the Commissioner in order to prevent cruelty to animals, any person may hunt, shoot, fish or set traps in a forest of class C.

10. Subject to the control of the Resident, forest produce may be sold either by public auction or private contract, or may be disposed of in accordance with a scale of fees, royalties or other payments fixed as next hereinafter provided.

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a. This Act has been extended to the Hyderabad Assigned Districts by Notification No. 212, dated the 24th October 1873, see Part I of this Manual, page 3.

11. A scale of fees, royalties or other payments for the disposal of the forest produce of a forest may be fixed from time to time (subject to a maximum scale to be prescribed by the Resident) by the Conservator of Forests in communication with the Deputy Commissioner, and every scale so fixed shall be duly notified in the villages adjoining such forest. No alteration in any scale so fixed shall come into force until after the lapse of six months from the date of the Notification under which the alteration is made.

12. All forest produce sold or otherwise disposed of under rule 10 shall be paid for, as the Conservator may determine, either—

(*a*) in cash before removal, in which case a special pass will be issued, or

(*b*) at the stations established under Section 12 of the Berar Forest Law, 1886, or

(*c*) where no such stations have been established, at such other places as the Conservator may determine.

13. When any authority granting any permission or privilege to take forest produce under Section 10 of the Berar Forest Law, 1886, or any rule made thereunder, restricts such permission or privilege to such forest produce as may be required and intended for the use of the person to whom such permission or privilege is granted and of his family or for the household and agricultural purposes of such person, then if any forest produce taken in pursuance or under colour of such permission or privilege is used for any purpose of trade, or is sold, bartered or given away to any person not entitled under such permission or privilege to cut, collect, or remove forest produce, the value of the said produce as estimated by the District Forest Officer shall be recoverable, on behalf of the Government, from the person by whom such produce was taken and also from every person in whose possession the same or any part thereof may be found and who received it knowing that it had been dealt with in contravention of such permission or privilege.

14. The kindling, keeping and carriage of fire is permitted: Provided that nothing in this rule shall imply permission to set fire to any forest or to kindle, keep or carry any fire, or leave burning any fire so kindled, in such manner as to endanger any forest.

Notification No. 187, dated the 6th June, 1892.—The following rules applicable to forests in Berar, which have been, or may hereafter be, declared to be State-forests of class D, have been made by the Resident at Hyderabad, with the previous sanction of the Governor General in Council, under the powers conferred by the Berar Forest Law, 1886:—

1. All words and phrases used in these rules and defined in the Berar Forest Law, 1886 (as amended by the Berar Forest Law Amendment Law 1891), shall, unless there is something repugnant in the subject or context, have the same meaning as in that Law.

2. The breaking up for cultivation of any land contained in any forest of class D may be permitted by the Deputy Commissioner, with the concurrence of the Conservator of Forests: Provided that no person shall, in consequence of such permission to cultivate, acquire any right of occupancy in any such land or any right in any trees or timber which may at any time be on the land.

3. (1) Trees and timber may be felled, cut, sawn, converted or collected under a written order from the Deputy Commissioner, or from any subordinate officer specially empowered by him in writing to issue such orders:

Provided that, except with the concurrence of the Conservator, no order shall be issued for the felling of any tree of the following kinds:—

1. Peepul (Ficus religiosa).
2. Tamarind (Tamarindus Indica).
3. Mango (Mangifera Indica).
4. Neem (Melia Indica).
5. Banyan (Ficus Bengalensis).
6. Sendhi (Phœnix Sylvestris).
7. Kowah (Terminalia Arjuna).
8. Mohwa (Bassia latifolia).
9. Bijasal (Pterocarpus marsupium).
10. Hilda (Terminalia chebula).
11. Tendu (Diospyros melanoxylon).
12. Jamun (Eugenia jambolana).
13. Bel (Ægle marmelos).
14. Bahara (Terminalia bellerica).

(2) The Resident may add to, or remove from, the above list any description of tree.

4. All trees shall be cut down as level with the ground as possible.

5. (1) Forest produce may be removed from the forest under a pass in such form as the Resident may prescribe.

(2) Such passes may be issued by the Deputy Commissioner or by any subordinate officer specially empowered by him in writing to issue the same, and shall be issued under such regulations consistent with these rules as may be prescribed by the Resident:

(3) Provided that no person acting under the authority of any order or pass signed by such subordinate officer under rule 3 or this rule shall be bound to enquire whether or not such officer has been duly empowered to sign the same.

6. The pasturing of cattle in a forest of class D may be permitted subject to such rules and regulations as may for the time being be in force for forests of class C in the district in which the forest is situated :

Provided that permission to pasture cattle in a forest of class D which is surrounded at all points by forest of class A shall be accorded only to persons who are permanent residents in the villages situate in the said forest of class D. Such residents shall be granted free of charge licenses for all cattle being their own private property.

7. All passes issued and licenses granted under the foregoing rules must be produced on the demand of any Forest Officer. If any pass or license be lost, a duplicate may be obtained on payment of a fee of eight annas.

8. Stone or "moorum" may be quarried, cutch boiled, earth excavated, and bricks, tiles, lime or charcoal burned, under a written order from the Deputy Commissioner and on such conditions for the due protection of the surface as he may from time to time prescribe.

9. Subject to the provisions of Act XXXI [a] of 1860 (*an Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases*), as applied to the Hyderabad Assigned Districts, and of any regulations made by the Commissioner in order to prevent cruelty to animals any person may hunt, shoot, fish or set traps in a forest of class D.

10. Subject to the control of the Resident, forest produce may be sold either by public auction or private contract, or may be disposed of in accordance with a scale of fees, royalties or other payments fixed as next hereinafter provided.

11. A scale of fees, royalties or other payments for the disposal of the forest produce of a forest may be fixed from time to time (subject to a maximum scale to be prescribed by the Resident) by the Conservator of Forests, in communication with the Deputy Commissioner, and every scale so fixed shall be duly notified in the villages adjoining such forest. No alteration in any scale so fixed shall come into force until after the lapse of six months from the date of the Notification under which the alteration is made.

12. All forest produce sold or otherwise disposed of under rule 10 shall be paid for, as the Conservator may determine, either—

(*a*) in cash before removal, in which case a special pass will be issued, or

(*b*) at the stations established under Section 12 of the Berar Forest Law, 1886, or

(*c*) where no such stations have been established, at such other places as the Conservator may determine.

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a. This Act has been extended to the Hyderabad Assigned Districts by Notification No. 212, dated the 24th October, 1873, see Part I of this Manual, page 3.

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13. When any authority granting any permission or privilege to take forest produce under Section 10 of the Berar Forest Law, 1886, or any rule made thereunder, restricts such permission or privilege to such forest produce as may be required and intended for the use of the person to whom such permission or privilege is granted and of his family or for the household and agricultural purposes of such person, then, if any forest produce taken in pursuance or under colour of such permission or privilege is used for any purposes of trade, or is sold, bartered or given away to any person not entitled under such permission or privilege to cut, collect, or remove forest produce, the value of the said produce, as estimated by the District Forest Officer, shall be recoverable on behalf of the Government from the person by whom such produce was taken and also from every person in whose possession the same or any part thereof may be found and who received it knowing that it had been dealt with in contravention of such permission or privilege.

14. The kindling, keeping and carriage of fire is permitted: Provided that nothing in this rule shall imply permission to set fire to any forest or to kindle, keep or carry any fire, or leave burning any fire so kindled, in such manner as to endanger any forest.

Notification No. 188, dated the 6th June, 1892.—Under Section 10 (4) of the Berar Forest Law, 1886, the Resident is pleased to direct that the rules published under *Residency Orders* Notification No. 185 of this date shall apply to the State-forests of classes A and B specified in parts A and B of the Schedule appended to *Residency Orders* Notification No. 184 of this date.

Notification No. 189, dated the 6th June, 1892.—Under Section 10 (4) of the Berar Forest Law, 1886, the Resident is pleased to direct that the rules published under *Residency Orders* Notification No. 186 of this date shall apply to the State-forests of class C specified in parts C-1 and C-2 of the Schedule appended to *Residency Orders* Notification No. 184 of this date.

Notification No. 190, dated the 6th June, 1892.—Under Section 10 (4) of the Berar Forest Law, 1886, the Resident is pleased to direct that the rules published under *Residency Orders* Notification No. 187 of this date shall apply to the State-forests of class D specified in part D of the Schedule appended to *Residency Orders* Notification No. 184 of this date.

Notification No. 191, dated the 6th June, 1892.—In exercise of the powers conferred on him by Section 3 (4) of the Berar Forest Law, 1886, the Resident is pleased to appoint the persons for the time being holding the office of Deputy Commissioner, Assistant Commissioner, Extra Assistant Commissioner, Tahsildar, and Patel in the Hyderabad Assigned Districts to do all acts and exercise all powers that may be done or exercised by any Forest Officer under Sections 17, 19, and 29 of the said Law.

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Notificationss under the Berar Forest Law.

Notification No. 192, dated the 6th June, 1892.—In exercise of the powers conferred on him by Section 18 of the Berar Forest Law, 1886, the Resident is pleased to direct that the following scale of fines shall be levied for cattle trespassing in any C or D State-forest of the Hyderabad Assigned Districts, in lieu of the fines fixed by Section 12 of the Cattle Trespass Act, 1871:—

		Rs.	A.	P.
For each elephant...	... ...	5	0	0
Do. camel ...	... ...	1	0	0
Do. buffalo ...	... ...	1	0	0
Do. horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	...	0	8	0
Do. calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid	...	0	4	0

2. The scale of fines shall be double the above in respect of any State-forest of class A or class B.

Notification No. 193, dated the 6th June, 1892.—In exercise of the powers conferred on him by Sections 33 and 36 of the Berar Forest Law, 1886, the Resident is pleased to make the following rule:—

The powers specified in the third column of the following Schedule shall be exercised within their respective charges by the officers mentioned opposite in the first column of the same Schedule.

The Conservator of Forests is authorized to exercise all or any of the powers specified in the said Schedule.

Class of officers empowered.	Section of the Law under which powers are given.	Brief description of the nature of the powers conferred.
In State-forests of class A or B—All District Forest Officers	36 (1) (d)..	To notify the seasons and manner in which fires may be kindled, kept, or carried in a State-forest.
In State-forests of classes C and D—All Deputy Commissioners	36 (1) (f)...	To grant generally exemptions under Section 16.
In State-forests of class A or B... All District Forest Officers and subordinate Forest Officers having the rank of Deputy, Assistant, or Sub-Assistant Conservator.	33 (1) (a) and 33 (1) (b).	To accept compensation for forest offences under Section 33 (1) (a) and to release under Section 33 (1) (b) the property seized as liable to confiscation.
In State-forests of classes C and D. All Deputy Commissioners, Assistant Commissioners, District Forest Officers, and subordinate Forest Officers having the rank of Deputy, Assistant, or Sub-Assistant Conservator and all Tahsildars.		
All Deputy Commissioners, Assistant Commissioners, Tahsildars, District Forest Officers, and subordinate Forest Officers having the rank of Deputy, Assistant, or Sub-Assistant Conservator and all Rangers.	36 (1) (h)..	To direct the release of property and withdrawal of charges under Section 27.
All District Forest Officers and subordinate Forest Officers having the rank of Deputy, Assistant, or Sub-Assistant Conservator of Forests and all Forest Rangers and Foresters.	36 (1) (g)..	To take possession of property under Sections 22, 23, and 43.
In State-forests of class A or B... All District Forest Officers and subordinate Forest Officers having the rank of Deputy, Assistant or Sub-Assistant Conservator of Forests and all Forest Rangers and Foresters when specially authorized in that behalf by the Conservator of Forests.	36 (1) (e).	To grant the permission referred to in Section 10, sub-section 1, clause (a).
In State-forests of classes C or D. All District Forest Officers and subordinate Forest Officers having the rank of Deputy, Assistant, or Sub-Assistant Conservator of Forests and all Forest Rangers and Foresters when specially authorized in that behalf by the Deputy Commissioner of the district.		

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Notifications under the Berar Forest Law.

Notification No. 194, dated the 6th June, 1892.—In exercise of the powers conferred on him by Section 40 (*b*) of the Berar Forest Law, 1886, the Resident is pleased to make the following rules:—

1. All Revenue Officers below the rank of Tahsildar and all Police Officers up to and including Inspectors and all Forest Officers, including clerks and messengers, below the rank of Sub-Assistant Conservators, as well as persons not in the public service, are eligible for rewards under the following rules.

2. On conviction of an offender, the Magistrate by whom the case has been decided is authorized to grant, in such proportion as he thinks fit, to any person or persons who have contributed to the seizure of the property or the conviction of the offender a reward not exceeding the amount of any fine imposed, provided the reward shall not exceed Rs. 100.

3. If in any case the Magistrate considers that a higher reward should be distributed, he shall submit an application to that effect through the Conservator of Forests for the orders of the Commissioner, giving his reason for the same.

4. If in any case the fine cannot be immediately realized, the Magistrate deciding the case shall at once pay such reward as he is entitled to pay under rule 2 from such funds as may be at his disposal.

5. If, after payment of the reward, the conviction is reversed in appeal, the amount paid in reward shall not be recovered from the persons to whom it has been paid, unless it shall appear that they have acted fraudulently in the case.

6. In cases where, under Section 33 of the Berar Forest Law, a Forest Officer has accepted a sum of money as compensation for any damage which may have been committed, the Conservator of Forests may authorize the payment of a portion of the amount realized as a reward to any person or persons who may have contributed to the discovery of the offender.

Notification No. 195, dated the 6th June, 1892.—In exercise of the powers conferred on him by the Berar Forest Law, 1886, and with the previous sanction of the Governor General in Council, the Resident is pleased to make the following rules :—

1. Any person desirous of clearing by fire any standing forest or grass land communicating with any State-forest of class A or class B shall—

(*a*) give written notice of at least one week to the nearest Forest Ranger or Forester of his intention ;

(*b*) clear of grass, leaves and all inflammable material a belt of land at least fifteen feet broad between the State-forest and the land he proposes to burn, and of such length that the State-forest shall be at all points secured from the danger of the fire communicating across such line ;

(*c*) choose for firing a day and time when there is little or no wind blowing or when the wind is blowing from the forest towards the land proposed to be burnt ;

(*d*) light the fire in a direction contrary to the prevailing wind of the season ;

(*e*) provide himself with sufficient assistance, as regards men, to prevent the fire crossing the line cleared by him ; and

(*f*) not leave the scene of the fire until all danger of the fire crossing the line cleared by him shall have passed.

2. Any person desirous of burning in the proximity of any State-forest of class A or class B any inflammable material whatsoever not provided for in the foregoing rule shall collect the material into heaps and burn it separately and take such other precautions as may be necessary to guard against the fire spreading with the agency of a high wind or otherwise to such State-forest.

3. All persons travelling between the 1st January and the 30th June (both days inclusive) on any road passing through any State-forest of class A or class B shall camp only at such places as may have been set apart for the purpose by the District Forest Officer, who shall put up a printed list of such camping-ground in all the neighbouring tahsils and at all the authorized entrances into the forest. All persons camping at authorized camping-grounds within the period above mentioned may light and keep up such fires as they may require for cooking or other purposes, provided they do so in such a way as not to endanger the forest or the buildings or property on the camping-grounds, and provided they extinguish all such fires before leaving the camping-ground.

4. If any person to whom any permission or privilege of the descriptions referred to in Section 41 of the Berar Forest Law, 1886, has been given, or who is employed by or receives emoluments from the Government, refuses or neglects to fulfil any obligation imposed upon him by that Section, he shall be liable to the withdrawal of the permission or privilege and to the forfeiture of such employment or emoluments, as the case may be.

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Notification No. 67, dated the 13th March, 1890.—Under Section 17 of Bombay Act III *a.* of 1887 (The Bombay Boiler Inspection Act), as applied to the Hyderabad Assigned Districts, the Resident is pleased, with the concurrence of the Government of Bombay, to declare that the Board of Examiners appointed under the said Act for the Presidency of Bombay shall be the Board of Examiners for the Hyderabad Assigned Districts.

Notification No. 68, dated the 13th March, 1890.—Under Section 19, clause 2, of Bombay Act III *a.* of 1887 (The Bombay Boiler Inspection Act), as applied to the Hyderabad Assigned Districts, the Resident is pleased to declare that the following authorities shall be deemed to be competent to grant the certificate referred to in that Section :—

The Board of Trade.
The Calcutta Marine Board.
The Burma Boiler Act Board.
The Straits Settlement Board.

Notification No. 87, dated the 13th April, 1889.—The draft rules framed under the Bombay Boiler Inspection Act of 1887 *a.* for the inspection and management of steam boilers in the Hyderabad Assigned Districts and published under *Residency Orders* Notification No. 230, dated the 28th November, 1888, having been finally approved by the Resident, are notified for general information.

In exercise of the power conferred by Section 31 of the Bombay Boiler Inspection Act, 1887, *a.* extended to the Hyderabad Assigned Districts in Foreign Department Notification No. 175 *b.* of January 13th, 1888, the Resident at Hyderabad is pleased to make the following rules for the said Hyderabad Assigned Districts, *viz* :

Preliminary.

1. In these rules—

Definitions.

(*a*) "The Act" means the Bombay boiler Inspection Act, 1887 *a.*

(*b*) "Section" means a Section of the said Act.

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a. This Act has been repealed by Bombay Act II of 1891, applied to the Hyderabad Assigned Districts by Notification No. 401 *I.*, dated the 31st January 1893 see Part I of this Manual, page 25.

b. Superseded by Notification No. 401 *I.*, dated the 31st January, 1893.

(*c*) "the Deputy Commissioner" means the Deputy Commissioner of a district.

(*d*) the terms defined in Section 3 shall be deemed to have, respectively, the same meaning as is given to them by the Act.

(*e*) words in the singular include the plural and *vice versa*.

Inspection.

2. The Resident will appoint an Inspector for the purposes of the Act, who will be paid by fees calculated according to the scale given in rule 9.

Inspector to act under the orders of the Deputy Commissioner.

3. The Inspector shall act under the orders of the Deputy Commissioner and make all reports to that officer.

Inspector's diary.

4. The Inspector shall keep a diary of the work which he performs. In it he shall enter,

(*a*) each place visited;

(*b*) every work performed by him under the Act;

(*c*) the fee recovered on account of each such work;

(*d*) such additional particulars as he from time to time thinks necessary.

The Inspector shall submit a copy of the diary so kept by him to the Deputy Commissioner for his information and record.

Other records to be kept by Inspector.

5. The Inspector shall keep an index register and dimension sheets, in such order as the Deputy Commissioner shall authorize, of all boilers liable to inspection under the Act and such other statements and records as the Deputy Commissioner shall from time to time direct.

Duties of Inspector with respect to Commissions.

6. The Inspector shall attend every meeting of a Commission appointed under Section 5, and shall make such statements and submit such plans to the Commission as he thinks necessary or as shall be called for by the Commission.

Testing apparatus to be provided for Inspector.

7. The Inspector shall be provided with the testing pump, indicator, and gauges necessary for testing boilers.

Provisions as to inspection of boilers.

8. (1) The Inspector's examination of a boiler shall be both external and internal.

(2) if the owner or person in charge of a boiler examined fails to comply, in any material point, with—

(*a*) the provisions of sub-section (2) of Section 8, or

(*b*) any requirement of the Inspector under sub-section (1) or (3) of the said Section,

the Inspector shall defer his inspection and report the case to the Deputy Commissioner for orders.

Inspection Fee.

Scale of fee under Section 7.

9. Fees shall be levied under section 7 for the inspection of boilers according to the following scale, *viz*:—

For the inspection of each boiler attached to a prime mover—

Not exceeding 10 H. P. nominal					...	Rs. 15
Exceeding 10 but not exceeding 20 H. P. nominal					...	„ 20
Do.	20	do.	30	do.	...	„ 25
Do.	30	do.	50	do.	...	„ 30
Do.	50	do.	50	do.	...	„ 40

Commissions.

Commissions to consist of three members.

10. Commissions appointed by the Resident at Hyderabad under Section 5 will consist of three members, one of whom shall be the President of the Commission. The appointments and the terms for which they are respectively to endure will be notified in the *Residency Orders.*

Meeting of Commissions.

11. Members of Commissions shall assemble at the request of Deputy Commissioner at a place appointed whenever necessary.

Certificate of Competency.

Form of certificates.

12. Certificates of competency shall be in the form of Appendix A or to the like effect

Capabilities of holders of certificates.

13. Holders of certificates of the first class will be deemed to be capable, as first class engineers, of having charge of the boilers attached to a prime mover of any horse-power.

Holders of certificates of the second class will be deemed to be capable, as second class engineers, of having charge of the boilers, attached to a prime mover not exceeding 60 horse-power nominal.

Holders of certificates of the third class will be deemed to be capable, as third class engineers or engine-drivers, of having charge of the boilers attached to a prime mover not exceeding 20 horse-power nominal.

For Appendix A see Part IV of this Manual.

Notifications under the Census Act.

Notification No. 45, dated the 31st January, 1891.—Under Section 2 (3) of the Indian Census Act (No. XVII) of 1890, as applied to the Hyderabad Assigned Districts by the Notification No. 337 *I.*, dated the 22nd January, 1891, of the Government of India in the Foreign Department, the Resident is pleased to delegate to Deputy Commissioners in the Hyderabad Assigned Districts the power to appoint any person, by name or by office, to take or aid in or supervise the taking of the Census within their respective districts.

Notification No. 46, dated the 31st January, 1891.—Under Sections 11 (1) and (3) of the Indian Census Act (No. XVII) of 1890, as applied to the Hyderabad Assigned Districts by the Notification No. 337 *I.*, dated the 22nd January 1891, of the Government of India in the Foreign Department, the Resident is pleased to declare that prosecutions under that Act may be instituted before any Magistrate of the 1st class having local jurisdiction, with the previous sanction of the Deputy Commissioner or of the Superintendent of Census Operations for Berar.

Notification No. 51, dated the 5th February, 1891.—Unnder Section 6 of the Indian Census Act No. XVII of 1890, as applied to the Hyderabad Assigned Districts, the Cantonment of Secunderabad, and the Hyderabad Residency Bazars by Notification No. 337 *I.*, dated the 22nd January, 1891, of the Government of India in the Foreign Department, the Resident is pleased to direct that every census officer shall ask all such questions of all persons within the limits of the local area for which he is appointed and for the due enumeration of which he is responsible as may be necessary for filling in the enumeration Schedules in accordance with the rules which are attached to, or endorsed upon, the enumeration books or Schedules.

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Notifications under the Code of Criminal Procedure.

Notification No. 161, dated the 29th June, 1889.—In exercise of the powers conferred by Sections 7 and 9 of the Code of Criminal Procedure, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India No. 1651 *I.*, dated the 26th April, 1889, the Resident is pleased to establish a Court of Sessions for the Hyderabad Assigned Districts, which shall be a Sessions division, and to appoint the officer for the time being holding the office of Civil and Sessions Judge for the Hyderabad Assigned Districts to be Sessions Judge for the said division.

The Resident is further pleased to direct that the Sessions Judge shall hold sessions in alternate months at Amraoti and Akola, and that cases committed by Magistrates in the Amraoti, Wun, and Ellichpoor Districts shall "ordinarily" *a.* be tried at Amraoti and those committed by Magistrates in the Akola, Basim and Budlana Districts, shall "ordinarily" *a.* be tried at Akola.

"Provided that nothing in this Notification is intended to prohibit the Sessions Judge from trying any case committed for trial at any place other than Amraoti and Akola within the Hyderabad Assigned Districts which may be from time to time approved by the Judicial Commissioner." *b.*

Notification No. 216, dated the 30th December, 1882.—Under Section 38 *c.* of the Criminal Procedure Code, the Resident is pleased to direct that the villages specified below shall, with effect from the 1st January, 1883, be excluded from the jurisdiction of the Magistrate of the Buldana District, and included within that of the Magistrate of the Akola District:—

Names of villages.	Area.		Population.	Remarks.
	A.	G.		
Garaegaon	1,469	10	527	
Mathani	569	0	83	
Sirasgaon	1,177	30	374	
Khutouri	1,461	31	154	
Ghatpuri	2,127	30	479	
Sutala	2,510	26	1,063	

a. The word quoted was added by Resident's Notification No. 185, dated the 27th May, 1890.

b. The Proviso was also added by the above Notification.

c. Now read Section 7, para 2, of Act X of 1882.

Notification No. 217 dated the 30th December, 1882.—With reference to Notification No. 216, dated 30th instant, the Resident is pleased to direct, under Section 39 [a] of the Code of Criminal Procedure, that the territorial limits of the jurisdiction of the Magistrate in charge of the Khamgaon division of the Akola district shall, from 1st January, 1883, include the villages mentioned in the aforesaid Notification.

Notification No. 255, dated the 21st August, 1893.—In accordance with the provisions of section 7, paragraph 2, of the Code of Criminal Procedure (Act X of 1882), the Resident is pleased to direct that for purposes of Criminal administration the Katkali Police outpost circle, comprising the villages mentioned below, shall form part of the Akola District with effect from the 1st September, 1893:—

Aselwāra, Susamari, Abugar Mari, Fatiapur, Lalangar, Pandakirki, Mahagao, H. S., Kirkund C, Kirkund, B, Chichpani, Mardi, Chanpurdari, Dipenal, Januna, Bandara, Loohari, Haard, Kasambi, Kambiari, Chibadari, Mysa.

Notification No. 277, dated the 26th March, 1879.—The latter part of Notification No. 191, [b] dated 23rd December, 1878, is hereby cancelled, and the Notification as amended will run thus:—

"The Resident is pleased to abolish the appointment of Railway Magistrate in Berar, and to direct that all cases occurring on the railway be triable by any European Magistrate having local jurisdiction out side the Railway fences."

"Whenever a European Magistrate shall not be present in the Malkapur taluka, that part of the Railway line lying within the Buldana district shall be considered a division of the Akola district."

Notification No. 50, dated the 23rd March, 1882.—With reference to Notification, No. 29 [c] published in *Residency Orders* dated 14th ultimo, the Resident is pleased, under the Code of Criminal Procedure, to issue the following Notification :—

2. All Magistrates of Districts (now standing appointed or who may hereafter be appointed) are hereby invested with the following powers :—

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a. Now read Section 8 of Act X of 1882.

b. This Notification abolished the appointment of Railway Magisrate in Berar and directed that cases occurring on the railway may be tried by any European Magistrate having jurisdiction outside the Railway fences, and that when the Magistrate possessing such Jurisdiction be not an European, Cases triable by him may be transferred, as the Judicial Commissioner may think fit to direct, by general or special order, to the nearest European full power Magistrate.

c. This Notification cancelled earlier Notifications of the same nature.

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Section 48.— *a.* Power to withdraw classes of cases from the Magistrates subordinate to them.

Section 49.— *b.* Power to distribute business by localities among the Magistrates subordinate to them.

3. (Superseded by Notification No. 42, dated the 1st March, 1884, itself cancelled by Notification No. 265, dated the 30th August, 1892.)

Notification No. 265, dated the 30th August, 1892.—In supersession of *Residency Orders* Notification No. 42, dated the 1st March, 1884, and in the exercise of powers vested in him by Section 37 of the Code of Criminal Procedure, Act X of 1882, as applied to the Hyderabad Assigned Districts, the Resident is pleased to issue the following Notification :—

All Magistrates of the 1st class (now standing appointed or who may hereafter be appointed) are hereby invested with the following additional powers as enumerated in Schedule IV of Act X of 1882:—

(2) Power to make orders as to local nuisances, Section 133.

(3) Power to make orders prohibiting repetitions of nuisances, Section 143.

(4) Power to make orders under Section 144.

(5) Power to hold inquests, Section 174.

(6) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, Section 186.

(7) Power to take cognizance of offences upon complaint, Section 191.

(8) Power to take cognizance of offences upon police reports, Section 191.

(9) Power to take cognizance of offences upon information, Section 191.

(12) Power to sell property alleged or suspected to have been stolen, &c., Section 524.

All Magistrates of the second class (now standing appointed or who may hereafter be appointed) are hereby invested with the following powers :—

(2) Power to make orders prohibiting repetitions of nuisances, Section 143

(3) Power to make orders under Section 144.

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a. Now substitute the corresponding Section (Section 528) of Act X of 1882.

b. Now substitute the corresponding Section (Section 12) of Act X of 1882.

(4) Power to hold inquests, Section 174.

(5) Power to take cognizance of offences upon complaint, Section 191.

(6) Power to take cognizance of offences upon police report, Section 191.

All Magistrates of the third class (now standing appointed or who may hereafter be appointed) are hereby invested with the following powers :—

(4) Power to take cognizance of offences upon complaint, Section 191.

(5) Power to take cognizance of offences upon police report, Section 191.

These powers will be exercised subject to the general control of the Magistrate of the district.

Notification No. 154, dated the 30th July, 1883, as amended by Notification No. 175, dated the 8th September, 1883.—Under Section 68 of Act X of 1882, the Resident [a] is pleased to invest all Clerks of Courts in the Deputy Commissioners' Courts as also the senior Karkun in subordinate Magistrates' Courts, by whatever name he may be known, with power to sign all summonses issuing from such Courts under the Code of "Criminal" [b] Procedure.

Notification No. 55, dated the 13th March, 1889.—Under the provisions of Section 274, Code of Criminal Procedure, the Resident is pleased to direct that the number of Jurors for the trial of European British subjects before the Court of Sessions in the Hyderabad Assigned Districts shall not be less than five persons in each case.

Notification No. 41, dated the 1st March, 1884.—Under the provisions of Section 357 of Act X of 1882 (the Code of Criminal Procedure), the Resident is pleased to direct that throughout the Hyderabad Assigned Districts, in proceedings before the Court of Session or before any District Magistrate or Magistrate of the first or second class, the evidence of each witness shall, in the cases refered to in Section 356, be taken down by the Sessions Judge or Magistrate with his own hand and in the English or Marathi language.

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a. As High Court.

b. The word "Criminal" was substituted for the word "Civil" by Residency Orders Notification No. 175, dated the 8th September, 1883

Notification No. 86, dated the 3rd April, 1890.—In exercise of the power conferred upon him by Section 392 of the Code of Criminal Procedure (Act X of 1882), as applied to the Hyderabad Assigned Districts, the Resident is pleased to direct that when a Court awards a sentence of whipping to a person of or over sixteen years of age the whipping shall be inflicted on the posteriors of the offender.

Notification No. 1607, dated the 6th December, 1883.—The Governor General in Council is pleased to direct that, for the purposes of Section 399 of the Code of Criminal Procedure (Act X of 1882), as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 1494 *I.*, dated the 21st December, 1882, the Juvenile Reformatory at Poona, in the Bombay Presidency, shall be deemed to be a Reformatory established by the Local Government of the Hyderabad Assigned Districts, for the confinement of persons, under the age of 16 years, sentenced to imprisonment in the Hyderabad Assigned Districts.

Notification No. 43, dated the 1st March, 1884, as amended by Notification No. 146, dated the 15th May, 1891.—Under the provisions of Section 422 of Act X of 1882 (the Code of Criminal Procedure), the Resident is pleased to direct that when an Appellate Court, other than a District Magistrate or a Magistrate specially empowered to hear appeals, does not reject the appeal summarily, it shall cause notice to be given to the District Magistrate, of the time and place at which such appeal shall be heard.

"Provided that an appeal in which a Railway Company is interested, from having occupied the position of prosecutor in the case originally, shall as to date of hearing be so fixed as to admit of the District Magistrate notifying the Railway Company interested in sufficient time for it to be represented if it chooses, and the District Magistrate shall on the return of the notice to the Appellate Court, certify that such notice to the Railway Company has been given. In those Railway cases in which the District Magistrate may be the Appellate Court the District Magistrate shall send a similar notice to the Railway Company." *a.*

Notification No. 171, dated the 27th August, 1884.—With the approval of the Governor General in Council, the Resident is pleased to direct that for the purposes of Sections 4, 5, and 8 of Act XXXVI of 1858, Section 31 of Act V of 1871, and Sections 466 and 471 of Act X of 1882, the Lunatic Asylum at Nagpur, in the Central Provinces, shall be deemed to be an Asylum established by the Local Government of the Hyderabad Assigned Districts for the custody of all lunatics ordered to be detained in the lunatic asylum by the Judges, Magistrates, and the Local Government, in those districts.

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a. The proviso was added by Notification No. 146, dated the 15th May, 1891.

Notifications under the Code of Criminal Procedure.

Notification No. 189, dated the 20th August, 1886.—The Resident is pleased, under Section 475-B of the Code of Criminal Procedure, 1882, added by Section 12 of Act X of 1886, to empower the Officers in charge of the Jails in the Hyderabad Assigned Districts to discharge, with respect to persons confined in those jails under the provisions of Section 466 or Section 471, all the functions of the Inspector General of Jails under Sections 472, 473 and 474 of the Code.

Notification No. 206, dated the 21st September, 1886.—In terms of Section 13 of Act X of 1886, amending Section 495 of the Code of Criminal Procedure, the Resident is pleased, with the sanction of the Governor General in Council, to prescribe that no Police Officer below the rank of Chief Constable shall conduct prosecutions in the Courts of the Hyderabad Assigned Districts.

Notification No. 178, dated the 22nd July, 1889.—The subjoined Book Circular publishing rules for regulating the payment of the expenses of complainants and witnesses in criminal cases is republished for information :—

BOOK CIRCULAR No. VI OF 1889.

Hyderabad Residency, the 11th July, 1889.

The following rules for regulating the payment of the expenses of complainants and witnesses in criminal cases sanctioned by the Governor General in Council in 1873 are hereby published for the information and guidance of the Criminal Courts under this Administration :—

Under the provisions of Section 544 of the Code of Criminal Procedure, the Governor General in Council has been pleased to pass and sanction the following rules for regulating the payment on the part of Government of the expenses of complainants and witnesses in cases coming before the Criminal Courts in the Hyderabad Assigned Districts.

2. The Criminal Courts are authorized to pay, at the rates specified below, the expenses of complainants or witnesses : (1) in cases in which the prosecution is instituted or carried on by, or under the orders, or with the sanction, of the Government or any Judge, Magistrate, or any other public officer, or in which it shall appear to the presiding officer to be directly in furtherance of the interests of the public service ; (2) in all cases entered in column 5 of the Schedule appended to the Criminal Procedure Code as not bailable ; (3) in all cases which are cognizable by the Police ; and (4) of witnesses in all cases in which they are compelled by the Magistrate of his own motion to attend under the provisions of Section 540 of the Code.

3. European and East Indian witnesses when summoned by a Criminal Court to give evidence are to be allowed their actual expenses for carriage when the same are not in excess of six annas a mile. They are also to be allowed a sum not exceeding Rupees 2-8-0 a day for subsistence if they demand the same.

4. As a general rule, native witnesses of the better class as Patels, Panderpeshas, Merchants, Vakils, and persons of corresponding rank, as well as all witnesses who are in no way concerned in the case in which their evidence is given, but whose evidence is required for furthering the ends of justice (such as attesting witnesses to depositions and inquest reports, provided they can read and write), are to be allowed six annas a day as subsistence money, and they are also to receive railway and other travelling expenses that have been actually incurred by them, provided the same be reasonable.

5. Native witnesses of the class of cultivators and menials who would not under ordinary circumstances voluntarily incur any expense on account of special lodging when away from home are to be allowed subsistence money at the rate of four annas a day and are also to receive railway and other travelling expenses actually incurred by them, provided the same be reasonable.

6. Peculiar cases (that is, cases not coming under the operation of rules 4 and 5) are to be dealt with according to their own merits and at the discretion of the Court from which subsistence money or travelling allowance is demanded.

7. When a witness lives in the same town or village in which the Court before which he is required to give evidence is situated, the Court may award him such sum not exceeding four annas a day as may compensate him for any loss he may have incurred by attendance upon the Court.

Notification No. 336, dated the 28th October, 1890.—Under Sections 12 and 39, Code of Criminal Procedure, the Resident is pleased to direct that every person appointed to be an Assistant Commissioner or an Extra Assistant Commissioner or a Tahsildar in the Hyderabad Assigned Districts, who has not been invested with any powers under the Code of Criminal Procedure in the said districts otherwise than by this Notification, shall be a Magistrate of the 3rd Class in the district to which he is attached.

Notification No. 154, dated the 26th May, 1891.—Under Section 12 of the Code of Criminal Procedure (Act X of 1882) as applied to the Hyderabad Assigned Districts, the Resident is pleased to appoint the Superintendent of Police at Hingoli to be a Magistrate of the 2nd Class in the Basim district.

Notification No. 26, dated the 8th December, 1891.—Under Section 12 of the Code of Criminal Procedure (Act X of 1882) as applied to the Hyderabad Assigned Districts, the Resident is pleased to appoint the Superintendent of Police at Aurangabad to be a Magistrate of the 2nd Class in the Buldana district.

Notification No. 27, dated the 8th December, 1891.—Under Section 12 of the Code of Criminal Procedure (Act X of 1882) as applied to the Hyderabad Assigned Districts, the Resident is pleased to appoint the Superintendent of Police at Jalna to be a Magistrate of the 2nd Class in the Buldana district.

Notifications under the Code of Criminal Procedure.

Notification No. 30, dated the 25th January, 1892.—Under Section 12 of the Code of Criminal Procedure (Act X of 1882) as applied to the Hyderabad Assigned Districts, the Resident is pleased to appoint the Superintendent of Police at Mominabad to be a Magistrate of the 2nd Class in the Buldana district.

Notification No. 218, dated the 2nd July, 1892.—Under Section 32 of the Code of Criminal Procedure (Act X of 1882) as applied to the Hyderabad Assigned Districts, the Resident is pleased to invest the Superintendent of Police at Jalna, being a Magistrate of the 2nd Class, with powers to pass sentences of whipping.

Notification No. 219, dated the 2nd July, 1892.—Under Section 32 of the Code of Criminal Procedure (Act X of 1882) as applied to the Hyderabad Assigned Districts, the Resident is pleased to invest the Superintendent of Police at Aurangabad, being a Magistrate of the 2nd Class, with powers to pass sentences of whipping.

Notification No. 220, dated the 2nd July, 1892.—Under Section 32 of the Code of Criminal Procedure (Act X of 1882) as applied to the Hyderabad Assigned Districts, the Resident is pleased to invest the Superintendent of Police at Mominabad, being a Magistrate of the 2nd Class, with powers to pass sentences of whipping.

Notification No. 216, dated the 21st July, 1893.—Under Section 37 of the Code of Criminal Procedure (Act X of 1882) as applied to the Hyderabad Assigned Districts, the Resident is pleased to invest the Superintendent of Police at Mominabad, who is a Magistrate of the 2nd Class in the Buldana district, with the following additional powers, *viz*:—

Power to commit for trial, Section 206.

Notification No. 176, dated the 22nd June, 1893.—The Resident is pleased to empower the Superintendent of Police at Hingoli to take down the evidence of witnesses heard by him with his own hand in the English language as laid down in Section 357 of the Code of Criminal Procedure, 1882.

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PART II.—LOCAL RULES.

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Notifications under the Code of Criminal Procedure.

Notification No. 224, dated the 23rd September, 1889.—In exercise of the authority conferred by Section 15 of the Code of Criminal Procedure, the Resident is pleased to appoint Messrs. H. Mcintyre, Abarao, Khan Saheb Bhole Khan, and Pooran Lal to be Special Magistrates for the town of Khamgaon in the Akola district, and to compose a Bench and in such capacity to exercise the powers of a Magistrate of the 3rd Class.

In further exercise of his authority under Section 16, clauses (*c*) and (*d*), of the Code of Criminal Procedure, the Resident is pleased to direct—

That no Bench shall be formed for business unless two of the Magistrates above named are present throughout the sitting.

That Mr. H. Mcintyre when present shall be the Chairman of the Bench, and in his absence that a Chairman shall be elected by the members present, provided that when only two are present, the senior by age shall preside.

That in the event of a difference of opinion, the Bench consisting of two or four and being equally divided, the Chairman shall have a casting vote ; in other cases the majority shall decide.

That the Chairman shall write the proceedings.

Notification No. 232, dated the 30th November, 1888.—The following rules approved by the Bombay High Court and sanctioned by the Resident for the trial of European British subjects in the Hyderabad Assigned Districts by the Sessions Court and by District Magistrates, under Section 276 of the Code of Criminal Procedure, 1882, as amended by Act III of 1884, are published for general information :—

Rules relating to the trial of European British subjects by the Courts of Session and by District Magistrates under Section 276 of the Code of Criminal Procedure, 1882, as amended by Act III of 1884.

1. Trials of European British subjects by jury are to be held in every case at the head-quarters of the district in which the trial is held.

2. On the first appearance of an accused European British subject before a District Magistrate, he shall be asked whether or not he claims to be tried by jury ; if he so claims, the District Magistrate shall proceed as laid down in clauses (3) and (4) of Section 451-A.

3. When, under the provisions of Section 451-B, a District Magistrate sees reason for transferring a case for trial to another District Magistrate, he shall transfer the case to the District Magistrate of the nearest district in which the trial can, in his opinion, conveniently be held before a jury.

4. In preparing lists of jurors and assessors, care is to be taken to include therein such qualified Europeans and Americans as shall be available for service in any trials by the Court of Session or the Court of the Magistrate of the District.

Notifications under the Companies Act.

The following rules framed under the provisions of Part V of Act VI of 1882 "the Indian Companies Act, 1882," are published for general information and guidance.

Rules.

Under the provisions of Part V of Act VI of 1882, "*the Indian Companies Act, 1882,*" the following regulation for the conduct of the registration of Companies has been sanctioned by the Resident :—

1. The Government of India having sanctioned the creation of an office for registering Joint Stock Companies, the Inspector General of Registration shall be ex-officio Registrar of Joint Stock Companies.

Notification No. 86, [a] dated 29th April 1882.

2. The office of the Registrar of Joint Stock Companies shall be established at Amraoti, and shall be open from 11 A. M. to 3 P. M. for the transaction of business daily, Sundays and authorized holidays excepted.

Section 220 (*c*).

3. The Registrar shall provide himself with a seal for the authentication of documents required for, or connected with, the registration of companies.

Section 220 (*d*).

(*Rules 4, 5, 6, 7, 8, 9, 10 and 11 refer to fees, forms and records and are omitted.*)

12. [b] The Registrar shall prosecute for defaults on the part of Companies and individuals in furnishing him with returns, documents, and notices as required by the Act, but no proceedings sha'l be undertaken except with the previous sanction of the Resident.

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a. Notification No. 86, dated the 29th April, 1882, appointed the Inspector General of Registration, Hyderabad Assigned Districts, as an ex-officio Registrar of Joint Stock Companies under Section 190 of Act X of 1866 (the old Companies Act). It is referred to as it quoted the approval of the Government of India.

b. This rule was inserted by Resident's Notification No. 17, dated the 21st January, 1890.

PART II.—LOCAL RULES.

Notifications under the Court Fees Act.

Notification No. 244, dated the 12th October, 1889.—The subjoined amended rules as to the fees chargeable for serving and executing processes in the Hyderabad Assigned Districts sanctioned by the Government of India in their letter No. 1363, dated the 21st September, 1889, are published for general information :—

(Rules under Clause (I), Section 20, Act VII of 1870, are not printed, as they were superseded by Residency Orders Notification No. 200, dated the 15th June, 1892, and are not required by Criminal Courts).

RULES UNDER CLAUSE (II), SECTION 20, ACT VII OF 1870, DECLARING THE FEES CHARGEABLE FOR SERVING AND EXECUTING PROCESSES ISSUED BY MAGISTRATES IN THE HYDERABAD ASSIGNED DISTRICTS.

I. The fees hereinafter mentioned shall be chargeable for serving and executing processes issued by any Magistrate in the case of offences other than offences for which the Police may arrest without a warrant, namely :—

1. Warrant of arrest—

(*a*) in respect of one person or of the first person named in the warrant ... ... Annas 8.

(*b*) in respect of each other person named in the warrant ... „ 4.

2. Summons—

(*a*) in respect of one person or of the first person named in the summons ... ... „ 4.

(*b*) in respect of each other person named in the summons. „ 2.

3. Proclamation for absconding person under Section 87 of the Code of Criminal Procedure ... ... „ 8.

4. Warrant of attachment—

(*a*) in respect of the warrant ... ... „ 8.

(*b*) when it is necessary to place officers in charge of property attached, in respect of each officer so employed per diem not less than ... ... „ 2.

not more than ... ... „ 3.

5. In cases where an application is made by a complainant for the recovery of fees ordered to be repaid under Section 31 of the Court Fees Act, 1870, or of compensation granted under Section 545 of the Code of Criminal Procedure, or where a person applies for the recovery of compensation awarded to him under Section 250 *a.* of the Code of Criminal Procedure in respect of the warrant for the levy of the fees, fine or compensation ... ... Annas 4.

Provided that no fee shall be chargeable on any summons to attend as a juror or assessor in a Court of Session.

Provided also that no fee shall be chargeable on any process issued on the complaint or application of any public officer or Railway servant acting as such public officer or Railway servant.

Explanation.—Any person who falls within the definition of "public officer" contained in Section 2 of the Code of Civil Procedure is to be deemed a public officer for the purposes of this proviso.

Provided also that the Magistrate may remit in whole or in part the fees chargeable under this rule in cases other than those falling under Chapters XIX, XX, and XXI of the Indian Penal Code whenever he is satisfied that the complainant or the accused has not the means of paying them.

II. Fees chargeable under rule 1 shall be collected by adhesive stamps and be levied within a time to be fixed by the Magistrate before process is issued.

III. No fees are chargeable for serving and executing processes issued in the case of offences for which Police officers may arrest without a warrant.

IV. A separate process shall be served on each individual summoned or arrested.

V. Processes issued by Courts in the Bombay Presidency and the Central Provinces for service in the Hyderabad Assigned Districts shall be served free by the Courts in the Hyderabad Assigned Districts.

Notification No. 216, dated the 11th April, 1884.—In exercise of the powers conferred by Sections 26 and 35 of the Court Fees Act, 1870, and in supersession of the Notification issued by the Government of India in this Department No. 1412, dated 11th June, 1883, the Governor General in Council is pleased to direct that the Financial Notification No. 361, dated 18th April, 1883, prescribing the descriptions of stamps to be used for denoting the fees chargeable under the Court Fees Act, shall take effect in the Hyderabad Assigned Districts on and after the 1st July, 1884.

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a. Now read Section 560.

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Notifications under the Court Fees Act.

Notification No. 361, dated the 18th April, 1883.—In exercise of the powers conferred by Sections 26 and 35 of the Court Fees Act, 1870, and of all other powers enabling him in this behalf; and in supersession of Notification, by the Government of India in the Financial Department, No. 1520, dated 5th March, 1875, and all other Notifications on the subject, the Governor General in Council is pleased to issue the following directions:—

I.—When in any case the fee chargeable under the said Act is less than Rs. 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall either be the adhesive stamps bearing the words "Court Fees" at present in use, or adhesive stamps of any different shape, size or pattern, bearing the words "Court Fees," which may hereafter be issued for use, in supersession of, or in addition to, the adhesive stamps now in use.

II.—When in any case the fee chargeable under the said Act amounts to or exceeds Rs. 10, such fee shall be denoted by impressed stamps bearing the words "Court Fees," adhesive stamps being only employed to make up fractions of less than Rs. 10.

III.—(*Cancelled by Notification No. 1015 I., dated the 26th March, 1890.*)

IV.—This Notification shall take effect on and after the 1st June, 1883.

Notification No. 72, dated the 20th April, 1887.—In supersession of Notifications mentioned in the margin published in *Residency Orders*, dated 1st July, 1884, 2nd April, 1887, 15th October, 1877, and 15th September, 1884 respectively, the Resident is pleased to make the following rules under Section 27 of the Court Fees Act, 1870:—

132-A, dated 1st July 1884; 164, dated 21st March 1877; 93, dated 12th October 1877; 184, dated 6th September 1884.

Section 27 (a)—The supply of Stamps to be used under the Act.

Appointment of Vendors.

1.—In addition to the *ex-officio* vendors mentioned in rules 14 and 27 of Government of India Notification No. 1596, dated 28th June, 1886, the Deputy Commissioner of a district may—

(*a*) *appoint* (subject to the approval of the Inspector General of Stamps) any Government official to be an *ex-officio* vendor of court fee stamps.

(*b*) *license* any respectable person to be a vendor of court fee stamps.

II.—Any appointment made or license issued under rule I may be revoked at any time by the Deputy Commissioner.

Duties of Vendors.

III.—Treasurers and Sub-treasurers who are *ex-officio* vendors shall sell for cash to the public any court fee stamp demanded of which the value singly is above Rs. 50, and to licensed vendors stamps not exceeding that value.

IV.—*Ex-officio* vendors appointed under Rule I (*a*) and vendors licensed under rule I (*b*) shall not sell any stamp exceeding Rs. 50 in value.

V.—On every adhesive court fee stamp sold to the public under these rules, the name of the actual purchaser, the date of sale, and the signature of the vendor shall be written in the space set apart for that purpose.

VI.—On every impressed court fee stamp sold to the public under these rules, there shall be endorsed by the *ex-officio* or licensed vendor who sells it the following particulars :—

(1) The annual serial number of sale commencing from 1st January.

(2) The date of sale.

(3) The name, father's name, and caste of the person who pays for and takes away the stamp.

(4) The value of the stamp (in words).

(5) The vendor's signature.

These particulars shall at the same time be entered in a register which must be kept by the vendor, containing columns with the five headings given above. Such registers will be supplied by the Deputy Commissioner free of charge. The pages of the register must be numbered serially in the Deputy Commissioner's office before issue, and each page must be sealed with the Deputy Commissioner's seal. The number of pages it contains must be noted on the first page. The use of any other register by vendors is prohibited.

VII.—Every licensed vendor shall at all times display outside his place of sale a sign-board bearing his name with the words "*Licensed vendor of Court Fee Stamps*" in English and in the Vernacular language of the district.

VIII.—Every licensed vendor shall keep in his place of sale so that purchasers may be readily able to consult them, a copy of the Court Fees Act (1870) and a copy of their rules in the Vernacular, which shall be supplied free of charge by Deputy Commissioners.

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Notifications under the Court Fees Act.

IX.—Every *ex-officio* or licensed vendor shall, without delay, deliver any stamp which has been in his possession for sale and which he is authorized to sell to any person tendering the value thereof in any currency which would be accepted on behalf of Government by the Deputy Commissioner of the district: and he shall not accept or demand for any stamp any consideration exceeding the value of such stamp.

X.—No vendor shall sell any stamps other than those he is appointed or licensed to sell, or any stamp the use of which has been ordered by competent authority to be discontinued.

XI.—Every vendor shall, on demand of the Deputy Commissioner, deliver up all stamps remaining in his possession: if such stamps have been paid for, he shall receive the value thereof, less any discount that may have been allowed him on the same.

Remuneration of Vendors.

XII.—*Ex-officio* vendors shall receive no discount on sales effected by them.

XIII.—Licensed vendors shall receive a discount of 2 per cent. on the nominal value of stamps purchased by them from *ex-officio* vendors, when the value of stamps purchased at one time is not less than Rs. 25.

XIV.—No stamps will be issued on credit to any licensed vendor. Cash will be required before delivery.

Miscellaneous.

XV.—The sale of court fee stamps by persons other than vendors is not prohibited by these rules.

XVI.—Every license shall be in the form given below:—

Form of License to sell Court Fee Stamps under Act VII of 1870.

License is hereby granted to_____, son of_____, caste_____, resident of_____, in the district of _____, to sell Court Fee Stamps at_____ ____, subject to the following conditions, breach of any of which will render the holder liable to revocation of his license.

_____

_____

Deputy Commissioner,

_____*District.*

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Conditions.

1. That the holder shall not sell any stamp exceeding Rs. 50 in value.

2. That on every adhesive and impressed stamp sold by the holder he shall make the entries required by rules V and VI, and in the case of impressed stamps shall also make the necessary entry in the prescribed register.

3. That he shall display the sign-board required by rule VII and keep the Acts and rules available as required by rule VIII.

4. That he shall deliver stamps without delay and without extra consideration as required by rule IX.

5. That he shall not sell stamps he is not authorized to sell, rule X.

6. That on ceasing to sell stamps, he shall give notice to the Deputy Commissioner and shall give up the copy of the Act and rules supplied by him and his last register of sales if not filled up.

Section 27 (b)—The number of stamps to the used for denoting any fee chargeable under the Act.

XVII.—When in the case of fees amounting to less than Rs. 10, the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value. But if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.

XVIII.—When in the case of fees amounting to or exceeding Rs. 10, the amount can be denoted by a single impressed stamp, the fee shall be denoted by a single impressed stamp of the required value. But if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower values available which may be required to make up the exact amount of the fee in combination with adhesive stamps to make up fractions of less than Rs. 10.

XVIII A.[a]—When under rule XVIII more than one impressed stamp is used in consequence of a single stamp of the required value not being available, the vendor, whether ex-officio or licensed, shall endorse on the impressed stamp of highest value a certificate to the following effect :—

a. This rule was added by Notification No. 58, dated the 21st April, 1888.

PART II.—LOCAL RULES.

Notifications under the Court Fees Act.

I certify that I have not in stock an impressed stamp of the value of Rs. required, and I have sold the following to to make up that value, these being the smallest number I can furnish to make up the required value :—

1 Impressed stamp for Rs.
1 Do. Do. for Rs.

Vendor.

In all cases in which the court fees amount to more than Rs. 50, this certificate must be signed by an ex-officio vendor, and the endorsement required by rule VI must be by an ex-officio vendor.

Section 27 (c)—The renewal of damaged or spoiled stamps.

XIX[a].—Application for the renewal of damaged or spoiled court fee stamps must be made in writing to the Deputy Commissioner of the district in which the stamp was purchased within six months from date of purchase from a licensed or *ex-officio* vendor.

XX[a].—On receipt of a written application for the renewal of a damaged or spoiled court fee stamp, the Deputy Commissioner may, on delivery to him of the said stamp together with one anna to cover the cost of paper, issue to the applicant another court fee stamp of the same value as the returned stamp.

XXI[a].—The Inspector General of Stamps may in special cases allow renewal of damaged or spoiled stamp when application is made within one year from date of purchase of the stamp.

XXII[a].—A court fee stamp shall be held to be damaged or spoiled—

(1) When, before being put to use in any court or office, it has become so stained, soiled, or torn as to be unfit for use;

(2) Or when, in the case of impressed stamp, the writing on the stamp is vitiated by some mistake, omission, or defect which renders it necessary that, for the purpose of being used in any court or office, the document be prepared afresh.

Section 27 (d)—The keeping accounts of all stamps used under this Act.

XXIII[b].—Accounts of court fee stamps shall be kept in the following registers:—

I. Register of court fee stamps received into and issued from the double-lock store at the ——Local (or Branch) Depôt.

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a. Rules XIX to XXII have been substituted for the original rules bearing the same numbers by Notification No. 107, dated the 8th June, 1887.

b. Rule XXIII has been substituted for the original rule of that number by Notification No. 273, dated the 15th September, 1892.

II. Single-lock Store Register or *ex-officio* vendor's account of daily sales of court fee stamps in the—— Local (or Branch) Depôt, (Rule 16, Government of India Finance and Commerce Department Resolution No. 1596, dated 28th June, 1886). These registers shall be kept in such form as may be prescribed from time to time by the Inspector General of Stamps with the approval of the Resident.

XXIV.—(*Cancelled by Notification No. 349, dated the 15th November, 1892.*)

(*For other rules under Section 27 of the Act, see Notification No. 71, dated the 2nd May, 1887, printed in this Part among Notifications under the Stamp Act.*)

Notification No. 4650,[a] *dated the 10th September, 1889.*—Under Section 35 of the Court Fees Act, VII of 1870, and in supersession of all previous Notifications under that Section, it is hereby notified that, in exercise of the power to reduce or remit, in the whole or in any part of British India, all or any of the fees mentioned in the First and Second Schedules to the said Act, the Governor General in Council has been pleased to make the reductions and remissions hereinafter set forth, namely:—

A.—General for the whole of British India.

(*Clauses 1, 2, 3, 4, 5 and 6 are not printed as they are not required by Criminal Courts.*)

(7) to remit the fees chargeable on security bonds for the keeping of the peace by, or good behaviour of, persons other than the executants;

(8) to remit the fee payable under article I, clause (c), of the Second Schedule on an application or petition presented to a Chief Commissioner, when the application or petition is accompanied by a petition to the Government of India and contains merely a request that that petition may be forwarded to the Government of India;

(9) to remit the fees chargeable under articles 6, 7 and 9 of the First Schedule on copies furnished by Civil or Criminal Courts or Revenue Courts or offices for the private use of persons applying for them:

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a. The preamble, clauses (1) to (19) [both inclusive], clause (35), except the words "in the Presidency of Bombay or by the Sadr Court, in Sindh," and clause (48), except the words and figures "or Act XX of 1864 (*an Act for making better provisions for the care of the persons and property of minors in the Presidency of Bombay*)," of this Notification were applied to the Hyderabad Assigned Districts by Notification No. 1015 *I.*, dated the 26th March, 1889.

Provided that nothing in this clause shall apply to copies when filed, exhibited or recorded in any Court of Justice or received by any public officer;

(10) to remit the fees chargeable, under paragraph 4 of clause (*a*) and paragraph 2 of clause (*b*) of article 1 of the Second Schedule, on applications for orders for the payment of deposits in cases in which the deposit does not exceed Rs. 25 in amount:

Provided that the application is made within three months of the date on which the deposit first became payable to the party making the application;

(*Clauses 11, 12, 13 and 14 are not printed as they are not required by Criminal Courts.*)

(15) to remit the fees chargeable on the following documents, namely:

(*a*) copy of a charge framed under Section 210 of the Code of Criminal Procedure, 1882, or of a translation thereof, when the copy is given to an accused person;

(*b*) copy of the evidence of supplementary witnesses after commitment, when the copy is given under Section 219 of the said Code to an accused person;

(*c*) copy or translation of a judgment in a case other than a summons-case, and copy of the heads of the Judge's charge to the jury, when the copy or translation is given under Section 371 of the said Code to an accused person;

(*d*) copy or translation of a judgment in a summons-case, when the accused person to whom the copy or translation is given under Section 371 of the said Code is in jail;

(*e*) copy of an order of maintenance, when the copy is given under Section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid;

(*f*) copy furnished to any person affected by a judgment or order passed by a Criminal Court of the Judge's charge to the jury, or of any order, deposition or other part of the record, when the copy is not a copy which may be granted under any of the preceding sub-clauses without the payment of a fee, but is a copy which, on it being applied for under Section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment;

(*g*) copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court.

(*h*) copies of all documents which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation, for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings;

(*i*) copies of judgments or depositions required by officers of the Police Department in the course of their duties;

(*Clause 16 is not printed as it is not required by Criminal Courts.*)

(17) to remit the fee chargeable on an application presented by any person for the return of a document filed by him in any court or public office;

(*Clauses 18 and 19 are not printed as they are not required by Criminal Courts.*)

(35) to remit the fees chargeable on copies of documents furnished by a Court of Session or the High Court to a pleader appointed by the Court to defend a person accused of murder;

(*Clause 48 is not printed as it is not required by Criminal Courts.*)

Rules [a] *for Destruction of Useless Judicial Records and Registers in Courts subordinate to the Resident's Court,* [b] *sanctioned by Government of India Letter No. 1409, dated 24th October, 1881.*

General.

Obsolete records and registers to be destroyed annually.

1.—All judicial records and registers which, by the lapse of a year, have become liable to destruction under the following rules, shall be destroyed during the month of September in each year.

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a. Published in Resident's Judicial Book Circular No. XV 1881.

b. Now read Court of the Judicial Commissioner, Hyderabad Assigned Districts.

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How to be destroyed and disposed of.

II.—The destruction of such records and registers shall be carried out under the supervision of a responsible officer, not below the rank of Extra Assistant Commissioner, or of Assistant Commissioner in the district where there is no Extra Assistant Commissioner, and shall be effected by tearing them into pieces, which should be sold to the highest bidder, care being taken that all court fee stamps have been duly cancelled.

II (a).—[a]. In places where there is no way of utilizing the torn papers by selling them as waste paper, the eliminating papers may be burnt under the superintendence of a responsible officer not below the rank of Extra Assistant Commissioner.

Records.

Records to be arranged in separate files A. and B.

III.—All civil and criminal records shall be arranged in separate files, A. and B.

(Rule IV, clauses (a), (b) and (c) are omitted as they are not required by Criminal Courts.)

Arrangement of criminal records.

V.—In the case of criminal records, File A. shall contain the papers noted below:—

(*a*) In original cases tried by a Court of Sessions:—

1. The index of papers.
2. The order sheet.
3. The charge, original and as amended by the Sessions Judge.
4. All depositions of witnesses and statements of accused persons, including depositions and statements transferred from the file of the committing Magistrate.
5. All documentary evidence.
6. The final orders.
7. The finding of the assessors or verdict of the jury.
8. All notes in the handwriting of the Judge.
9. The judgment of the Appellate Court, if any.
10. Any order passed by the Resident [b]. as a court of reference or revision.
11. Warrants returned after execution of sentence.
12. All proceedings relating to the realization of fines.

(*b*) In magisterial enquiries and trials:—

1. The index of papers.
2. The order sheet.

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a. This rule was inserted by Resident's Judicial Book Circular No. XII of 1888.
b, Now read the Judicial Commissioner, Hyderabad Assigned Districts.

3. The final police report [chalan] or petition of complaint.
4. All depositions of witnesses and statements of accused persons.
5. All documentary evidence.
6. The charge, where formal charge is drawn up.
7. The final order of the Court.
8. All notes in the handwriting of the Magistrate.
9. The order of the Sessions Judge in cases referred for confirmation under Section 36 *a.* of the Criminal Procedure Code.
10. The judgment of the Appellate Court, if any.
11. The judgment of the Resident *b.* in revision, if any.
12. Warrants returned after execution of sentence.
13. All proceedings relating to the realization of fines.
14. Bonds for good behaviour taken under Section 506 *c.* of the Criminal Procedure Code.

(*c*) In appeal cases :—

1. The index of papers.
2. The order sheet.
3. The petition of appeal.
4. Copy of the judgment of the lower court.
5. Any additional evidence taken under Section 282 *d.* of the Criminal Procedure Code.
6. The final order of the court.
7. All notes in the handwriting of the Judge.

File B. shall consist of all papers not included in File A.

Records to be preserved in perpetuity.

VI.—The following records shall be preserved in perpetuity :—

(Sub-rules 1, 2, 3, 4 and 5 are omitted as they are not required by Criminal Courts.)

6. Records relating to the disposal of immoveable property forfeited to Government under Section 62 of the Indian Penal Code.

7. Correspondence with other officers on matters connected with the administration of justice, including annual reports, and the statements appended thereto, provided that heads of offices may, with the previous sanction of the Judicial Commissioner, order the destruction, after three years, of any correspondence of a merely formal or ephemeral character, after personally satisfying themselves in regard to each paper ordered to be destroyed that its retention is no longer necessary.

NOTE.—A list of all papers which it is proposed to destroy under this clause must be prepared, and in the case of a subordinate office, be submitted to the Judicial Commissioner for sanction. This list will be preserved in perpetuity.

a. Now read Section 34 of Act X of 1882.
b. Now read Judicial Commissioner, Hyderabad Assigned Districts.
c. Now read Section 110 of Act X of 1882.
d. Now read Section 428 of Act X of 1882.

Records to be preserved for fifty years.

VII.—The following records shall be preserved for fifty years and then be destroyed :—

(Sub-rule 1 is omitted as it is not required by Criminal Courts.)

2. File A. of cases relating to any of the offences specified in Section 89 [a] of the Criminal Procedure Code, as offences of which all persons are bound to give information, in which any of the suspected persons have escaped apprehension, provided that whenever it is known that the offender or offenders on whose account such records are kept are dead, the records may be destroyed.

3. File A. of criminal cases in which the offence is punishable with death, and it is not known who the offender is.

NOTE.—The records specified in clauses 2 and 3 when the time comes when, under ordinary circumstances, they would be liable to destruction, shall be removed to a separate bundle of cases of absconding and unknown offenders.

4. File A. of criminal cases in which a lunatic is concerned, unless the lunatic shall have been subsequently tried or have died.

Records to be preserved for twenty years.

VIII.—The following records shall be preserved for twenty years, and shall then be destroyed, unless their preservation is necessary on any of the special grounds noted below :—

1. File A. of sessions cases, provided that if the sentence has not been fully executed, the record shall be preserved until the return of the warrant and then destroyed.

2. The charge, finding, and sentence, in cases in which conviction has been had of an offence for which an enhanced punishment is provided on a second or subsequent conviction.

3. File A. of cases in which any public servant has been tried, whatever may have been the result of the case.

Records to be preserved for twelve years.

IX.—The following records shall be preserved for twelve years, and shall then be destroyed :—

1. File A. of cases under Chapter XLI. [b] of the Criminal Procedure Code in which maintenance is awarded.

(Sub-rule 2 is omitted as it is not required by Criminal Courts.)

Records to be preserved for six years.

X.—The following records shall be preserved for six years, and shall then be destroyed, unless their preservation is necessary on any of the special grounds noted below :—

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a. Now read Section 44 of Act X of 1882.

b. Now read Chapter XXXVI of Act X of 1882.

(Sub-rule 1 and note are omitted as they are not required by Criminal Courts.)

2. File A. of cases tried by the Magistrate of the district under Section 36 *a.* of the Criminal Procedure Code, in which he has inflicted a heavier punishment than might have been inflicted by a magistrate of the first class: provided that, if the sentence has not been fully executed, the record shall be preserved until the return of the warrant and then destroyed.

3. Records relating to the realization of fines of Criminal Courts.

Records to be preserved for three years.

XI.—The following records shall be preserved for three years, and shall then be destroyed:—

1. Files of criminal cases enquired into or tried by magistrates, and not otherwise provided for in these rules.

2. File A. of appeals from orders passed by Magistrates.

3. All correspondence between the Deputy Commissioner and his subordinates, and other records, periodical statements, reports, proceedings, applications, &c., not expressly provided for in these rules: provided that in respect of records falling under this clause, heads of offices must exercise their discretion in preserving reports, returns, and proceedings, likely to be useful in the future as containing the result of enquiries or other information or the opinions of experienced officers on matters connected with the general administration of justice.

Records to be preserved for one year.

XII.—The following records shall be preserved for one year, and shall then be destroyed:—

1. File B. of all civil and criminal cases and appeals.

NOTE.—A note should be made on the index of papers in File A. *b.* opposite each paper destroyed under this clause.

2. Proceedings of other Courts and offices forwarding notices, proclamations, calling for records, &c.

Periods how to be calculated.

XIII.—The periods prescribed above shall, except in the cases noted below, be taken to run from the date of the final order of the Court of first instance, or in the event of an appeal, from that of decision of the appeal.

In cases under Chapter XLI. *c.* of the Criminal Procedure Code, in which maintenance is awarded, the period shall be taken to run from the date of the last order passed for the enforcement of the award. *d.*

Note of records destroyed to be made.

XIV.—A note of every record destroyed under the above rules shall be made at time of destruction in the register in which the case is entered, under the signature of a responsible officer.

a. Now read Section 34 of Act X of 1882.
b. This should be File B.
c. Now read Chapter XXXVI of Act X of 1882.
d. Last two sentences of this rule are omitted as they referred to insolvency proceedings and are not required by Criminal Courts.

Private documents how to be dealt with.

XV.—Before destroying File A. of any judicial proceeding, care must be taken to separate and remove from the file all documents belonging to private persons, or to Government as a party to the proceeding, which have not been superseded by the decree or impounded in the case in which they were produced. These documents shall be preserved and tied up in a separate parcel, and notice shall, whenever practicable, be given to the persons who produced them in Court, requiring them to take them back into their own keeping within six months from the date of the notice, and warning them that they will be kept at their risk, and that the Court declines all responsibility for them. Copies of this notice should also be put up in a conspicuous place of the Court-house of the Deputy Commissioner of the District and of the Court in which the suit was tried, or if such Court has been abolished, of such other Court or Courts as may be exercising jurisdiction in lieu of it. Heads of offices must make the best arrangements for the custody of these documents that the circumstances admit of. In district offices it will probably be most convenient to keep them with the appropriate bundles.

Registers.

Registers to be destroyed after twelve years.

The following judicial registers shall be preserved for twelve years from the date of the last entry, and shall then be destroyed :—

Criminal Registers Nos. I, II, IV, V, VI and VII.

Civil Registers Nos.—(Omitted as they are not required by Criminal Courts.)

Registers to be destroyed after six years.

XVII.—The following judicial registers shall be preserved for six years from the date of the last entry, and shall then be destroyed :—

Civil Registers Nos. [a] * * XVI, * XVI-B, XVIII, * * *

Nazirs' Registers Nos. XXX, * XXXVII, XXXVIII and XXXIX.

Register No. XL of unclaimed and other property.

Registers to be destroyed after three years.

XVIII.—The following judicial registers shall be preserved for three years from the date of latest entry, and shall then be destroyed :—

Criminal Register No. III.

Civil Registers Nos. [a] * * and XX.

Nazirs' Registers Nos. XXIX, [a] * * * *

No other judicial registers to be destroyed.

No judicial register shall be destroyed except as directed above.

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a. Civil Registers are omitted as they are not required by Criminal Courts.

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Notifications under the Factories Act.

Notification No. 184, dated the 21st May, 1894.—In exercise of the powers conferred by Sections 9 and 13 and sub-section (1) of Section 16 of the Indian Factories Act (XV of 1881), as amended by the Indian Factories Act (XI of 1891), which Acts were applied to the Hyderabad Assigned Districts by the Notifications of the Government of India in the Foreign Department, No. 207 *I.*, dated the 16th January, 1884, and No. 4043 *I.*, dated the 2nd October, 1891, the Resident at Hyderabad is pleased to make the following rules and orders :—

Short title. I.—These rules and orders may be cited as "The Hyderabad Assigned Districts Factories Rules of 1893."

Interpretation. In these rules and orders :

(*a*) words and expressions which are defined in the Indian Factories Act, 1881, as amended by Act XI of 1891, have the same meaning as in the said Act, as so amended ;

(*b*) "the Act" means the Act aforesaid, amended as aforesaid.

Appointment of Inspectors. II.—Inspectors appointed under the Act, other than the Magistrate of the district, shall be officially subordinate to the Magistrate of the district in respect to factories situated in that district.

Register of Factories. III.—A register in Form A appended to these rules shall be kept of all factories. If a Provincial Inspector is appointed, he shall keep such register by districts for the entire province, furnishing District Magistrates with an extract pertaining to their districts.

If a Provincial Inspector is not appointed, each District Magistrate shall keep such register for the factories within his jurisdiction.

Notice of placing factory premises in the register. IV.—When an Inspector has reason to believe that any premises situated within the local limits for which he is appointed and not already registered as a factory, ought to be shown in his register as such, or that any person within the local limits for which he is appointed has omitted to give the notice required under Section 14 of the Act, he shall send through the post under registered cover to the occupier of the premises a notice intimating his intention of placing such premises on his Register of Factories. When such notice is issued by an Inspector other than the District Magistrate, a copy of the notice shall be sent to the latter for his information.

Time allowed to raise objection to the placing of premises in the Register of Factories. V.—Every person served with a notice under rule IV shall be allowed fifteen days from the date of service, within which time he may make any objection that he has to offer against the proposal to place his premises on the Register of Factories.

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Notifications under the Factories Act.

Removal of premises from the Register of Factories.

VI.—When any premises cease to be occupied as a factory, the occupier may give notice of the fact to the District Magistrate, who shall, if satisfied that the Act is no longer applicable to such premises, cause them to be removed from the Register of Factories.

Inspection of Factories.

VII.—Every factory may be inspected by the District Magistrate or other Inspector appointed under Section 3 as often as he thinks fit, and shall be inspected at least twice in each calendar year. For the purpose of verifying the register kept as prescribed by rule XII, the Inspector shall examine the children employed in the factory during their working hours only; but for the purpose of satisfying himself that the said children are allowed the lawfully prescribed intervals for food and rest he may examine the children and the said registers during any such interval.

Register of Inspections.

VIII.—The Provincial Inspector shall keep a register of his inspection in the Form B appended, in which he shall record all orders and remarks made by him on each occasion of his inspection, and shall state whether the remarks and orders given at previous inspections have been complied with and fulfilled. In the event of an order being passed, he shall fix a reasonable time within which it shall be complied with. A copy of such order shall be furnished to the occupier of the factory, and a copy of the orders and remarks, if made by an Inspector not being the District Magistrate, shall also be sent to the District Magistrate for information.

Directions to occupier of factory on the occasion of inspections.

IX.—The occupier of the factory shall, if required by the Inspector, bring before him, on the occasion of any inspection, all children employed in the factory and any other persons in the service of such occupier whom the Inspector may wish to see; also all registers, certificates and notices required by the Act or any rules made thereunder to be kept in the factory.

Register of Accidents.

X.—A register of accidents shall be maintained by the Inspector in the appended Form C.

Grant of certificates under Section 5 of the Act.

XI.—Certificates granted by the Civil Surgeon under Section 5 shall be in the appended Form D.

Register of children employed in the factory and of certificates granted by the certifying Surgeon.

XII.—Registers of the children employed in the factory shall be kept by the occupier of a factory in the Forms E and F attached to these rules, and the certificates granted by the certifying Surgeon shall be filled and kept as an appendix to these registers.

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No such register or certificates shall be removed from the factory or destroyed without the written permission of an Inspector empowered on that behalf by the District Magistrate.

Water-supply to be provided in factories.

XIII.—Every occupier of a factory shall, on every day on which work is carried on in the factory he occupies, have available at the said factory for the use of the persons employed therein, free of cost to them, a water-supply consisting of at least twice as many gallons of water as there are persons employed in the factory. Of the whole supply at least as many gallons as there are persons employed in the factory shall be fit for potable purposes, and the remainder shall be fit for purposes of washing.

Inspector may take samples of water for analysis.

XIV.—In order to determine whether the water-supply provided in any factory under rule XIII is fit for the purposes therein mentioned, the Inspector may take, free of cost, such samples of it as he may from time to time require for analysis.

Factories to be sufficiently ventilated.

XV. Every factory shall be ventilated to the satisfaction of the Inspector. To prevent overcrowding, the minimum space to be provided for each person employed in any room of a factory shall be a floor area of 36 superficial feet, and a breathing area of 500 cubic feet. No factory shall be considered ventilated unless ventilating openings are provided in the proportion of 10 square feet for each person employed in any room and the openings are such as to admit of a continued supply of fresh air : Provided that it shall be in the discretion of the Inspector to waive the rule as to the measurement of the ventilating openings when he is satisfied that the ventilation is good and the enforcement of the exact measurement of 10 feet for each person would be an unnecessary hardship. The reasons for waiving the rule shall, however, be recorded in writing.

Prevention of inhalation of dust generated in certain factories.

XVI.—If in a factory where cotton pressing or any other process is carried on by which dust is generated and caused to be inhaled by the persons employed in such factory to an injurious extent, and it appears to the Inspector that such inhalation might be wholly or to a great extent prevented, he may direct the occupier of such factory to adopt measures for preventing as far as possible such inhalation.

Lime washing of walls, &c.

XVII.—All the inside walls of the rooms of every factory and all the ceilings or tops of such rooms whether such walls, ceilings or tops be plastered or not, and all the passages and staircases of every factory if they have not been painted with oil or varnished once at least within seven years, shall be lime washed by the occupier of the factory once at least within every fourteen months to date from the period when last lime washed, and, if they have been so painted or varnished, shall be washed by the said occupier with soap and hot water at least once every fourteen months.

XVIII.—Where it appears to the Resident that the enforcement of the provisions of rule XVII is not necessary for insuring the cleanliness of any class of factories or parts thereof, or that the said provisions are by reason of special circumstances inapplicable to any class of factories, or to parts thereof, he may, by Notification in the Hyderabad *Residency Orders*, exempt such class of factories or parts thereof from the said provisions.

Resident may allow exemption from rule XVII.

XIX.—Every factory shall be kept by the occupier thereof in as cleanly a state as is compatible with the nature of the work carried on therein, and free from effluvia arising from any drain, privy or other nuisance.

Factories to be kept in a cleanly state.

XX.—Every factory shall be provided by the occupier thereof with latrine and urinal accommodation for its operatives, and in such manner that the accommodation for females shall be apart and screened from the divisions for males. The divisions for females shall be marked in the vernacular in conspicuous letters, "For females only." Those for males shall be similarly marked "For men only." Apart from the urinal accommodation, latrines shall be provided with seats in the proportion of one to every fifty or fraction of fifty operatives employed.

Urinal and latrine accommodation.

XXI.—Every order passed by an Inspector under rule XVI or under Section 12 (*c*) of the Act shall be recorded by him in writing, and a copy thereof signed by the Inspector shall be delivered by him to the occupier of the factory to which the order relates, or, in his absence from the factory, to his principal agent or manager in charge of the factory. The Inspector shall state clearly in the order what is required to be done and shall specify a reasonable time within which effect shall be given to his requisition, and shall further given notice that, if within the time so specified effect is not given to the said requisition, the person responsible for the neglect will be prosecuted under Section 15 of the Act.

Orders under rule XVI or Section 12 (c) of the Act how to be given and enforced.

XXII.—Every order passed by an Inspector under Section 4 (*c*) of the Act shall be in writing and a copy thereof signed by the Inspector shall be delivered by him to the occupier of the factory, or, in his absence from the factory, to his principal agent or manager in charge of the factory.

Orders under Section 4 (c) of the Act how to be given.

XXIII.—Any occupier of a factory, on whom or on whose agent or manager an Inspector serves an order under rule XVI or under Section 12 (*c*) of the Act, may, within seven days after receipt of such order, appeal to the Deputy Commissioner of the district in which it is situated, or, if the Deputy Commissioner is himself the Inspector, to the Commissioner. No second appeal shall lie from an order passed on appeal, but the Resident may review any order made by an Inspector under rule XVI or Section 12 (*c*) of the Act, or any order passed by any authority on appeal from any such order, and may pass any order thereon which he may think proper.

Appeals against orders under rule XVI or Section 12 (c) of the Act.

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Notifications under the Factories Act.

XXIV.—Every appeal preferred under rule XXIII shall be made in writing in the form of a memorandum of appeal, briefly setting forth the reasons on which such appeal is based, and bearing a court-fee stamp in accordance with article 11, Schedule 2 of the Court Fees Act as applied to the Hyderabad Assigned Districts.

Form of appeals.

XXV.—Every such appeal shall be heard at as early a date as may be convenient, due notice of which shall be given to the appellant and to the Inspector whose order is appealed against. The appellate authority shall make, or cause to be made, in such manner as he may see fit, such enquiry, if any, as shall appear to him to be necessary to enable him to decide the appeal.

Hearing of appeals.

XXVI.—If an order of an Inspector under rule XVI or Section 12 (*c*) of the Act is set aside or altered in appeal, or by the Resident on review, the Inspector shall as early as possible deliver to the person concerned an intimation of the result of the appeal or review and such amended orders, if any, as the decision of the appellate authority or of the Resident renders necessary.

Effect how to be given to decisions on appeal.

XXVII.—At the end of each half year the Inspector shall forward to the Commissioner, Hyderabad Assigned Districts, through the Deputy Commissioner of each district, a full report of the results of each inspection made by him during the half-year and of his examination of the premises and machinery, and of the registers of the children employed, together with a statement of all orders passed by him under Section 4 (*c*) and 12 (*c*) of the Act and No. XVI of these rules, and of all prosecutions instituted by him, or with his Sanction, under Section 15 of the Act, and their result.

Half-yearly report to be furnished by Inspectors.

XXVIII.—Notices of accidents shall be sent, as required by Section 13 of the Act, to the following authorities, *viz.* :—

Notices of accidents.

(*a*) to the District Magistrate ;

(*b*) to the Subordinate Magistrate having jurisdiction over the locality in which the factory is situated ;

(*c*) to the officer in charge of the nearest police station or out-post.

(*d*) to the local Inspector of Factories other than a District Magistrate.

Such notice shall be in the Form B hereto appended and shall be sent—

(1) within one hour of the accident, if death has been caused or is known to be likely to be caused, or if a limb is broken, and

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(2) in any other case, within twelve hours of the time when it is known that the injuries caused are such as to require the sending of a notice under Section 13 of the Act.

Forms.

(1) Register of Factories, required by rule III—Form A.

(2) Register of Inspections, required by rule VIII—Form B.

(3) Register of Accidents, required by rule X—Form C.

(4) Certificates of certifying Surgeon (*vide* rule XI)—Form D.

(5) Registers of Children employed in Factories, required by rule XII —Forms E and F.

(6) Notice of Accidents (*vide* rule XXVIII)—Form G.

(*For these forms, see Forms Nos. 1, 2, 3, 4, 5, 6 and 7, Part IV, of this Manual.*)

Notification No. 1389 I., dated the 25th April, 1893.—In exercise of the power conferred by sub-section (2) of Section 18 of the Indian Factories Act (XV of 1881), as amended by the Indian Factories Act (XI of 1891), which Acts were respectively applied to the Hyderabad Assigned Districts by the Notifications of the Government of India in the Foreign Department, No. 207 *I.*, dated the 16th January, 1884, and No. 4043 *I.*, dated the 2nd October, 1891, the Governor General in Council is pleased to make the following rule :—

Every occupier of a factory in the Hyderabad Assigned Districts shall furnish to the Magistrate of the District the under-mentioned returns on or before the dates specified against each :

I.—On or before the 15th July and the 15th January in each year, a half-yearly return relating to the first and second half of each calendar year respectively in the following form :—

(*For the form, see Form No. 8, Part IV, of this Manual.*)

II.—On or before the 15th January of each year, an annual return in the following form regarding measurements and space :—

(*For the form, see Form No. 9, Part IV, of this Manual.*)

III.—Before the end of each calendar month, a return giving notice of all the days on which the factory will be closed during the ensuing month.

Notification No. 156, dated the 30th June, 1876.—The following rules made by the Governor General in Council in exercise of the powers conferred by "the Inland Customs Act, [a] 1875," are published under Section 30 of the said Act, and shall take effect from the 1st August, 1876 :—

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a. This Act has been repealed in British India by Act XII of 1882, not extended to the Hyderabad Assigned Districts.

E.—Of the import of salt from the Bombay Presidency and of the Inland Customs mileage-duty on salt so imported.

Mileage-duty on salt.

41. The import duty on salt shall be levied by way of a mileage-rate on—

(*a*) salt imported from the Presidency of Bombay into any part of the "Hyderabad Assigned Districts." *a.*

(*b*) salt which, having been so imported, is afterwards moved from one place to another in those territories.

Rates of such duty.

42. The rates of such duty per maund shall be in accordance with schedules A. and B. *b.* hereto annexed.

These rates (when levied by railway officers as an addition to the freight) shall be levied on the same quantities and subject to the same conditions as those on and under which the freight is charged by the Railway Company.

Booking-stations for salt on the Bombay, Baroda and Central India Railway.

43. Salt shall not be booked for stations in the "Hyderabad Assigned Districts," *c.* from the Bombay, Baroda and Central India Railway, except at the Kharaghora, Bhynder and Bassein stations.

Weighments of salt at these and other booking stations.

44. The weighments of salt booked at these three stations and at stations on the Great Indian Peninsula line for stations in the "Hyderabad Assigned Districts," *c.* shall be conducted by Customs officers, who shall keep for each booking-station a register of all salt so booked.

Salt to be registered before loading on railway wagon.

45. No salt shall be loaded into a railway wagon for despatch to any station in the "Hyderabad Assigned Districts" *c.* until the entry referring to it has been made in the register by the Customs officer and signed by the Station-master.

Rule 45 not to apply in certain cases.

46. Rule forty-five shall not apply to salt booked from Kharaghora, the duty on which shall be levied by the Bombay Customs officer at Kharaghora before the salt is despatched.

a. The words "Hyderabad Assigned Districts" were substituted for the words "territories under the administration of the Chief Commissioner of the Central Provinces" by Notification No. 41 R., dated the 11th May, 1877.

b. Schedules are not printed.

c. The words "Hyderabad Assigned Districts" were substituted for the words "Central Provinces" by Notification No. 41 R., dated the 11th May, 1877.

47. Excesses of salt discovered at the delivery—station over the quantity booked for despatch and entered in the register shall be dealt with as excesses at trade-posts on the customs line.

Treatment of excess delivered over quantity booked.

Notification No. 41 R., dated the 11th May, 1877.—With reference to the preceding [a] Notification, the Governor General in Council is pleased to prohibit absolutely the manufacture of alimentary salt in the Hyderabad Assigned Districts, and its import into the said Districts, except when such salt is conveyed by rail or is brought from the territories under the administration of the Chief Commissioner of the Central Provinces, and to declare that rules 41 to 47, both inclusive, of the Inland Customs Rules published under Notification No. 156, dated 30th June, 1876, of the Department of Revenue, Agriculture and Commerce, are in force in the said Districts, the words "Hyderabad Assigned Districts" being substituted in those rules for the words "territories under the administration of the Chief Commissioner of the Central Provinces," or the words "Central Provinces."

The following Schedule [b] is hereby substituted for Schedule B. published under Notification No. 304, [c] dated 3rd November, 1876, of the Department of Revenue, Agriculture and Commerce :—

Notification No. 171, dated the 27th August, 1884.—With the approval of the Governor General in Council, the Resident is pleased to direct that for the purposes of Sections 4, 5, and 8 of Act XXXVI of 1858, Section 31 of Act V of 1871, and Sections 466 and 471 of Act X of 1882, the Lunatic Asylum at Nagpur, in the Central Provinces, shall be deemed to be an Asylum established by the Local Government of the Hyderabad Assigned Districts for the custody of all lunatics ordered to be detained in the lunatic asylum by the Judges, Magistrates, and the Local Government, in those Districts.

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a. Notification extending Act VIII. of 1875 to the Hyderabad Assigned Districts, see Part I of this Manual, page 10.

b. Schedule is not printed.

c. This Notification only substituted Schedule B. for the Schedule published under Notification No. 156, dated the 30th June, 1876.

Notifications under the Lunatic Asylums and the Merchandise Marks Acts.

Notificaton No. 275, dated the 18th August, 1890, as amended by Notification No. 304, dated the 16th September, 1890.—In exercise of the power conferred on him by Section 6 A (3) of Act XXXVI of 1858, as inserted by Act XVIII of 1886, which latter Act was applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 615 *I.*, dated the 20th February, 1890, the Resident is pleased to make the following rules as to the place of detention and the cure and treatment of supposed lunatics detained under the Section :—

1. The place of detention shall be the district jail.

2. The Superintendent of the Jail shall make the best arrangements he can for the care and comfort of any supposed lunatic detained in a jail with due regard to his class and condition in life. Such supposed lunatic shall be kept apart form convicts as far as possible.

Notification No. 6, dated the 5th January, 1892.—In the exercise of the power conferred by Section 16 of the Indian Merchandise Marks Act, IV of 1889, as applied to the Hyderabad Assigned Districts, and in supersession of all existing orders on the subject, the Resident directs that Criminal Courts, in giving effect to the provisions of the Act in respect of trade descriptions of quantity, measure, or weight of the goods specified hereunder, shall observe the following instructions :—

I.—A trade description of length stamped on *gery, white, or coloured cotton piece-goods* shall not be deemed to be false in a material respect unless—

(*a*) Where a single length is stamped, the description exceeds the actual length by more than—

4	inches	in	pieces	stamped	as	10	yards	long	and under ;
5	do.	do.		as above	10	yards	and up to	23	yards long ;
7	do.	do.		do.	23	do.	do.	36	do.
9	do.	do.		do,	36	do.	do.	47	do.
18	do.	do.		do.	47	yards long :			

Provided that the average length of the goods in question shall not be less than the stamped length ;

(*b*) Where a maximum and a minimum length are stamped, the described maximum length is greater than the actual length by more than—

9	inches in	piece goods	under 35 yards long ;
18	do.	do.	35 yards and up to 47 yards long ;
36	do.	do.	above 47 yards long :

Provided that no such piece shall measure less than the minimum stamped length.

II.—A trade description of width stamped on *grey, white, or coloured cotton piece-goods* shall not be deemed to be false in a material respect unless the description exceeds the actual width by—

half an inch in pieces stamped as 40 inches or less in width :

three quarters of an inch in pieces stamped as over 4 [a] inches or under 59 inches in width:

one inch in pieces stamped as 59 inches or more in width :

Provided that the average width of the goods in question shall not be less than the stamped width.

III.—A trade description of count or number, length or weight, applied to *grey, or bleached, cotton yarn* shall not be deemed to be false in a material respect unless—

(*a*) the described count or number is greater or less than the actual count or number by more than 5 per cent., provided that the average count of the whole of the yarn in question is not greater or less than the described count; or

(*b*) the average length of the whole number of hanks in a bundle is less than 840 yards; or

(*c*) in a bundle of yarn of any count under 50, described as being 10lb. in weight, the number of knots of twenty hanks each is not half of, the number of knots of ten hanks each is not the same as, and the number of knots of five hanks is not double, the described count or number of the yarn; or

(*d*) in a bundle of yarn of any count under 50, described as being 5lb. in weight, the number of knots of twenty hanks each is not a quarter of the described count or number of the yarn; or

(*e*) in a bundle of yarn of any count from 50 upwards, the number of knots of twenty hanks each is not half, or the number of knots of forty hanks each is not a quarter, when the described weight is 10lb. and is not a quarter or an eighth, as the case may be, when the described weight is 5lb. of the count or number of the yarn; or

(*f*) in the case of *bleached yarn* the described weight exceeds the actual weight by more than—

7½	per cent. in	counts	from 1 to 8 ;
5	do.	do.	from above 8 to 18 ;
4	do.	do.	do. 18 to 30 ;
2½	do.	do.	do. 30 to 80.

IV.—A trade description of count or number applied to a bundle of *dyed cotton yarn* shall be accepted as indicating length only, the hank being taken to measure 840 yards, and it shall be deemed to be false in a material respect if the average length of the hanks in a bundle is less than 819 yards.

V.—A trade description of length applied to *thread of any kind* (of cotton wool, flax, or silk) shall not be deemed to be false in a material respect unless it exceeds the actual length by more than 1 per cent.

VI.—The dimensions of goods on which their length or width is stamped shall be determined by measurement in imperial yards of 36 inches.

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a. This should be 40.

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Notifications under the Opium Act.

Notification No. 114-A., dated the 21st August, 1879.—The following rules made by the Resident, in the exercise of the power conferred upon him by Sections 5 and 13 of "the Opium Act," 1878, having received the sanction of the Governor General in Council, are hereby published as required by the Act, and shall have effect from the 21st August, 1879, from which date so much of the Abkari Rules for the Hyderabad Assigned Districts sanctioned by the Government of India in October, 1873, as relates to opium, shall cease to have effect:—

RULES UNDER SECTIONS 5 AND 13 OF THE OPIUM ACT, 1878.

Definitions.

I.—In these rules, unless the contrary appear from the context—

(*a*) The words "Deputy Commissioner" include any Assistant or Extra Assistant Commissioner, authorised by the Commissioner to exercise the powers of a Deputy Commissioner under these rules.

(*b*) "Magistrate" means the officer so defined in the Opium Act, 1878.

(*c*) When a Tahsildar is absent from his head-quarters on duty, the word "Tahsildar" includes a Naib-Tahsildar.

(*d*) "Wholesale Dealer" means a person possessing a license under rule XI.

(*e*) "Licensed Vendor" means a person who holds from the Deputy Commissioner a license under rule X for the retail sale of opium.

(*f*) "Farmer" means a person who has obtained from the Deputy Commissioner under rule X a farm of the duties leviable on the retail sale of opium.

(*g*) "Sub-lessee" means a person to whom a licensed vendor or farmer has sub-let the whole or part of his contract.

(*h*) "Retail sale" means the sale of any quantity of opium not exceeding five tolas, or poppy-heads not exceeding five sers.

(*i*) "Opium" includes what it is by the Opium Act, 1878, declared to include.

(*j*) "Pure opium" means opium of any quality to which no other drug or other substance has been added.

(*k*) The words "import," "export," and "transport," have the respective meanings assigned to them in the Opium Act, 1878.

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PART II.—LOCAL RULES.

Notifications under the Opium Act.

Possession.

II.—A person not being a wholesale dealer, licensed vendor, farmer, or sub-lessee, may have opium in his possession, subject to the following conditions, *viz*:—

(1) That such opium has been purchased from a licensed vendor, farmer, or a sub-lessee.

(2) That he has not in his possession more than five sers of poppy-heads and five tolas of any other description of opium.

III.—The Deputy Commissioner may grant to any person a special license authorising him to have in his possession, opium for private use only, for a specific period, and for a specific purpose, a specified quantity in excess of five tolas.

IV.—No wholesale dealer shall have in his possession any opium, except pure opium or poppy-heads.

V.—No licensed vendor, farmer, or sub-lessee shall have in his possession poppy-heads or any other description of opium, other than such as he is licensed to retail, and no licensed vendor, farmer or sub-lessee shall have in his possession more than five sers of poppy-heads and five tolas of any other description of opium, except at the shops at which he is authorised to retail opium; but this rule shall not apply to opium which may be *bonâ fide* possessed at other places for a reasonable time, or which may be in transit.

Sale.

VI.—A wholesale dealer, licensed vendor, or farmer, may, without restriction—

(*a*) buy and sell pure opium or poppy-heads, *inter se*;

(*b*) sell pure opium or poppy-heads to sub-lessees.

VII.—Except as provided in the preceding rule and in rule XVI no person other than a licensed vendor, farmer, or sub-lessee, shall sell opium; and no licensed vendor, farmer, or sub-lessee shall sell opium, except at the shop entered in his license, or in quantities greater than five sers of poppy-heads, or five tolas of any other kind of opium to one person at one time.

VIII.—The right to retail pure opium shall be put up to auction, or farmed without an auction, either conjointly with, or separately from, the right to retail other descriptions of opium; and the Commissioner shall from time to time determine—

(1) the shops at which opium may be retailed;

(2) the number of shops to be included in each contract;

(3) the conditions of the auction or farms, the liabilities of persons bidding or tendering, and the security to be demanded from purchasers or farmers for the due fulfilment of their engagements.

IX.—If the Commissioner shall so direct, the right to retail poppy-heads may be excluded from the sale of the right to retail other kinds of opium, and may be sold separately, or license for such retail sale may be granted without auction on such terms as the Commissioner may direct.

X.—Unless the Resident shall in any special case otherwise direct, no contract for the retail sale of opium shall be sold or farmed for a period exceeding one year, and all contracts and licenses shall be fixed to terminate on the 31st March in each year.

Licenses in Form A, hereto annexed, shall be given to persons to whom the contracts may be knocked down or farmed, and who comply with the terms prescribed under clause 3 of rule VIII.

XI.—The Deputy Commissioner may, subject in each case to the sanction of the Commissioner, grant to any person a license empowering him to possess pure opium and poppy-heads in excess of the quantity prescribed in rule II. and to sell such opium and poppy-heads in any quantity to other persons holding similar licenses, to licensed vendors, farmers, and to sub-lessees.

Licenses under this Section shall be in Form B, hereto annexed, and shall usually be granted for the year ending 31st March, and shall be chargeable with a fee of Rs. 16.

XII.—The Deputy Commissioner may, with sanction of the Commissioner, attach to the licenses mentioned in rules X. and XI. any special conditions over and above those entered in the form.

XIII.—Persons accepting licenses shall be deemed to have been cognizant of, and to have agreed to, all the conditions entered therein, and it shall not be necessary to require of such persons any further instrument of the nature of a *kabulyat* or the like.

XIV.—A person who has received a license under rule X. may make his own arrangements for the vend of opium at the shops included in his contract, provided—

(1) that when he sub-lets his right to retail opium, or any portion of it, he shall give to each sub-lessee a written sub-lease, and shall file, in the Deputy Commissioner's office, in such form as may be from time to time prescribed, a list of all the sub-leases granted by him;

(2) that all sub-lessees shall be bound by all the conditions entered in his license, as far as they may be applicable.

XV.—All wholesale dealers, licensed vendors, farmers, and sub-lessees, shall be bound to maintain such books, and to render such returns as the Commissioner may, from time to time, prescribe ; to present these books for examination at such places and at such time as the Deputy Commissioner may direct ; to furnish such explanations regarding their dealings as they may be required to furnish.

XVI.—Persons who have been wholesale dealers, licensed vendors, farmers, or sub-lessees, may sell any opium which may have remained in their hands after the expiry of their lease, to any wholesale dealer, licensed vendor, farmer, or sub-lessee ; provided that they shall be bound to deposit all such opium as may not have been so sold by them with the Deputy Commissioner of the district or the Tahsildar of the tahsil within which their contract lay, within 15 days after its expiry ; provided also that no opium other than pure opium or poppy-heads shall be sold to any wholesale dealer.

Transport.

XVII.—The transport of pure opium and of poppy-heads is permitted under the following rules :—

XVIII.—When a wholesale dealer, licensed vendor, or farmer, desires to transport pure opium or poppy-heads from one tahsil to another, whether the two tahsils lie in the same district or not, he shall—

(*a*) obtain a permit in Form C, hereto annexed, from the Tahsildar of the tahsil into which he proposes to convey such opium or poppy-heads ;

(*b*) present the packages, with the permit, to the Tahsildar of the tahsil from which he takes them, for the purpose of being weighed and sealed with his official seal ; and at the same time obtain from him a pass in Form D, hereto annexed. Every pass shall fix a period within which it shall hold good ;

(*c*) on arrival, present the pass and the packages with the seals unbroken to the Tahsildar of the tahsil to which he takes the opium or poppy-heads for examination.

XIX.—A Tahsildar, when granting a pass, shall send a copy thereof to the Tahsildar of the tahsil to which the opium is consigned. A Tahsildar who grants a pass may require the person taking it to present the pass and packages to any Tahsildar or Deputy Commissioner on the line of road along which the opium will travel, for examination ; and disobedience to such an order shall render the pass void.

XX.—When a Tahsildar, to whose tahsil opium has been consigned, or to whom opium has been presented *en route*, or any Revenue or Police officer authorized to examine opium in transit, finds that packages are missing, or are of short weight, or have been opened, or that the time limited in the pass has expired, he shall detain the packages—placing them in security—and report the matter for the orders of the Deputy Commissioner.

XXI.—Within the limits of the same tahsil pure opium and poppy-heads may be transported, without restriction, by persons lawfully in possession of the same.

XXII.—Nothing in this part shall apply to opium lawfully purchased under rule VI.

Import.

XXIII.—Pure opium and poppy-heads may be imported into Berar on the conditions that—

(*a*) it be imported by a wholesale dealer, licensed vendor, or farmer ;

(*b*) it be brought from the west by the Great Indian Peninsula Railway, and be consigned either to Amraoti in the East Berar, or to Khamgaon, or, in case the branch Railway to Khamgaon be closed, to Jalamb in West Berar.

(*c*) it be covered by a pass granted by the "Opium Agent, Indore ;" *a*.

(*d*) "the importer has paid to the Opium Agent, Indore," *b*. such import duty as may from time to time be fixed by the Resident, which duty shall not, after the 1st April, 1880, be less than the duty payable to the Government of India on opium passed for export by sea from Bombay.

XXIV.—No pass will be granted under clause (*c*) of the preceding rule, except, on the production, by the intending importer, of a permit, which may be in Form C, hereto annexed, obtained from one of the undermentioned officers :—

Case (*a*)—When opium is to be imported into Khamgaon or Jalamb :—

The Deputy Commissioner, Akola.
Do. do., Buldana.
Do. do., Basim.
The Assistant or Extra Assistant Commissioner stationed at Khamgaon.

a. The words "Opium Agent, Indore" have been substituted for the words "Agent Governor General for Central India or Rajputana" by Resident's Notification No. 187, dated the 2nd February, 1880.

b. The words "the importer has paid to the Opium Agent, Indore" have been substituted for the words "it has paid" by Notification No, 187, dated the 2nd February, 1880.

Case (*b*)—When opium is to be imported into Amraoti :—

The Deputy Commissioner, Amraoti.
Do. do., Ellichpur.
Do. do., Wun.

XXV [a].—When opium reaches Khamgaon, Jalamb, or Amraoti, it shall forthwith be taken, with the pass, before the Assistant Commissioner or Extra Assistant Commissioner stationed at Khamgaon, or in his absence, before the Tahsildar of that place, before the Treasury Officer at Amraoti, as the case may be, in order that the packages may be weighed and examined. If the opium is to remain within the Khamgaon or Amraoti Tahsil, the officer before whom it is brought under this rule shall send intimation of its arrival to the Tahsildar of Khamgaon or Amraoti. If, on the other hand, if the opium is *en route* to some other tahsil he may, on the presentation of the necessary permit, grant a transport pass as in rule XVIII, clause (*b*) provided, and *mutatis mutandis* rule XIX shall apply to passes so granted.

Disposal of Things Confiscated.

XXVI. [b].—Opium and all property other than opium which is confiscated under the Opium Act shall be sold by auction under the orders of the Magistrate or other officer by whom the confiscation was adjudged, or shall be otherwise disposed of as the Resident may generally or specifically direct, provided that no opium shall be knocked down to any person who is not entitled under these rules to purchase it, and that no amount less than five tolas of opium, or five sers of poppy-heads, shall be sold.

General.

XXVII.—No opium shall be received at any railway station in Berar unless it be covered, and accompained, by a transport or import pass.

XXVIII.—Nothing in these rules contained shall be held—

(*a*) to apply to opium in transit through Berar by railway to Bombay direct for export by sea or into the Bombay Presidency under rule XIV of the Bombay Opium Rules ; but such opium may not be made over to, or received by, any one in Berar from the custody of the railway officials ;

(*b*) to apply to opium booked through by railway to other parts of India under a pass issued by the "Opium Agent, Indore." [c]. Such opium may be detained and examined as to number, weight, and tampering in transit, at any station at which the Resident may direct such detention or examination, either generally or specially ;

a. This rule was substituted for the original rule by Resident's Notification No. 125, dated the 17th September, 1881.

b. This rule was substituted for the original rule by Resident's Notification No. 18, dated the 6th February, 1885.

c. The words "Opium Agent, Indore" have been substituted for the words "Agent Governor General for Central India or Rajputana" by Residents Notification No. 187, dated the 2nd February, 1880.

(*c*) to prohibit the possession for *bonâ fide* medical purposes by medical servants of Government, of opium in excess of the amount limited in rule II ;

(*d*) to affect the possession, transport, import, export, or sale of opium by or on behalf of Government which is hereby permitted.

XXIX.—A Magistrate convicting an offender under Section 9, or any Magistrate, or other authorised officer ordering the confiscation of opium under Section 12 of the Opium Act, 1878, may grant in such proportion as he thinks fit to any person or persons who have contributed to the seizure of the opium, or the conviction of the offender, a reward not exceeding the amount realised by the sale, under rule XXVI., of the opium and other articles confiscated in the case, *plus* the amount of any fine imposed.

XXX.—In any case in which, in the opinion of the Commissioner, any person has performed any service of special merit in respect of the prevention or detection of opium smuggling, or of any offence against the Opium Act, 1878, the Commissioner may grant to such person a reward not exceeding in amount Rs. 500.

A Deputy Commissioner, with the sanction of the Commissioner, may incur expenditure not exceeding Rs. 500 in each case for the employment of informers, or for any other purpose connected with the prevention or detection of opium smuggling or of any offence against the Opium Act, 1878.

The Commissioner shall, from time to time, report the circumstances under which any reward may have been granted, or expenditure incurred, under this rule.

XXXI.—All Deputy Commissioners shall, as regards any matter arising in the administration of these rules, be subject to the general control of the Commissioner.

All executive orders of Deputy Commissioners under these rules shall be appealable to the Commissioner, and an appeal from the orders of the Commissioner shall lie to the Resident at Hyderabad : appeals from orders by Assistant or Extra Assistant Commissioners exercising powers under these rules shall lie to the Deputy Commissioner.

Form A, referred to in Rule X.

In the Court of the Deputy Commissioner of_____.

I.—In consideration of the sum of Rs.____ { tendered bid / by you____ } inhabitant

of———, in the district of————, at the auction held on the————, the right to retail pure opium* at the shops enumerated in the list hereto annexed during the term beginning on the , and ending on the 31st March 187 , is hereby granted to you, subject to the following conditions, and to the provisions of the Opium Rules, a copy of which will be furnished to you on your paying the sum of———

* Or if other than pure opium is sold, put "intoxicating drugs," *viz.*, preparations of pure opium; or if poppy-heads only are to be retailed put "poppy-heads."

If the right to retail is farmed, put "tendered" for "bid," and omit the clause "at the auction held on the."

II.—The sum mentioned in the preceding clause shall be payable by you at the tahsili of————as follows:—

On or before the 25th	of	Rs.
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,

Failure to pay any one of the above instalments on due date shall be deemed to be a breach of a condition of this license.

[In the event of the instalments up to 25th December inclusive having been paid by you, the advance of Rupees———, which you have deposited in the tahsili, shall be credited to the instalments of the 25th January, February and March as they fall due.]

Clause to be used when security is not taken.

III.—You shall be liable to pay interest at 12 per cent. per annum on all instalments not paid by you on the dates on which they are payable, and interest at any time due on such instalments shall be deemed to have been added to, and to be part of, such instalment.

IV.—You shall be bound to keep your shops closed between the hours of 9 P. M. and sunrise.

V.—You shall not permit drunkenness, riot, or gambling in your shops nor shall you permit persons of notoriously bad character to meet and remain there, nor shall you receive any wearing apparel or household effects in barter or as a pledge for the payment of opium or intoxicating drugs supplied.

VI.—You shall allow no one but the members of your own family, or your servants, to sleep in your shop at night.

VII.—You shall keep constantly fixed up at the entrance of your shop a signboard bearing the following inscription in legible characters in the Marathi language:—

"Licensed to retail opium and drugs."

VIII.—You shall produce for inspection your license and the books and returns which, under Section XV of the Opium Rules, you may be required to keep, on the demand of any Abkari Officer, or of any Revenue or Police Officer above the rank of a jemadar or head constable, and shall admit such officers to your shop at any hour of the day or night.

IX.—Any breach of the conditions of the license, or of the Opium Rules, committed by you or your agents or servants, or with your connivance or privity by any of your sub-contractors, shall render the entire lease voidable at the discretion of the Deputy Commissioner, and the cancelment of the lease will not relieve you from any further penalties to which you may be liable. Should the Deputy Commissioner cancel your lease, he may either take the farm under his own management, or may re-sell it, and you shall be liable for any loss which may accrue on re-sale, and you shall have no claim to any compensation whatever, or to any refund of any instalments already paid, and should any profit arise on such re-sale, you shall have no claim thereto.

X.—This license may, with the sanction of the Commissioner, be recalled without cause assigned at any time; but in this case you will be entitled to 15 days notice, and to receive by way of compensation a sum equal to 1-24th of the sum bid by you at the auction.

Dated_____ Signed and sealed_____

Deputy Commissioner.

List referred to in clause III. of Puttah.

Name of town, village or bazaar.	Total number of shops at which opium may be sold at the places mentioned in column 1.	Names of streets in which shops are situated, or other description of their locality.	Remarks.

Signed and sealed_____

Deputy Commissioner.

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Notifications under the Opium Act.

Form B., referred to in Rule XI.

In the Court of the Deputy Commissioner of————————————, under rule XI of the Opium Rules, license is hereby given to————————, son of————————, of————————, to possess pure opium and poppy-heads in excess of the quantity entered in rule II of the Opium Rules, and to sell such opium and poppy-heads to persons holding similar licenses to licensed vendors, farmers, and to sub-lessees.

This license will remain in force from the———————————— to the 31st March 187 .

Dated———————— Signed and sealed———————————

Deputy Commissioner.

Form C., referred to in RuleXVIII.

In the Court of the Tahsildar of————————————

Permission is hereby given to————————————(holding a license under rule XI, or licensed vendor, or farmer, as the case may be) to bring or cause to be brought in to this tahsil opium not exceeding————————in weight.

This permission to remain in force only up to the————————

Signed and sealed————————

Dated_____ Tahsildar.

To

THE TAHSILDAR OF_____

Form D., referred to in Rule XVIII. Clause (b.)

In the Court of the Tahsildar of————————————

WHEREAS————————, son of————————, (holding a license under rule XI., or licensed vendor, or farmer, as the case may be), has produced a

permit from the Tahsildar of _____ authorising him to bring or cause to be brought into that tahsil before the _____ any quantity of pure opium and poppy-head not exceeding _____, this pass, the particulars of which are entered on the reverse, is granted to the said _____ for the conveyance of the opium or poppy-head there, specified. The packages of opium have been weighed and sealed in my presence, and must be produced with this pass before the Tahsildar of _____ before the date above mentioned.

Dated _____ Signed and sealed _____

Tahsildar.

1.—Name of consignee.

2.—The place from which such consigment is to be transported.

3.—The number of packages, and weight and contents of each.

4.—The destination of the consignment.

5.—The period allowed for transport.

6.—Name of person, if any, in charge of consignment.

7.—Route to be taken by the opium, and directions, if any, regarding its production before revenue authorities on the road.

Memo.

Detail of packages covered by Pass.

Number of packages.	Gross weight.	Contents.	Remarks.

Signed and sealed _____

Dated _____ Tahsildar.

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PART II.—LOCAL RULES.

Notifications under the Opium and the Post office Acts.

Notification No. 329 I.-P., dated the 27th March, 1880.—In exercise of the powers conferred by Section 6 of the Opium Act I of 1878, the Governor General in Council is pleased to direct that duty at the rate of Rs. 700 shall be levied, from 1st April, 1880, on each chest of Malwa Opium of 140 lbs. avoirdupois net weight imported into the Hyderabad Assigned Districts.

Notification No. 31, dated the 25th May, 1880.—Under Section 14 of the Opium Act I of 1878, the Resident is pleased to authorize the following Officers in the Hyderabad Assigned Districts to exercise the powers specified therein, namely:—All Deputy and Assistant Commissioners, Tahsildars, Naib Tahsildars, and Police Officers of a grade not below that of Inspector or Chief Constable in charge of a station house.

Notification No 3365, dated the 11th July, 1890.—In exercise of the power conferred by Section 27 of the Indian Post Office Act, XIV of 1866, and in supersession of the Notification in this Department No. 2982, dated the 14th November, 1873, the Governor General in Council is pleased to prescribe the following rules for the re-delivery to the sender of letters and other articles delivered into a Post Office:

Inland letters, post cards, book and pattern packets and parcels, and foreign registered letters and parcels which have not been des-patched from India, may be recalled, after having been posted, subject to the following rules:

I.—No letter or other article posted in any Post Office or Letter Box shall be returned, except under the orders of—

(*a*) the Chief Postal Authority in a Postal Circle;

(*b*) the Director General of the Post Office;

(*c*) the Local Government or Administration; or

(*d*) the Governor General in Council.

II.—A fee of one rupee shall be paid in respect of each letter or other article for the return of which an application is made.—

III.—An application for the return of any such letter or article may be presented in writing to the said Officers, Governments or Administrations directly, or through any officer in charge of a Post Office.

IV.—Such application shall be received only from the writer of the letter or the sender of the article, or from some person duly authorized in this behalf by such writer or sender.

V.—The application shall be accompanied by a statement (which may be enclosed in a sealed cover) of the reasons why return of the letter or article is sought. Such sealed cover shall be opened only by the officer or by a Secretary to the Government or Administration to whom or to which the application is presented.

VI.—Upon receipt of such application and statement, together with the prescribed fee as aforesaid, by a Post master or other officer in charge of a Post Office, he shall immediately send the application and statement to the Chief Postal Authority in the Postal Circle in which he is serving.

VII.—If the letter or article of which return is sought is in his possession, the said Postmaster or other officer, instead of forwarding it to its address, shall keep it in deposit, and send the application to the said authority.

VIII.—If the letter or article is not in the possession of the said Postmaster or other officer, he shall require the Postmaster or other officer in charge of the Post Office of address in the case of an inland article, and of the office of foreign exchange in the case of a foreign registered letter or parcel, to abstain from delivering it to the addressee or from sending it to its address, and to keep it in deposit. The requisition to such other officer may be sent by telegraph, but all expenses attending its transmission must be borne by the applicant.

IX.—When the application reaches the officer or authority named in rule 1, he or it may order return of the letter or article upon being satisfied that the applicant is the writer or sender, as the case may be, and that sufficient reasons have been given for the redelivery; otherwise he shall order it to be sent at once to its address.

X.—No letter or post card posted in any Post Office or letter box shall be returned in any case to any one but the writer, or some person authorised by the writer, in writing to receive it; and no article, other than a letter or post card, delivered into the post shall be returned to any one but the sender, or some person authorized by the sender in writing to receive it.

XI.—In the foregoing rules, the word "writer" does not include a person who writes a letter which another dictates or directs to be written, or who copies a letter which has been written by another; but in each of such cases the author of the letter shall, for the purposes of these rules, be held to be the "writer."

(For rules under Section 38 of the Post Office Act, see Notification No. 71, dated the 20th April, 1887, printed in this Part among Notifications under the Stamp Act.)

Notifications under the Printing Presses and Newspapers Act.

Notification No. 138, dated the 30th April, 1891.—The following rules have been made by the Resident under Section 20 of Act XXV * of 1867 (*an Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books*) as amended by Act X † of 1890. The rules contained in the Resident's Notification No. 11, dated the 27th April, 1877, (published on page 232 of the *Hyderabad Residency Orders*, dated the 1st May, 1877), are hereby superseded.

* Applied to the Hyderabad Assigned Districts by Notification No. 1384 *a.* (General), dated the 14th August, 1867, of the Government of India in the Foreign Department.

† Applied to the Hyderabad Assigned Districts by Notification No. 3661 *I.*, dated the 31st October, 1890, of the Government of India in the Foreign Department.

Rules.

I.—With the object of insuring the fulfilment, so far as may be practicable, of the requirements of Act XXV of 1867 as amended by Act X of 1890 and of these rules, every person keeping a press shall be required to keep in his possession one copy each of

(1) the said two Acts,

(2) the Notifications of the Government of India applying those Acts to the Hyderabad Assigned Districts, and

(3) these rules

in the language best understood by him; and these copies shall be exposed to view in a conspicuous part of his press-room or office.

II.—The Deputy Commissioner, or other officer in executive charge of a district for the time being, and his subordinates exercising any magisterial powers are hereby empowered to visit, from time to time, all presses or printing offices within their respective jurisdictions, in order to see that the provisions of the preceding rule are duly complied with.

III.—The Deputy Commissioner, or other officer in executive charge of a district for the time being, is authorised to give money rewards not exceeding Rs. 50 in each case to persons giving information as regards the omission, on the part of any printer or publisher connected with a printing press within that district, to comply with the requirements of the said Acts. The amount of such reward shall be met from the fines that may be inflicted on the printer or publisher consequent on such information.

IV.—One copy each of

(1) the said Acts,

a. This Notification was superseded by Notification No. 212, dated the 24th October, 1873, and this Act was subsequently included in the Acts extended by that Notification, see Part I of this Manual, page, 5.

(2) the Notifications of the Government of India applying those Acts to the Hyderabad Assigned Districts, and

(3) these rules

shall be hung up in the language of the district in the office of the magistrate and of the officer mentioned in Sections 6 and 18 of Act XXV of 1867 as amended by Act X of 1890, and a clerk or karkoon in each of these offices shall be specially entrusted with the duty of seeing that the requirements of the law are duly complied with so far as his office is concerned.

V.—As regards every district in which a printing press is situate, the Deputy Commissioner, or other officer in executive charge of that district for the time being, is hereby declared to be the officer, under Section 9 (*i. e.*, the amended Section 9 inserted by Act X of 1890) of Act XXV of 1867, to whom the delivery of the copy referred to in Section 9 (*a*) shall be made at his office. Should an additional copy or two additional copies, as the case may be, referred to in Section 9 (*b*) be required, the Deputy Commissioner, or the other officer referred to, will be informed accordingly by the Secretary for Berar to the Resident, and a requisition for the copy or copies then made by the Deputy Commissioner or such other officer shall be complied with as in the case of the first copy.

VI.—The copy received by the Deputy Commissioner, or the other officer referred to, under Section 9 (*a*) shall be sent for record to the Curator of the Government Central Book Depôt, Berar, through the Director of Public Instruction of the Province. And the copy or copies received under Section 9 (*b*) shall be forwarded for disposal to the Secretary for Berar to the Resident.

VII.—The Director of Public Instruction, Berar, is hereby declared to be the Registrar under Section 18 of Act XXV of 1867 as amended by Act X of 1890, and he shall keep the catalogues, registers, and other information required by the said Section; and he shall forward to the Secretary for Berar to the Resident the memoranda registered during each calendar quarter for publication in the *Residency Orders* as required by Section 19 and for distribution of printed copies of it.

VIII.—At the end of every calendar quarter, the Director of Public Instruction shall forward to the Deputy Commissioners, from whose office he may have received any books during that quarter, an account showing the amount of fees realized, and shall transmit the money collected to the treasury of the said Deputy Commissioner.

IX.—An account of receipts and disbursements under the Act shall be kept in the office of every Deputy Commissioner, and the accounts shall annually be submitted to the Resident through the Comptroller, Hyderabad.

X.—On receipt of the copy or copies, as the case may be, referred to in rule VI, the Deputy Commissioner or the other officer referred to in that rule should be careful to see that the provisions of Section 3 of Act XXV of 1867 have been complied with. A similar check should be maintained in the office of the Director of Public Instruction and the Curator of the Government Central Book Depôt, Berar.

XI.—Every printer or publisher connected with a printing-press in any district is bound to furnish all necessary information about his office, so far as the requirements of Act XXV of 1867, as amended by Act X of 1890, and these rules are concerned, to the Deputy Commissioner or other officer in executive charge of that district for the time being, and shall submit to him annually a list showing the number of books (in the sense in which the term has been defined by Act XXV of 1867), printed, lithographed, or published in his press. All printers and publishers are hereby warned against any infringement on their part of the orders contained in the said Act as amended by Act X of 1890 and the notifications applying these Acts to the Hyderabad Assigned Districts, and these rules.

Notification No. 5604, a. dated the 21st December, 1871.—By virtue of the power vested in the Governor General in Council by Section 21 of Act XXV of 1867, entitled "An Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books," His Excellency in Council is pleased to declare that the following publications are exempted from the provisions of the said Act :—

1.—Reprints of books without additions or alterations, and without new notes or commentaries.

2.—Acts of the Legistative Councils without notes or commentaries.

3.—Price lists and tradesmen's circulars.

4.—Catalogues of books and other articles, auctioneers' notices, and advertisements.

5.—Play bills, comprising advertisements of theatrical and musical entertainments.

6. Decisions of Courts of Law without notes or commentaries.

7.—Petitions and appeals addressed to constituted authority under the provisions of Law.

8.—Testimonials of private individuals or Public Officers.

9.—Annual reports of schools, banks, societies, and firms.

10.—Almanacs and Calendars.

11.—Labels affixed to articles of commerce.

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a. Not specially extended to the Hyderabad Assigned Districts, but reprinted at page 32 of Residency Order Part I, for 1872.

(For Rules under the Prisons Act see Berar Jail Manual and Part III. of this Manual.)

Notification No. 3360 I., dated the 17th September, 1886.—(1) Under Section 33 of the Prisoners Act, V of 1871, as modified by the Prisoners Act Amendment Act, IX of 1882, and as extended to the Hyderabad Assigned Districts, the Governor General in Council is pleased to appoint the Central Jail at Akola to be a place to which prisoners sentenced in those districts to transportation shall be sent.

(2) This Notification shall be deemed to have had effect from the 1st January, 1883. [a]

Notification No. 3723 I., dated the 20th September, 1889.—

(For paragraph 1 of this Notification, see Part I of this Manual, page 20.)

2. The Governor General in Council is further pleased to direct that for the purposes of Section 31, sub-section (2), of the Prisoners Act, 1871, as amended by Act X of 1886, the Nagpur Jail shall be deemed to be a prison within the territories subject to the Resident at Hyderabad.

Notification No. 1814, [b] *dated the 15th December, 1869.*—The Governor General in Council is pleased to make the following rules under Sections 10 and 18 of the Prisoners Testimony Act, 1869, for giving effect to the provisions of the said Act in the Hyderabad Assigned Districts :—

Rules.

I.—The duty of escorting prisoners for the purposes of Act XV of 1869, shall be undertaken by the Regular Police. The escort for a prisoner shall be not less than two policemen.

II.—Prisoners under sentence for a criminal offence shall be handcuffed before leaving the jail, and the handcuffs shall not ordinarily be removed except when the prisoners are before the court, or confined in a lock-up.

III.—When the court requiring the testimony of a prisoner is at the same place as the jail in which the prisoner is confined, he will proceed to the court and back to the jail on foot, whether he be ironed or not.

a. The date on which the Code of Criminal Procedure, Act X of 1882, came into force. Before that date Notification No. 494 of 16th April, 1869, issued under the provisions of Act XXV of 1861 made the same provision.

b. This Notification has been reproduced in Police Orders, paragraph 118, page 10.

IV.—If the court be at any other place not accessible by the Railway, the prisoner will be conveyed to the court and back again to the jail in an ordinary bullock cart; but when a Railway is available for a whole or portion of a journey, the prisoner shall be conveyed by rail in custody of the escort.

V.—As Section 17 of this Act requires a court to determine the amount of costs to be deposited with it before issuing the process in any *civil* matter, subject to the proviso therein made, the Nazir of a District Court shall make out a bill of costs and present it for payment to the court issuing the process.

In this bill will be included the pay, travelling and other allowances granted to the escort under the rules of the Police Department, and all necessary charges attendant on the journey to and fro.

VI.—Under Section 20 of the Act aforesaid, the Jailor is hereby declared to be the officer in charge of the jail. All monies required to be paid under rule V will be paid over to the officer in charge of the jail in which the prisoner is confined, and it will be the Jailor's duty to certify that the *correct* amount has been received.

VII.—Deputy Commissioners who are invested under Section 445 A [a] of Act VIII of 1869 with enhanced criminal jurisdiction, will be competent to countersign the orders made in the form in Schedules A and B of this Act.

VIII.—All State prisoners are exempted (under Section 10) from the application of this Act.

IX.—When an order is made either in the form in Schedule A, or Schedule B by a competent criminal court, the prisoner will be taken by the Police to the court issuing the order, and all costs attending the execution of such order will be borne by the State.

Notification No. 325, [b] *dated the 15th September, 1871.*—The Resident is pleased to make the following Notifications under Act VIII [c] of 1871, (the Indian Registration Act):—

(Rules 1, 2, 3, 4 and 5 are not printed as they are not required by Criminal Courts.)

6. Under Section 36 [d] of the Act, the Resident is pleased to declare, that, in cases where it is necessary to issue a summons for the appearance of any person at a Registration Office, the Registering Officer, if a Judicial Officer, shall himself be competent to issue such process in his judicial capacity.

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a. Now read Section 30 of Act X of 1882.

b. This Notification was issued under Act VIII of 1871. It is kept in force by Section 2 of Act III of 1877.

c. This Act has been repealed by Act III, of 1877, extended to the Hyderabad Assigned Districts by Notification No. 131 *I. J.*, dated the 24th June, 1881.

d. Now read Section 36 of Act III of 1877.

7. If the Registering Officer is not a Judicial Officer, he shall apply to the Judge of the nearest Civil Court for the issue of the summons, and the Judge shall thereupon issue such summons in his judicial capacity.

Notification No. 60, dated the 5th March, 1890.—With reference to Section 13 *(F)* of the Berar Rural Boards Law, 1885, the Resident is pleased to transfer to the District Boards of the Amraoti, Akola, Buldana, Basim, and Ellichpur Districts the functions of the District Magistrate as described in Section 4 of the Cattle Trespass Act, 1871, as applied to the Hyderabad Assigned Districts.

Notification No. 1331 I., dated the 20th April, 1893.—

(*For para 1 of this Notification, see Part I of this Manual, page 26.*)

2. In exercise of the power conferred by Section 19 of the Sea Customs Act (VIII of 1878) as so applied, the Governor General in Council is further pleased to prohibit the bringing into the said Hyderabad Assigned Districts of copper or bronze coin issued by the State of Baroda:

Provided that the bringing of such coin into the said districts by a traveller, in any quantity not exceeding one rupee's worth at any one time, in good faith for his own use shall not be deemed to be prohibited by this Notification.

Notification No. 114 I. J., dated the 4th June, 1879.—

(*For paragraph 1 of this Notification, see Part 1 of this Manual, page 11.*)

II.—In exercise of the power conferred by Section 8 of the said Act, [a] the Governor General in Council is pleased to direct that bills of exchange and cheques which may be drawn in British India, and on account of which the full rate of stamp duty may have been paid there, shall be exempted from the further payment of stamp duty on being negotiated in the Hyderabad Assigned Districts.

Notification No. 469, dated the 24th January, 1889.—In exercise of the power conferred by Section 8 of the Indian Stamp Act, I. of 1879, as extended by Notification No. 114 *I. J.*, dated the 4th June, 1879, to the Hyderabad Assigned Districts, the Governor General in Council is pleased to direct that when receipts granted by Jagirdars on account of rent or land revenue in the Hyderabad Assigned Districts, and not exempted from Stamp duty by Clause (*c*) Article 15, Schedule II of the said Act, are written in the receipt-books prescribed in the Commissioner's Book Circular III of 1886, they shall be exempt from stamp duty.

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a. Act I of 1879 (Stamp Act).

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PART II.—LOCAL RULES.

GSL

Notifications under the Stamp Act.

Notification No. 2191 I., dated the 2nd July, 1890.—In exercise of the power conferred by Section 8 of the Indian Stamp Act, I. of 1879, as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 114 *I. J.*, dated the 4th June, 1879, the Governor General in Council is pleased to direct that so much of the Notification No. 5855, dated the 22nd November, 1889, issued by the Department of Finance and Commerce under the Indian Stamp Act, 1 of 1879, Section 8, as is specified below shall apply to the Hyderabad Assigned Districts :—

The first paragraph.

The whole of the first Schedule except Articles 1, 7 and 8.

In the second Schedule Articles 1 (*b*), (*e*), (*f*), (*g*), (*h*), (*i*), 3, 5 (*b*), 6 (*a*), 7 (*b*), (*c*), (*d*), (*h*), (*i*), (*k*), 8 (*c*), 9, 10 and 12 (*a*), (*b*), (*c*), (*d*), (*e*), (*f*).

Notification No. 5855, dated the 22nd November, 1889.—Under Section 8 of the Indian Stamp Act, 1 of 1879, it is hereby notified that, in exercise of the power to reduce or remit, whether prospectively or retrospectively, in the whole or any part of British India, the duties with which (*a*) any instruments, or (*b*) any particular class of instruments, or (*c*) any of the instruments belonging to such class, or (*d*) any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, the Governor General in Council has been pleased—

(1). to direct that the duties chargeable on the instruments specified in the first column of the first Schedule to this Notification shall be reduced to the amounts respectively indicated in the second column of that Schedule, and

(2). to remit the duties chargeable on the instruments specified in the second Schedule to this Notification.

THE FIRST SCHEDULE.

Instruments on which Stamp-duty is reduced.

Description of Instrument.	Proper Stamp duty.
2. *Charter-party* containing a clause as to the payment of compensation in case of breach of the contract evidenced thereby. *a.*	One Rupee.

a. For earlier reduction dating from 1st January, 1885, see Notification No. 1927, dated 18th May, 1888, and Notification No. 453, dated 29th January, 1886.

THE FIRST SCHEDULE.—(*Continued.*)

Description of Instrument.	Proper Stamp duty.
3. *Instrument evidencing an agreement to secure the repayment of a loan* made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage. *a.* (*a*) When the loan is repayable not more than three months from the date of the instrument.	Half the duty chargeable under the Indian Stamp Act, 1 of 1879, Schedule I, Article 11 (*b*) on a Bill of exchange for the amount secured.
(*b*) When the loan is repayable more than three months, but not more than one year, from the date of the instrument.	The same duty as that chargeable under the Indian Stamp Act, 1 of 1879, Schedule 1, Article 11 (*b*) on a Bill of exchange for the amount secured.
4. *Instrument of gift* of shares in a Company or Association. *b.*	The same duty as that chargeable under the Indian Stamp Act, 1 of 1879, Schedule 1, Article 60 (*a*) on a transfer of shares for a consideration equal to their value, as set forth in the instrument of gift.
5. *Instrument of partition* of land held on settlement for a period not exceeding thirty years and paying the full assessment to the Government. *c.*	Not to exceed the amount chargeable on a valuation of the land at five times the annual revenue.
6. *Policy of insurance* effecting a re-insurance, by an Insurance Company which has granted a policy of sea-insurance or a policy of insurance against loss by fire, with another Company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby. *d.*	One rupee.

a. For earlier reduction dating from 1st July, 1885, see Notification No. 1927, dated 18th May, 1888, and Notification No. 1280, dated 5th June, 1885.
b. Reduction dates from 15th July, 1880, see Notification No. 1927, dated 18th May, 1888.
c. Reduction dates from 2nd July, 1883, see do. do. do.
d. Reduction dates from 1st January, 1888, see do. do. do.

THE SECOND SCHEDULE.

Instruments exempted from Stamp duty.

1.—Agreements—

(*b*) executed under the Indian Emigration Act, XXI of 1883, Section 35, sub-section (1) ; [a].

(*e*) or declarations, by which a tender made to an Executive Commissariat Officer is accepted as a contract, when the deposit of the contractor as security for his contract is made in Government of India Loan Notes or in cash; [b].

(*f*) agreement papers passed by Commissariat contractors when their security deposits are transferred to a Savings Bank ; [c].

(*g*) made with Railway Companies or Administrations for the conveyance of goods ; [d].

(*h*) made with Railway Companies or Administrations which purport to limit the obligations or responsibilities of those Companies or Administrations as carriers under the Indian Contract Act, IX of 1872, Sections 151 and 161, and are in a form approved by the Governor General in Council under the Indian Railway Act. IV of 1879, Section 10 ; [e].

(*i*) or indemnity bonds given to Railway authorities by consignees (when the railway receipt is not produced) in respect of the delivery of articles carried at half parcels rates, namely, fresh fish, fruits, vegetables, bazar baskets, bread, meat, ice and other perishable articles ; [f].

3.—Bills of Lading—

executed out of British India and relating to property to be delivered in British India.

5.—Copies or Extracts.—

(*b*) Copies of, or extracts from, baptismal, marriage or burial registers certified by Government Chaplains, subsidised or unsubsidised Clergymen, or Diocesan Registers, and granted to—[g].

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a. Exemption dates from 1st January, 1888. see Notification No. 1927, dated the 18th May, 1888.
b. Exemption dates from 1st June, 1880, see do. do. do. do.
c. Exemption dates from 1st May, 1882, see do. do. do. do.
d. Exemption dates from 1st September, 1880, see do. do. do. do.
e. Exemption dates from 1st December, 1880, see do. do. do. do.
f. Exemption dates from 18th May, 1888, see do. do. do. do.
g. Exemption dates from 1st July, 1882, see do. do. do. do.

(1) soldiers, sailors or non-commissioned or petty officers, or

(2) persons in needy circumstances, in whose favour Chaplains may exercise the discretionary power vested in them by rule IV of Division III of the rules published under Notification No. 103, dated the 20th June, 1885, in the *Gazette of India* of the 27th idem, Part I, page 346 :

[*N. B.*—This exemption is in respect of any Stamp-duty with which the copies or extracts might otherwise be chargeable.]

6.—*Debentures*—

(*a*) debenture bonds issued by a Joint Stock Company under the terms of a mortgage-deed making over in whole or in part the property of the Company to trustees for the benefit of the debenture-holders, and interest coupons attached to the said debentures ; *a*.

7.—*Instruments*—

(*b*) in the nature of a memorandum or agreement furnished to, or made or entered into with, Executive Commissariat Officers by contractors; *b*.

(*c*) in the nature of a memorandum or agreement furnished to, or made or entered into with, the Ordnance Department, the Army Clothing Department or the Public Works Department by contractors for the due performance of their contracts ; *c*.

(*d*) executed by officers of the Government or their sureties to secure the due accounting for property received by those officers by virtue of their office ; *d*.

(*h*) sanads of Jagirs and other documents conveying lands granted to individuals by the Government otherwise than for a pecuniary consideration. *e*.

a. Exemption dates from 3rd January, 1885, see Notification No. 1927, dated 18th May, 1888.

b. Exemption dates from the 1st June, 1880, see Notification No. 1927, dated 18th May, 1888.

c. Exemption so far as it related to the Ordnance Department dates from 15th June, 1883, see Notification No. 1927, dated 18th May, 1888.

d. Exemption dates from 1st October, 1881, see Notification No. 1927, dated 18th May, 1888.

e. Exemption dates from 1st July, 1885, see Notification No. 1927, dated 18th May, 1888.

(*i*) of exchange executed by private persons when land is given by them for public purposes in exchange for other land granted to them by the Government: [a].

[*N. B.*—This exemption is in respect of the stamp, duty which would otherwise be payable by private persons under Section 29, clause (*f*), of the Indian Stamp Act, I of 1879];

(*k*) deed of dower executed on the occasion of a marriage between Muhammadans. [b].

8.—Leases and Counterparts—

(*c*) leases or counterparts thereof executed at the time of settlements made directly by the Government with existing occupants of land, whether Zamindars or tenants, and whether self cultivating or not : provided that no fine or premium is paid in consideration of the lease. [c].

9.—Letter—

which a person depositing money in a District Savings Bank or Post Office Savings Bank, as security to the Government or a local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required by the rules of the Savings Banks to address to the Secretary to the District Savings Bank or the Post Master in charge of the Post Office Savings Bank agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon : [d].

"Local authority" in this clause means a Municipal Committee, District Board, body of Port Commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund.

10.—Policy of Insurance—

policies of life insurance and contracts for monthly allowances granted by the Director General of the Post Office of India in accordance with the rules for Postal Life Insurance and monthly allowances issued under the authority of the Government of India [e].

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a. Exemption dates from 18th May, 1888, see Notification No. 1927, dated 18th May, 1888.

b. Exemption dates from 1st January, 1888, see Notification No. 1927, dated 18th May, 1888.

c. Exemption dates from 1st January, 1888, see Notification No. 1927, dated 18th May, 1888.

d. Exemption dates from the 1st January, 1888, see Notification No. 1927, dated 18th May, 1888.

e. Exemption dates from 1st May, 1884, See Notification No. 1927, dated 18th May, 1888.

12.—*Receipts*—

(*a*) given by Mounted Police Constables, on account of their pay and allowances ; [a].

(*b*) given by the addressee for deposits exceeding twenty rupees, made for the payment of replies to telegraphic messages ; [b].

(*c*) endorsed by the payee on Postal Money Orders ; [c].

[*N. B.*—This exemption is in respect of any stamp-duty with which the receipts might otherwise be chargeable] ;

(*d*) given by Railway Companies or Administrations for fares for conveyance of passengers or goods, or both, or animals ; [d].

(*e*) given for payment of interest on Government Promissory Notes ; [e]

(*f*) given by, or on behalf of, depositors in Post Office, District, Presidency or State Railway Savings Banks or in the East Indian Railway Savings Bank for sums of money withdrawn from any of those Banks: [f].

[*N. B.*—This exemption applies in all cases in which the receipts would otherwise be liable to stamp-duty] ;

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a. Exemption dates from 6th December, 1880, see Notification No. 1927, dated the 18th May, 1888.

b. Exemption dates from 15th April, 1880, see Notification No. 1927, dated the 18th May, 1888.

c. Exemption dates from 15th June, 1880, see Notification No. 1927, dated the 18th May, 1888.

d. Exemption dates from 1st September, 1880, see Notification No. 1927, dated the 18th May, 1888.

e. Exemption dates from 1st April, 1881, see Notification No. 1927, dated the 18th May, 1888.

f. Exemption, so far as it relates to
- Post Office Savings Banks, dates from 1st December, 1881, see Notification No. 1927, dated the 18th May, 1888.
- District Savings Banks, dates from 15th September, 1883, see Notification No. 1927, dated the 18th May, 1888.
- Presidency or State Railway Savings Banks, dates from 1st January, 1888, see Notification No. 1927, dated the 18th May, 1888.

Notifications under the Stamp Act.

Notification No. 1360 I., dated the 25th March, 1891.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, I of 1879, as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 114 *I. J.*, dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of Finance and Commerce Department Notification No. 5136, dated the 27th October, 1890, issued under the aforesaid Section, shall apply to the Hyderabad Assigned Districts.

Notification No. 5136, dated the 27th October, 1890.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, I of 1879, the Governor General in Council remits the duty chargeable under the said Act on any instrument evidencing an ordinary pawn transaction where money is borrowed on the pledge of moveable property and the sum borrowed does not exceed twenty rupees.

Notification No. 4714 I., dated the 2nd December, 1891.—In exercise of the power conferred by Section 8 of the Indian Stamp Act (1 of 1879) as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 114 *I. J.*, dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of Finance Department Notification No. 3713, dated the 2nd September, 1891, shall apply to the Hyderabad Assigned Districts.

Notification No. 3713, dated the 2nd September, 1891.—In exercise of the power conferred by Section 8 of the Indian Stamp Act, 1 of 1879, the Governor General in Council is pleased to remit the duty chargeable under the said Act on any letter of authority or power of attorney executed for the sole purpose of authorising one or more of the joint holders of a Government Security to give on behalf of the other or others of them, or any one or more of such other joint holders, a discharge for interest payable on such security or on any renewed security issued in lieu thereof.

Notification No. 2031 I., dated the 18th May, 1892.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act (1 of 1879), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 114 *I. J.*, dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of the Notification of the Government of India in the Finance Department, No. 4345, dated the 19th October, 1891, shall apply to the Hyderabad Assigned Districts, subject tothe following modifications :—

(1) *For* the words "Act VI of 1886" in clause (1) *read* "the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888."

(2) *For* the words "under Section 25 of the said Act" in clause (2) *read* "under Section 24 of the said Law."

(3) *For* the words "under Section 24 of the said Act" in clause (3) *read* "under Section 32 of the said Law."

Notification No. 4345, dated the 19th October, 1891.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act (1 of 1879), the Governor General in Council is pleased to remit the duty chargeable under that Act on—

(1) Copies of entries in the certified copies of registers given under Section 8 of "the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888;" *a.*

(2) Copies of entries in register books granted by any Registrar of Births and Deaths "under Section 24 of the said Law;" *b.* and

(3) Copies of entries in registers and records given "under Section 32 of the said Law," *c.*

when applied for by a soldier, sailor, non-commissioned officer, or petty officer.

Notification No. 1029 I., dated the 5th March, 1891.—In exercise of the powers conferred by Sections 8 and 9 of the Indian Stamp Act, 1 of 1879, as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 114 *I. J.*, dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of the Finance Department Notifications noted below shall apply to the Hyderabad Assigned Districts:—

No. 1661, dated 14th November, 1890.

No. 1662, *d.* dated 14th November, 1890.

No. 259, dated 21st January, 1891.

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a. The words "the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888," were substituted for the words "Act VI of 1886," by Notification No. 2031 *I.*, dated the 18th May, 1892.

b. The words "under Section 24 of the said Law" were substituted for the words "under Section 25 of the said Act," by the above Notification.

c. The words "under Section 32 of the said Law" were substituted for the words "under Section 35 of the said Act," by the above Notification.

d. Subsequently cancelled by Notification No. 3655 *I.*, dated the 3rd September, 1891.

PART II.—LOCAL RULES.

Notifications under the Stamp Act.

Notification No. 1661, dated the 14th November, 1890.—In exercise of the power conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to direct that in the case of any Company issuing share-warrants as provided by Section 30 of the Indian Companies Act, 1882, such share-warrants shall be exempt from payment of the duty specified in Section 35 of the said Indian Companies Act, 1882, upon payment, as composition for that duty, to the Collector of Stamp Revenue, of three-quarters per centum of the whole subscribed capital of the Company.

Notification No. 259, dated the 21st January, 1891.—In exercise of the power conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to direct that, if any Company limited by shares which has paid the full stamp-duty chargeable on its share-warrants or the composition therefor, mentioned in Notification No. 1661, dated 14th November, 1890, subsequently issues an addition to its subscribed capital, the share-warrants issued by such Company under Section 30 of the Indian Companies Act, 1882, with respect to such additional capital, shall be exempt from payment of the duty specified in Section 35 of the said Indian Companies Act, 1882, upon payment, as composition for that duty, to the Collector of Stamp Revenue, of $\frac{3}{4}$ per centum of the additional capital so issued.

Notification No. 3655 I., dated the 3rd September, 1891.—In supersession of Foreign Department Notification No. 1928 *I*, dated the 18th May, 1888, and in exercise of the powers conferred by Sections 9, 15, 17, 32, 51, and 56 of the Indian Stamp Act (1 of 1879), as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 114 *I. J.*, dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of Finance Department Notification No. 2170, dated the 22nd May, 1891, shall apply to the Hyderabad Assigned Districts, subject to the following modifications :

Rule 1.—For "British India" *substitute* "the Hyderabad Assigned Districts," *and for* "date of this Notification" *substitute* "1st September, 1891."

Rule 4 (a) (2).—For the words "one of the officers mentioned in rule 10 (*b*) or by the Superintendent of Stamp, Calcutta," *read* "the officer mentioned in rule 10."

Rule 8.—For the words "Superintendent of Stamps at Calcutta, Bombay Madras, Rangoon, or Lahore, or by the Commissioner of Stamps at Hyderabad," *substitute* "Inspector General of Stamps, Hyderabad Assigned Districts."

Rules 9 (20)—12 (a)—15 (a).—For "British India" *read* "the Hyderabad Assigned Districts."

Rule 10.—*For* this rule *substitute* the following :

"The Inspector General of Stamps, Hyderabad Assigned Districts, is empowered to affix these labels to the instruments mentioned in rule 9."

Rule 11 (a).—*For* the words "every such officer" *substitute* "the Inspector General of Stamps, Hyderabad Assigned Districts."

Rule 11 (b).—*Omit* the last two clauses commencing with "In Calcutta" and ending with "from Lahore," and *for* the words "Local Government" *substitute* "Resident at Hyderabad."

Rule 12 (b).—*Omit* the words "unless he be the Collector of Calcutta or Karachi."

For the words "one of the officers mentioned in rule 10" *substitute* "the Inspector General of Stamps, Hyderabad Assigned Districts."

Rule 15.—*Omit* clause (*c*).

Notification No. 2170, dated the 22nd May, 1891.—In exercise of the powers conferred by Sections 9, 15, 17, 32, 51, and 56 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to make the following rules in supersession of the rules promulgated by Notifications :—

No. 1288, dated the 3rd March, 1882.
„ 2955, „ „ 1st December, 1882.
„ 1444, „ „ 16th March, 1883.
„ 3515, „ „ 16th October, 1885.
„ 434, „ „ 28th January, 1886.
„ 590, „ „ 5th May, 1886.
„ 1611, „ „ 25th June, 1886.
„ 2727, „ „ 24th August, 1886.
„ 5700, „ „ 26th October, 1887.
„ 1662, „ „ 14th November, 1890.
„ 5881, „ „ 19th December, 1890.

CHAPTER I.—*Preliminary.*

1. These rules shall come into force throughout "the Hyderabad Assigned Districts" *a.* on the "1st September, 1891." *b.*

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a. The words "the Hyderabad Assigned Districts" were substituted for the words "British India" by Notification No. 3655 *I.*, dated the 3rd September, 1891.

b. The words "1st September, 1891," were substituted for the words "date of this Notification" by the above Notification.

2. All words and expressions used in these rules and defined in the Indian Stamp Act, 1879, shall be deemed to have the meanings attached to them respectively by the said Act.

3. There shall be two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, 1879, namely—

(*a*) Impressed stamps, including —

impressed sheets,—that is to say, sheets of paper bearing the impression of stamps of different values engraved thereon, and sold to the public for use by them in accordance with these rules ; and

impressed labels, to be affixed and impressed by Government Officers as directed in Chapter III of these rules.

(*b*) Adhesive stamps sold to the public for use by them in accordance with these rules.

CHAPTER II.—*Of Impressed Sheets.*

4. (*a*) Hundis, other than hundis which can be stamped with an adhesive stamp under Section 10 of the said Act, shall be written as follows :—

(1) Hundis payable otherwise than on demand, but not more than one year after date or sight, and for amounts not exceeding Rs. 30,000 in individual value, on impressed sheets bearing the word "Hundi;"

(2) Hundis exceeding Rs. 30,000 in individual value, and hundis payable at more than one year after date or sight, on paper supplied for sale by the Government, and to which labels have been affixed by "the officer mentioned in rule 10" *a.* and impressed by him in manner provided by rule 10.

(*b*) Every sheet of such stamped paper shall be of a size not less than $8\frac{5}{8} \times 5\frac{1}{8}$ inches, and no plain paper shall be joined to it.

(*c*) The provisions in rule 7 (*a*) as to the use of two or more sheets of stamped paper when a single stamp of the required value is not procurable apply also to hundi stamps used under this rule.

5. Promissory notes and bills of exchange shall, except as provided by Section 10 of the said Act and by these rules, be written on plain impressed sheets or on impressed sheets bearing the word "Hundi."

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a. The words "the officer mentioned in rule 10" were substituted for the words "one of the officers mentioned in rule 10 (*b*) or by the Superintendent of Stamps, Calcutta" by Notification No. 3655 *I.*, dated the 3rd September, 1891.

6. All other instruments chargeable with duty may be written on impressed sheets (other than impressed sheets bearing the word "Hundi"), and, except as provided by Section 10 of the said Act and by these rules, shall be so written.

7. (*a*) When two or more impressed sheets are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(*b*) When a single sheet (other than an impressed sheet bearing the word "Hundi") is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument; provided that in every such case the side of the sheet which bears the stamp must be covered by a substantial part of the instrument before any part of the latter can be written on the plain paper joined to such sheet.

(*c*) When any instrument of transfer of shares in a company or association is written on an impressed sheet, and the value impressed thereon is subsequently (in consequence of a rise in the market value of such shares) found to fall short of the amount of duty chargeable under article 60 (*a*), Schedule I of the Act, one or more adhesive "Share Transfer Stamps" hereinafter mentioned may be used to make up the required amount.

8. The duty payable on any instrument chargeable with a duty of one anna may be denoted by a coloured impression marked on a skeleton form of such instrument by the "Inspector General of Stamps, Hyderabad Assigned Districts." *a.*

CHAPTER III.—*Of Impressed Labels.*

9. Impressed labels may be used for the following instruments and counterparts thereof, namely:—

(1) Administration-bonds;

(2) Affidavits;

(3) Appointments made in execution of a power;

(4) Articles of association of a company;

(5) Articles of clerkship;

(6) Bills-of-lading;

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a. The words "Inspector General of Stamps, Hyderabad Assigned Districts" were substituted for the words "Superintendent of Stamps at Calcutta, Bombay, Madras, Rangoon, or Lahore or by the Commissioner of Stamps at Hyderabad" by Notification No. 3655 *I.*, dated the 3rd September, 1891.

(7) Charter-parties;

(8) Declarations of trust;

(9) Instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property ;

(10) Leases printed or lithographed in an oriental language when the written matter filled in does not exceed one-fourth of the printed matter;

(11) Memoranda of association of companies;

(12) Notes of protest;

(13) Policies of insurance ;

(14) Revocations of trust ;

(15) Share-warrants issued by a Company in accordance with Section 30 of the Indian Companies Act, 1882 (provided that any such share-warrant issued previous to the 14th November, 1890, and bearing an adhesive share transfer stamp denoting the full amount of duty payable on the warrant shall be held to have been duly stamped) ;

(16) Warrants for goods ;

and for the following, when written in any European language, provided that any instrument written in any European language other than English shall have attached to it a translation in the English language :

(17) Agreements or memoranda of agreements which, in the opinion of the officer empowered to affix the label, cannot conveniently be written on impressed sheets ;

(18) Instruments engrossed on parchment and written in the English style which, in the opinion of such officer, cannot conveniently be written on impressed sheets ;

(19) Awards ;

(20) Bills-of-exchange payable otherwise than on demand and drawn in "the Hyderabad Assigned Districts" ; [a]

(21) Bonds ;

(22) Certificates of sale ;

(23) Composition-deeds ;

(24) Conveyances ;

(25) Instruments imposing a further charge on mortgaged property ;

(26) Instruments of apprenticeship ;

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a. The words "the Hyderabad Assigned Districts" were substituted for the words "British India" by Notification No. 3655 *I.*, dated the 3rd September, 1891.

(27) Instruments of co-partnership ;

(28) Instruments of dissolution of partnership ;

(29) Instruments of exchange ;

(30) Instruments of gift ;

(31) Instruments of partition ;

(32) Leases ;

(33) Letters of license ;

(34) Mortgage-deeds ;

(35) Powers-of-attorney ;

(36) Reconveyances of mortgaged property ;

(37) Releases ;

(38) Settlements ;

(39) Transfers of the description mentioned in Article No. 60, clauses (*b*), (*c*) and (*d*), of the first Schedule of the said Act.

10. "The Inspector General of Stamps, Hyderabad Assigned Districts, is empowered to affix these labels to the instruments mentioned in rule 9." *a.*

11. (*a*) "The Inspector General of Stamps, Hyderabad Assigned Districts," *b.* shall, upon any instrument mentioned in rule 9 being brought to him before it is executed, and application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the label or labels before returning the instrument to the applicant. In the case of instruments written on parchment, the labels must be further secured by metallic eyelets.

(*b*) When the stamp duty amounts to five rupees or upwards, such officer, or some principal assistant of such officer appointed by the "Resident at Hyderabad" *c.* from time to time in this behalf, shall further write on the face of the label or labels his initials, and, when the stamp duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the labels.

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a. This rule was substituted for the original rule by Notification No. 3655 *I.*, dated the 3rd September, 1891.

b. The words "The Inspector General of Stamps, Hyderabad Assigned Districts" were substituted for the words "Every such officer" by the above Notification.

c. The words "Resident at Hyderabad" were substituted for the words "Local Government" and the last two clauses of rule 11 (*b*) were omitted by Notification No. 3655 *I.*, dated the 3rd September, 1891.

12. (*a*) The payment of duty on instruments (other than instruments which, under Section 10 of the said Act, may be stamped with Adhesive stamps) executed out of "the Hyderabad Assigned Districts," [a] and requiring to be stamped after their receipt in "the Hyderabad Assigned Districts," [a] shall be indicated only by impressed labels.

(*b*) When any such instrument is taken to the Collector under Section 17 of the said Act, the Collector [b] shall send the instrument to "the Inspector General of Stamps, Hyderabad Assigned Districts," [b] remitting the amount of duty paid in respect of such instrument; and such officer shall stamp the instrument in the manner prescribed by rules 11 (*a*) and 11 (*b*), and return the same to the Collector for delivery to the person by whom it was produced.

CHAPTER IV.—*Adhesive Stamps.*

13. Bills-of-exchange, payable otherwise than on demand and drawn in sets, when the amount of stamp duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

14. Except as otherwise provided in these rules, the adhesive stamp used to denote the duty of one anna shall bear the words "one anna."

15. The following instruments when stamped with adhesive stamps shall be stamped as follows:—

(*a*) Bills-of-exchange, cheques, and promissory notes drawn or made out of "the Hyderabad Assigned Districts," [c] and chargeable with duty of more than one anna, with adhesive stamps bearing the words "Foreign Bill."

(*b*) Transfers of shares of pulic companies and associations, with adhesive stamps bearing the words "Share Transfer."

(*d*) Notarial Acts, with adhesive foreign bill stamps bearing the word "Notarial" printed over them.

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a. The words "Hyderabad Assigned Districts" were substituted for the words "British India" by Notification No. 3655 *I.*, dated the 3rd September, 1891.

b. The words "unless he be the Collector of Calcutta or Karachi" were omitted from this clause, and the words "the Inspector General of Stamps, Hyderabad Assigned Districts," were substituted for the words "one of the officers mentioned in rule 10" by the above Notification.

c. The words "the Hyderabad Assigned Districts" were substituted for the words "British India" by Notification No. 3655 *I.*, dated the 3rd September, 1891.

CHAPTER V.—*Miscellaneous.*

16. When it is necessary, under Section 15 of the said Act, to denote upon one instrument the payment of duty in respect of another, such payment shall be denoted by on endorsement under the hand of the Collector on the former instrument.

17. Every payment made under Section 30 of the said Act shall be made in cash.

18. The Collector may require every person claiming a refund or renewal under Chapter VI of the said Act, or his duly authorised agent, to make an oral deposition on oath or affirmation, or to put in an affidavit, setting forth the circumstances under which the claim has arisen. The Collector may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his agent.

19. Any Magistrate convicting or trying an offender under Chapter VIII of the said Act may grant to any person who may have contributed to the conviction a reward within a limit to be fixed by the Local Government.

Notification No. 2190 I., dated the 2nd July, 1880.—In exercise of the power conferred by Section 9 of the Indian Stamp Act, I of 1879, as applied to Hyderabad Asssigned Districts by Foreign Department Notification No. 114 *I. J.*, dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of Finance Department Notification No. 2036, dated the 30th June, 1882, issued under the aforesaid Section, shall be deemed to have applied to the aforesaid districts from the 25th October, 1882.

Notification No. 2036, dated the 30th June, 1882.—Whereas copies or extracts certified to be true copies or extracts of baptismal, marriage, and burial certificates granted by Ministers and Marriage Registrars are generally furnished on printed forms for which impressed sheets of stamped paper cannot be used without inconvenience ; therefore, in exercise of the powers conferred by Section 9 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to make the following rule:—

The stamp duty payable under Article 22 of Schedule I to the Indian Stamp Act, 1879, on copies or extracts certified to be true copies or extracts of baptismal, marriage, and burial certificates shall be denoted by means of adhesive court fee labels.

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Notifications under the Stamp Act.

Notification No. 71, dated the 20th April, 1887.—The following Resolution of the Government of India is published for general information and guidance, and the Resident is pleased to declare that those portions of the rules attached to the Resolution which apply to general and court fee stamps are adopted and issued by the Local Administration under the authority of Section 55 of the Indian Stamp Act, 1879, and Section 27 of the Court Fees Act, 1870.

Resolution by the Government of India, Department of Finance and Commerce (Separate Revenue-Stamps), No. 1596, dated Simla 28th June, 1886.

The Governor General in Council is pleased to prescribe the following rules for the custody, supply, and sale of all kinds of stamps and stamped papers now in use, and to request that Local Governments will adopt these rules in the manner indicated in paragraph 7 of the Circular of 20th May, 1885 :—

Rules for the custody, supply, and sale of stamps of all descriptions, namely, General Stamps used to denote the duties payable under the Stamp Act, 1879; Court Fee Stamps used to denote the fees payable under the Court Fees Act, 1870; Telegraph Stamps and Postage Stamps.

General Depôts.

1. There shall be three central depôts for stamps of all descriptions in charge of the Superintendents of Stamps at Madras, Bombay, and Calcutta respectively. These central depôts shall maintain a stock of stamps sufficient for two years' consumption. The Superintendents of Stamps in Madras and Bombay shall, for this purpose, forward not later than the last week in September in each year indents for the supply of the various descriptions of stamps required in the following year for the territories dependent on them for the supply of stamps to the Superintendent of Stamps, Calcutta.

The Superintendent of Stamps, Calcutta, shall prepare a general consolidated indent for stamps of all descriptions, showing separately the demand for the following year for each of the three presidencies, including in it the indents of the Superintendents of Stamps, Madras and Bombay, and shall forward this general indent to the Government of India in the Financial Department for transmission to the Secretary of State so as to reach him not later than the 1st November in each year. The Superintendent should forward a copy of the section of the general indent relating to postage stamps to the Director General of the Post Office, and of the section relating to telegraph stamps to the Director General of Telegraphs.

2. Stamps for the Madras Presidency, including Coorg and local depôts subordinate to Madras, shall be supplied from the central depôt at Madras on the indent of the officers in charge of local depôts.

3. Stamps for the Presidency of Bombay, including Sind, the Berars * the Central Provinces, and local depôts subordinate to Bombay, shall be supplied from the Central depôt, Bonmby, on the indent of officers in charge of local depôts.

* Under the orders of the Government of India, received in letter No. 2831, dated 30th August, 1886, from the Secretary to the Government of India in the Financial Department, the existing procedure in respect to the supply of court fee and general stamps to Berar, remains unaltered.

4. Stamps for the Bengal Presidency including North Western Provinces and Oudh, the Punjab, Central India, Rajputana, Assam, and British Burma, and local depôts subordinate to Calcutta shall be supplied from the central depôt, Calcutta, on the indent of officers in charge of local depôts.

5. The Superintendents of Stamps, Madras, Bombay, and Calcutta, on receiving an indent from a local depôt, shall have the indent examined to ascertain that the indent is such as to insure the local depôt having a proper supply, and may comply with the indents in full or in part as he thinks fit. If he thinks that the indent should be increased, he should request the officer who submitted the indent to submit a supplementary indent. The Superintendents of Stamps should also, if the monthly statements of transactions (rule 33) show that the balance of any kind of stamp in any local depôt is falling too low, call the attention of the officer in charge to the fact. The Presidency Post Offices of Calcutta, Madras, and Bombay may indent for supplies on the central depôts.

Local Depôts.

6. Every treasury throughout India, including those attached to Political and Salt Agencies, shall be a local depôt for the custody and sale of stamps of all descriptions. Local Governments may establish local depots at places where there is no treasury.

7. Each local depôt shall, unless the Local Government otherewise directs, maintain a supply of stamps equal to the probable consumption of five months. Local Governments may direct that the supply to be maintained either generally or in respect of any particular kind of stamp or in certain local depôts shall be equal to the probable consumption of such other period as they deem expedient.

8. As soon as the number of stamps in the local depôt falls below the number issued from the depôt in the preceding six months, the officer in charge of the depôt shall prepare an indent for a supply equal to the probable consumption of three months. The indent shall show in seperate columns for each denomination of stamp of which a supply is required the total of the balance in the local depôt and any branch* depôt subordinate to it, the quantity sold in the preceding six months, and the quantity indented for, which should be approximately one-half of the quantity sold in the preceding six months. The

* For branch depôts the figures of the latest periodic al return received at the local depôt showing details of stamp balances may be used for the purpose of calculating the total required for entry in each column.

periods of "six months" and "three months" of this rule may, like that of five months in rule 7, be altered by Local Governments to such other periods as they may deem expedient. This indent will be forwarded direct to the Superintendent of Stamps, Madras, Bombay, or Calcutta, as the case may be; but the Local Government of any province may direct that the indents shall be forwarded through any other officer, such as the Superintendent of Stamps of the province, or that a copy of the indent shall be forwarded to such officer.

9. If the supply of stamps in any local depôt should run short before the receipt of the supply from the central depôt, the officer in charge of the local depôt should indent for a supply from a neighbouring depôt, sending a copy of the indent to the Superintendent or Commissioner of Stamps of the province, or such other officer as the Local Government may direct.

It is the duty of the Superintendents of Stamps, Madras, Bombay, or Calcutta, to report to the Local Government (or such authority as the Local Government may direct) in the case of general and court fee stamps, to the Director General of the Post Office in the case of postage stamps, and to the Director General of Telegraphs in the case of telegraph stamps, any case in which it may come to his knowledge that the stock of stamps in any local depôt of any description has fallen below the prescribed amount.

10. As soon as possible after the arrival of a supply of stamps from the central depôt or from another local depôt, the officer in charge of the local depot shall have the boxes or packets opened in his presence, and the contents of each box or packet counted either by himself or in his presence on being opened. The number of stamps received shall be compared by the officer in charge with the number in the invoice, and a receipt shall be sent as soon as possible to the officer who despatched the stamps.

11. Local Governments may issue such orders as may be thought necessary regarding the detailed counting of stamps received in a local depôt, and as to the descriptions of stamps which the officer in charge must count with his own hands. Such orders may include instructions that a certain percentage only of sealed packets marked as contaning a certain number of stamps need be opened and counted at the time of receipt, and the remainder, if the percentage opened are all found correct, left with seals unbroken to be counted as they are required on being given out from double lock. The officer in charge is responsible for observing any such instructions and for satisfying himself as to the number of stamps received before signing the receipt.

12. If any of the stamps received are found to be unfit for issue, they should be at once returned to the Superintendent of Stamps. Stamps which are, through any accident, rendered unfit for issue at any time after receipt should be similarly returned to the Superintendent as soon as their unfitness is discovered. The necessary entries on account of stamps so returned should be made in the monthly statement (Rule 33), and in the plus and minus memoranda (rule 35).

13. Immediately after the stamps received have been counted, they shall be placed in proper receptacles in the store under double lock, arranged in

parcels or packets containing known quantities, the amount of each denomination being entered in a register maintained to show the receipts and issues to and from the store under double lock.

14. The treasurer, or such other officer as the Local Government may direct, shall be the *ex-officio* vendor of all descriptions of stamps in each local depôt. Sales to the public or to licensed vendors shall not be made direct from the stores under double lock, such sales being made by the *ex-officio* vendor from the supply entrusted to him for this purpose to be kept by him under single lock, as prescribed in the following rules.

15. The stock to be made over to the *ex-officio* vendor to be kept by him under single lock should ordinarily be sufficient for the probable demand of one month. On a fixed date near the beginning of each month the *ex-officio* vendor shall prepare an indent for the quantity required for the month in a form showing the balance in his hands, an average month's consumption, and the quantity required. When this indentis approved by the officer in charge, who should examine the balance under single lock and ascertain that the quantities shown agree with the quantities shown in the indent, he shall give out the quantity required from the store under double lock. The same procedure shall be followed if any stamps should be required at any intermediate date. Local Governments may reduce the period of one month mentioned in this rule to one week or any other period less than a month, if they consider this desirable with reference to the amount of the treasurer's security or for any other reason.

16. From the stock so made over to his charge and kept by him under single lock, the *ex-officio* vendor shall sell stamps to the public and to licensed vendors for cash. He shall keep in such language as the Local Government may direct an account of the daily sales for each of the four descriptions of stamps in a form showing for each denomination the balance in his hand at the beginning of the day, the quantity sold during the day, and the balance in his hand at the end of the day. He shall pay daily into the treasury the cash received by him for stamps sold, the amount realised on account of each of the four descriptions of stamps, namely, general, court fees, postage, and telegraph, being paid in separately. The account of daily sales should be inspected every day by the officer in charge of the depot.

17. The rules regulating the grant of discount and the grant of licenses to licensed vendors for the sale of general and court fee stamps vary in different provinces, and are prescribed by Local Governments, subject to the general rule that no change in the rates of discount shall be made without the previous sanction of the Governor General in Council.

18. Local Governments may direct that the sales to the public of general and court fee stamps by *ex-officio* vendors shall be limited to stamps of a value higher than a named amount, the sale to the public of stamps of lower value being left to licensed vendors.

19. Telegraph stamps shall be sold to the public for cash by the *ex-officio* vendors, provided that the quantity of stamps sold to one person at

one time shall not be less in value than Rs. 5, and that the quantity sold shall not include less than one Rupee's worth of any particular denomination. On such sales no discount is allowed.

20. Telegraph Masters shall obtain supplies of telegraph stamps from the local depôts, subject to the same conditions in regard to the quantity supplied at one time as those of the preceding rule, and shall sell to the public telegraph stamps of all descriptions and to any value. No discount is allowed to Telegraph Masters for the sale of stamps, but they are allowed permanent advances of telegraph stamps without payment, the amount of the permanent advance being fixed by the Director General of Telegraphs. When the permanent advance of telegraph stamps has once been taken, subsequent issues to Telegraph Masters are made only on cash payment. But when the local depot is closed for holidays of more than one day's duration, officers in charge of local depôts are authorized to issue telegraph stamps to Telegraph Masters without payment in excess of the value of the permanent advance, these temporary advances being adjusted when the treasury re-opens by the return of the stamps or the payment of their value if sold.

21. Service postage stamps shall be sold for cash from local depôts to Government officials and to persons specially authorized to purchase and use service stamps on a written application. On such sales no discount is allowed.

22. Ordinary postage stamps shall be sold to the public for cash from local depôts, provided that the value sold to any person at one time shall not be less than Rs. 5 and shall not include any fraction of a rupee, and that embossed envelopes and post-cards shall be sold in complete packets only. No discount is allowed on such sales. Soldiers' envelopes are sold from certain selected local depots only to Commanding Officers in complete packets, no discount being allowed.

23. The officer in charge of every post office, receiving office, tahsil, thana, and police station at which letters are received for despatch, and every person licensed under the rules framed under the Stamp Act, 1879, to sell general stamps, are required to keep a supply of ordinary postage stamps for sale to the public sufficient for the probable of demands of one week. To such persons ordinary postage stamps, except soldiers' envelopes, are sold from local depôts for cash on the same conditions as to quantity as those prescribed in the preceding rule, and on such sales discount at the rate of quarter of an anna in the rupee is allowed.

23. A.—The officers in charge of post offices, receiving offices, tahsils, thanas, and police stations at which letters are received for despatch are also required to keep a supply of one-anna revenue stamps for sale to the public. To such officers one-anna revenue stamps are sold from local depôts on the same conditions as to quantity as those prescribed in rule 22. On such sales discount at the rate of one-half anna in the rupee is allowed.

24. A district officer may authorize the grant of discount at the same rate to any *bonafide* retail vendor of ordinary postage stamps, provided he is not employed in a Government treasury. Such authority shall be in writing and

shall remain in force for one year. It may contain conditions in all or any of the following respects, namely, the maintenance of a sufficient supply of stamps of all or any specified denominations of postage stamps for retail sale; the sale of the stamps at one or more particular shops or places, and the prohibition of sales at other shops or places, and the days and hours of sale. The district officer shall keep a register showing the name, residence, and occupation of every person to whom he grants such authority.

25. Superintendents and Inspectors of Post Offices within their respective jurisdictions, and any other officers of the post office authorized on that behalf by the Post Master General or Deputy Post Master General, are empowered to examine the stock of postage stamps kept by any of the persons required or authorized to keep postage stamps for sale to the public under rules 23 and 24.

Branch Depôts.

26. Every subordinate, branch, or tahsil treasury shall be a branch depôt for the sale of stamps of all descriptions.

27. The sub-treasurer, or such other officer as the Local Government may direct, shall be the *ex-officio* vendor of stamps at a branch depôt.

28. The officer in charge of the branch depôt shall obtain his supplies from the local depôt to which the branch depôt is subordinate in the same manner as the *ex-officio* vendor at the local depôt obtains his supplies, except that the indent and the stamps must be sent by post or messenger to and from the local depôt; and that the examination of the balance in hand and the comparison of the amounts shown with those shown in the indent shall be done by the officer in charge of the branch depôt.

The *ex-officio* vendor shall obtain his supplies from the officer in charge of the branch depôt in the same manner as the *ex-officio* vendor at the local depôt obtains his supplies from the officer in charge.

29. The supply to be kept in a branch depôt should be equal to the probable demand for three months; but Local Governments may direct that the supply shall be equal to the demand of any other period instead of three months which they may consider expedient. The stock should be kept up to this amount by indenting and obtaining supplies from the local depôt from time to time as may be necessary.

30. Local Governments shall fix the period a supply sufficient for which shall be kept under single lock by the *ex-officio* vendor, and the remainder of the stamps in the branch depôt shall be kept under double lock of the officer in charge of the branch depôt and of the *ex-officio* vendor, and given out to single lock as required.

31. Sales from branch depôts will be made subject to the same rules as those from local depôts.

Returns to and by the Superintendent of Stamps and Accountants General.

32. On the last open day of September and March each year, the officer in charge of each local depôt will count, or have counted in his presence, the stamps in the depôt, both those under double lock and those under single lock, and will require the officers in charge of the branch depôts subordinate to him similarly to count the stamps in the branch depôt. He will attach to the monthly statements for September and March rendered to the Superintendents of Stamps, Madras, Bombay, or Calcutta, a certificate in the following form :—

"I do hereby certify that I have personally examined and counted, or had counted in my presence, the stamps of all descriptions in store in this local depôt on the $\frac{\text{September}}{\text{March}}$ 18 , and found the value of each description to be as stated in the margin. Also that I have received certificates from the officers in charge of the subordinate branch depôts that they have similarly counted the stamps in the branch depôts on the last day of the month of $\frac{\text{September}}{\text{March}}$ of which the accounts are incorporated in the Head Treasury accounts, and that these certificates show the value of each description of stamps to be as stated in the margin.

General.	Rs.
Court Fees.	,,
Telegraph	,,
Postage	,,

General.	Rs.
Court Fees.	,,
Telegraph	,,
Postage.	,,

"The total values of stamps in this depôt, and branch depôts, as found by the above certified examination, are therefore—

	General	...	...	Rs.
* Stamps for copies are included under Court Fee Stamps.	Court Fees*	...	...	,,
	Telegraph	...	...	,,
	Postage	...	...	,,

which amounts agree with the balances shown in the monthly statement for $\frac{\text{September}}{\text{March}}$ to which this certificate is attached."

If there is any difference, add—

"With the exception of the following differences :—

_____ The explanation of which is as follows :—

_____ ,,

33. Monthly statements showing the receipts and issues of each local depôt, including the transactions of the subordinate branch depôts, shall be prepared by the officer in charge of the local depôt, and forwarded in the first week of the succeeding month to the Superintendents of Stamps, Madras, Bombay, or Calcutta, separate statements being prepared for general stamps, court fee stamps, telegraph stamps, and postage stamps.

These statements shall show for each denomination of stamp the values of the balance in hand at the beginning of each month, of the quantities received from the Superintendent of Stamps or other officer during the month, of the quantity sold during the month, and of the balance in hand at the end of the month. These statements may be forwarded to the Superintendents of Stamps, Madras, Bombay, or Calcutta, either direct or, if the Local Government so order, through any officer named by the Local Government.

34. These statements shall be checked by the Superintendents of Stamps by comparison with previous statements and the accounts of the central depôt, and shall be used by them to check indents and to watch the balances in the local depôts.

35. Treasury officers and other officers in charge of local depôts shall forward to the Accountant General or Comptroller such returns of the receipts and sales of stamps as the Comptroller General may direct in the form of plus and minus memoranda or otherwise.

36. The Superintendents of Stamps, Madras, Bombay, and Calcutta, shall send to the Accountant General or Comptroller such accounts of the transactions of the central and local depôts as the Comptroller General may prescribe.

37. They shall also every six months intimate to the Accountant General or Comptroller for comparison with the amounts shown in the returns received from treasuries and other local depôts under rule 35, the receipt of the certificates prescribed in rule 32, and the amount of stock certified to be in balance in each local depôt.

38. The Comptroller General shall prescribe such rules as he considers necessary for the disposal of the accounts mentioned in the foregoing rules, and for the check of the receipts, issues and sales.

39. The Local Governments of Madras, Bombay, and Bengal shall arrange for a periodical verification by counting of the stock of stamps in the respective central depôts. The verification shall be carried out in the manner and form to be prescribed by the Comptroller General, to whom the result will be reported.

40. The Superintendents of Stamps, Madras, Bombay, and Calcutta, shall forward every month to the Directors General of Telegraphs and of the Post Office statements showing the balances and receipts in the central depôt and the issues to each local depôt of telegraph and postage stamps, respectively, during the month. They shall also send monthly to the Comptroller, Post Office, a statement of the sales during the past month of the several denominations of postage stamps in the local and branch depôts subordinate to them. The Accountant General or Comptroller will, with his monthly account-current with the Examiner of Telegraph Accounts, forward a statement showing the total realisations at each treasury from the sales of telegraph stamps during the month.

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Notifications under the Stamp Act.

Notification No. 140, dated the 23rd July, 1888.—In continuation of Notification No. 71, dated the 20th April, 1887, and in supersession of all former rules on the same subject, the Resident is pleased, in exercise of the powers conferred on him by Section 55 of the Indian Stamp Act, 1879, as applied to Berar, to make the following rules supplementary of those published in Notification above quoted for regulating—

(*a*) the supply and sale of stamps and stamped papers.

(*b*) the persons by whom alone such sales may be conducted.

(*c*) the remuneration of such persons.

Preliminary.

I. The word "stamps" as hereinafter used means and includes—

(1) Impressed sheets as defined in rule 3 of the rules made by the Governor General in Council under the Stamp Act and published in Notification "No. 2170, dated 22nd May, 1891," [a] (Department of Finance and Commerce).

(2) Adhesive stamps mentioned in the said rule 3.

(3) Impressed sheets bearing the word hundi "(rule 4 (a) (1)" [b] of above rules) referred to hereafter in these rules as Impressed Hundi Sheets.

(*a*) *The Supply and Sale of Stamps and Stamped Papers.*

II. In addition to the *ex-officio* vendors mentioned in rules 14 and 27 of Government of India Resolution No. 1596, dated 28th June, 1886, the Deputy Commissioner of a district may—

(*a*) Appoint (subject to the approval of the Inspector General of Stamps) any Government official to be an *ex-officio* vendor of stamps.

(*b*) License any respectable person to be a vendor of stamps: provided that no Sub-Post-master shall be licensed to sell stamps without the consent first obtained of the Deputy Postmaster-General, Central Provinces and Berar.

The Deputy Commissioner may at any time revoke any appointment made or license granted under this rule.

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a. The words "No. 2170, dated 22nd May, 1891," were substituted for the words "No. 1288, dated 3rd March, 1882," by Notification No. 367, dated 7th December, 1892.

b. The words "rule 4 (*a*) (1)" were substituted for the words "rule 6 (*a*) (1)" by the above Notification.

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Notifications under the Stamp Act.

III. *Ex-officio* vendors shall issue to licensed vendors for cash every kind of stamp that a licensed vendor is authorised to sell. On every stamp other than a hundi or adhesive stamp so issued to a licensed vendor, the date of issue shall be written or stamped by the *ex-officio* vendor who issues the stamp.

IV. On every stamp sold to the public, other than an impressed hundi sheet or adhesive stamp, there shall be endorsed by the vendor who sells it the following details, and the same particulars shall at the same time be entered in a register having the same headings as these details, which will be supplied free of cost by the Deputy Commissioner:—

(1) A serial number (yearly);

(2) The date of sale ;

(3) The name of the person (with father's name and caste) who pays for and takes the stamp ;

(4) The value of the stamp (in words) ;

(5) The vendor's own ordinary signature.

V. Every licensed vendor shall be given a license in the annexed form (Appendix A), and shall be bound to conform with the conditions thereof ; and the said conditions shall be deemed to be part and parcel of these rules.

VI. *Ex-officio* and official vendors shall be bound to obey any orders which may be issued from time to time for their guidance by the Inspector General of Stamps subject to the control of the Local Government.

VII. The pages of every register supplied by the Deputy Commissioner under rule IV shall be numbered serially and be sealed with the Deputy Commissioner's seal, and the number of pages it contains shall be noted on the first page before issue. The use by a vendor of a register not so distinguished is forbidden.

VIII. A copy of the Stamp Act and of these rules shall be supplied in the vernacular of the district to every vendor free of charge.

IX. *(Cancelled by Notification No. 367, dated the 7th December, 1892.)*

(b) The Persons by whom alone Sales may be conducted.

X. The persons by whom alone sales may be conducted are *ex-officio* and licensed vendors and Government officials appointed under rule II *(a)*, but impressed hundi sheets and one-anna adhesive stamps may, after purchase from an authorised vendor, be re-sold by the holder without a license; other kinds of stamps shall not be re-sold.

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XI. *Ex-officio* vendors shall sell for cash direct to the public "any impressed stamp" *a.* the value of which singly is not less than Rs. 5.

XII. Licensed vendors and Government officials appointed under rule II (*a*) may sell any stamp the value of which singly does not exceed Rs. 50.

(c) Remuneration of Vendors.

XIII. *Ex-officio* vendors and Government officials appointed under rule II (*a*) receive no discount on sales effected by them.

XIV. Sub-Postmasters who have been licensed to sell stamps shall receive discount at the following rates on the nominal value of stamps purchased by them from any local or branch depôt:—

On one-anna receipt stamps, 6 pies per rupee.

On all other stamps, 4 pies per rupee.

XV. Licensed vendors other than Sub-Postmasters shall be allowed discount at the following rates on the nominal value of stamps purchased by them when the total value of such purchase does not fall below Rs. 5:—

On impressed hundi sheets and adhesive stamps not exceeding 8 annas each in value, 1 anna per rupee.

On impressed hundi sheets exceeding 8 annas each and on impressed sheets when the vendor's place of sale is a place where stamps are sold by *ex-officio* vendors on behalf of Government, 6 pies per rupee.

On impressed sheets when the vendor's place of sale is not at a place where stamps are sold by an *ex-officio* vendor, 9 pies per rupee.

APPENDIX A.

Form of License (Rule V supra).

License is hereby granted to_____, son of_____, caste_____, resident of_____, in the district of_____, to sell stamps at _____ subject to the following conditions, a breach of any of which is punishable under Section 68 of the Stamp Act.

_____ District, } _____

The_____ 188 . } Deputy Commissioner.

Conditions of the License.

1. The licensee shall not sell any stamp of a value exceeding Rs. 50.

a. The words "any impressed stamp" were substituted for the words "any stamp" by Notification No. 140, dated the 5th May, 1891.

2. He shall at all times have stuck up in a conspicuous position outside his place of vend a signboard bearing the name and the words "Licensed Vendor under the Stamp Act" in the vernacular and also, if the Deputy Commissioner should so require, in English.

3. He shall at all times keep at his place of vend the copy of the Stamp Act and the copy of the rules for the sale, &c., of stamps in the vernacular with which he is supplied by the Deputy Commissioner, and shall allow any intending purchaser of a stamp to inspect them. He shall also always keep his license at the place of vend ready for production when required by an officer authorized as below (rule 11) to inspect it.

4. He shall without delay deliver any stamp which he has in his possession for sale to any person requiring it and tendering the value of it in any currency which would be accepted by the Deputy Commissioner in payment of Government dues.

5. He shall not demand or accept for any stamp any consideration exceeding the nominal value of the stamp.

6. He shall endorse on every stamp, other than a hundi or adhesive stamp, which he sells—

(*a*) the serial number (yearly) of the sale;

(*b*) the date of sale;

(*c*) the name of the person (with father's name and caste) who pays for and takes the stamp;

(*d*) the value of the stamp (in words);

(*e*) his own ordinary signature;

and he shall also forthwith enter the same particulars in the register of sales supplied to him for the purpose by the Deputy Commissioner.

7. When application is made to him for a stamp of a value exceeding Rs. 50, he shall forthwith intimate to the intending purchaser that he is not authorized by his license to sell the required stamp, and shall refer him to an *ex-officio* vendor.

8. "When application is made to him for a stamp of the value of Rs. 50 or under, and he has not in stock a single stamp of the required value, he shall supply the applicant with the smallest number of stamped papers which he can furnish so as to make up the required value, and shall, before delivery, explain to the purchaser that a portion of the document to be executed is required by law to be written on each sheet so supplied." *a*

9. He shall not sell any stamp the discontinuance of the use of which has been intimated to him or has been publicly notified.

a. This condition was substituted for the original condition by Notification No. 367, dated the 7th December, 1892.

10. He shall at any time, on the demand of the Deputy Commissioner, deliver up all stamps remaining in his possession, provided that he shall be entitled to receive back what he paid for them less any discount allowed on their purchase.

11. He shall, on receiving a written order from the Inspector General of Stamps or from any revenue officer not below the rank of Tahsildar, or from any officer specially authorized by the Inspector General of Stamps or the Deputy Commissioner to issue such order, produce his register, his license and his stock of stamps for inspection at such time and place not being more than one mile from his place of vend as may be specified in such order.

12. He shall not make any false endorsement or certificate on any stamp sold by him or any false entry in his register of sales.

13. He shall give notice to the Deputy Commissioner of his intention to cease selling stamps, and shall at the same time return to the Deputy Commissioner his license, any copy of the Stamp Act and rules he has received free of cost, and his last register of sales.

14. He shall keep a supply of ordinary postage stamps for sale to the public sufficient for the probable demands of one week.

Notification No. 1249 I., dated the 19th March, 1891.—In continuation of the Foreign Department Notification No. 4116 *I.*, dated the 16th October, 1888, applying the provisions of Act XIII of 1885 (the Indian Telegraph Act) to the Hyderabad Assigned Districts, subject to certain modifications, the Governor General in Council is pleased to direct that the rules in force from time to time under the said Act in British India shall be deemed to be similarly in force in the Hyderabad Assigned Districts.

(For rules under Section 7 of the Telegraph Act, see Gazette of India Notification No. 214, dated the 10th June, 1891.)

Notification No. 88, dated the 18th March, 1893.—In accordance with the provisions of Section 3 of the Vaccination Act, XIII of 1880, as applied to the Hyderabad Assigned Districts by the Government of India in the Foreign Department Notification No. 3884 *I.*, dated the 22nd September, 1891, the Resident is pleased to extend the provisions of the said Act to the Municipal towns named below :—

1. Amraoti.
2. Ellichpur.

3. Akola.
4. Khamgaon.
5. Shegaon.
6. Akot.
7. Basim.
8. Amraoti Camp.

NOTE.—By Notification No. 282, dated the 16th September, 1893, the Resident has declared his intention to extend the provisions of the Act to the Municipal towns of Yeotmal and Buldana.

Notification No. 1332 I., dated the 23rd March, 1891.—

(For para I of this Notification, see Part I of this Manual, page 21.)

2. In exercise of the power conferred by Section 144 of the said Indian Railways Act, the Governor General in Council is pleased to delegate to the Resident at Hyderabad, to the extent and subject to the conditions hereinafter specified, the following powers and functions which are now vested in him under the said Act, *a*, the powers and functions hereby delegated being liable to be revoked or varied, and the exercise and discharge thereof to be controlled, as the Governor General in Council may from time to time think fit :—

(1) Sections 7, 9, and 11.—All the powers and functions of the Governor General in Council, subject to the proviso that the exercise and discharge of such powers and functions will not entail any expenditure in excess of the general powers of sanction of the Resident.

(2) Section 48.—All the powers and functions of the Governor General in Council, only in cases where the Railways concerned are under the control of the Resident.

(3) Section 51, clauses (*a*), (*b*), (*c*), (*d*) and (*e*), and Section 55.—All the powers and functions of the Governor General in Council.

(4) Section 63.—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.

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a. Indian Railways Act (IX of 1890).

(5) Section 83.—The power of notifying the Magistrates and Police officers to whom notices of railway accidents are to be given.

Notification No. 326, the dated 6th October, 1890.—Under Section 6 of the Indian Railway Act, IV of 1879, [a] as applied to the Hyderabad Assigned Districts, the Resident is pleased to appoint the Deputy Commissioner of Akola as the Magistrate to whom notice should be given of railway accidents occurring upon that portion of the Great Indian Peninsula Railway line which lies within the Buldana and Akola Districts, and the Deputy Commissioner of Amraoti as the Magistrate to whom notice should be given of such accidents upon the portion of that railway line which passes through the Amraoti District.

Notification No. 116, dated the 22nd August, 1879.—Under the provisions of Section 51 of Act XI. of 1865, the Resident is pleased to invest the Judge of the Small Cause Court at Khamgaon with the powers of a Magistrate of the 1st Class under Section 27 [b] of the Criminal Procedure Code (excepting clauses 1 and 7), to be exercised within the limits of the Khamgaon, Balapur, and Jalgaon Talukas.

Notification No. 199, dated the 7th August, 1889.—Under Section 21 (1) of the Hyderabad Assigned Districts Small Cause Courts Law the Resident is pleased to appoint the Judges of the Small Cause Courts at Badnera in the Amraoti District and Telhara in the Akola District for the time being to be Magistrates within the limits of the Amraoti and Akola Districts respectively, and to direct that they shall exercise the powers with which they may have been already invested or may hereafter be invested under the Code of Criminal Procedure.

a. Now read Section 83 of the Indian Railways Act, IX of 1890.

b. Now read Sections 37 and 191 paras 2 and 3 of Act X of 1882.

Rules under the Explosives Act.

Notification No. 251, dated the 25th October, 1889.—

RULES UNDER THE EXPLOSIVES ACT, 1884.

Preliminary.

1. For the purposes of these rules explosives shall be classified as follows, namely :—

Class 1	... ...	Gunpowder.
„ 2	... ...	Nitrate-mixture.
„ 3	... ...	Nitro-compound.
„ 4	... ...	Chlorate-mixture.
„ 5	... ...	Fulminate.
„ 6	... ...	Ammunition.
„ 7	... ...	Fireworks.

And when an explosive falls within the description of more than one class, it shall be deemed to belong exclusively to the latest of the classes within the description of which it falls.

CLASS 1.—*Gunpowder Class.*

The term "gunpowder" means exclusively gunpowder ordinarily so called.

CLASS 2.—*Nitrate-mixture Class.*

The term "nitrate-mixture" means any preparation, other than gunpowder ordinarily so called, formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether sulphur be or be not added to such preparation and whether such preparation be or be not mechanically mixed with any other non-explosive substance.

The nitrate mixture class comprises such explosives as—

Pyrolithe,
Pudrolithe,
Poudre saxifragine,

and any preparation coming within the above definition.

CLASS 3.—*Nitro-compound Class.*

The term "nitro-compound" means any chemical compound possessed of explosive properties, or capable of combining with metals to form an explosive compound, which is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

The nitro-compound class has two divisions. Division 1 comprises such explosives as—

Nitro-glycerine,	Dualine,
Dynamite,	Glyoxiline,
Lithofracteur,	Methylic nitrate,

and any chemical compound or mechanically mixed preparation which consists either wholly or partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as—

Gun-cotton, ordinarily so called,	Cotton gunpowder,
Gun-paper,	Schultz's powder,
Xyloidine,	Nitro-mannite,
Gun sawdust,	Picrates,
Nitrated gun-cotton,	Picric powder,

Tonite (or cotton-powder)

and any nitro-compound as before defined, which is not comprised in the first division.

CLASS 4.—*Chlorate-mixture Class.*

The term "chlorate-mixture" means any explosive containing a chlorate.

The chlorate-mixture class has two divisions:

Division 1 comprises such explosives as—

Horsley's blasting powder,

Brain's blasting powder,

and any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as—

Horsley's original blasting powder,	Reichen's blasting charges,
Erhardt's powder,	Teutonite,
Reverley's powder,	Chlorated gun-cotton,
Rochstadter's blasting charges,	

and any chlorate-mixture as before defined which is not comprised in the first division.

CLASS 5.—*Fulminate Class.*

The term "fulminate" means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, which, from its great susceptibility to detonation, is suitable for employment in percussion caps or any other appliances for developing detonation, or which from its extreme sensibility to explosion, and from its great instability (that is to say, readiness to undergo decomposition from very slight exciting causes), is especially dangerous.

This class consists of two divisions:

Division I comprises such compounds as the fulminates of silver and of mercury and preparations of these substances, such as are used in percussion caps, and any preparation consisting of a mixture of a chlorate with phosphorous, or certain descriptions of phosphorous compounds, with or without the addition of carbonaceous matter, and any preparation consisting of a mixture of a chlorate with sulphur, or with a sulphuret, with or without carbonaceous matter.

Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol and the nitrate of diazobenzol.

CLASS 6.—*Ammunition Class.*

The term "ammunition" means an explosive of any of the foregoing classes when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge or charge for small arms, cannon or any other weapon, or for blasting or to form any safety or other fuze for blasting or for shells, or to form any tube for firing explosives, or to form a percussion cap, a detonator, a fog-signal, a shell, a torpedo, a war-rocket, or other contrivance other than a firework.

The term "percussion cap" does not include a detonator.

The term "detonator" means a capsule or case which is of such strength and construction and contains an explosive of the fulminate-explosive class in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

The term "safety fuze" means a fuze for blasting which burns and does not explode, and which does not contain its own means of ignition, and which is of such strength and construction and contains an explosive in such quantity that the burning of such fuze will not communicate laterally with other like fuzes.

The expression "safety cartridges" means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges.

The ammunition class has three divisions:

Division 1 comprises exclusively—

Safety cartridges.	Railway fog-signals.
Safety fuzes for blasting.	Percussion caps.

Division 2 comprises any ammunition as before defined which does not contain its own means of ignition, and is not included in division I, such as—

Cartridges for small arms, which are not safety cartridges.

Cartridges and charges for cannon, shells, mines, blasting, or other like purposes.

Shells and torpedoes containing any explosive.
Fuzes for blasting which are not safety fuzes.
Fuzes for shells.
Tubes for firing explosives.
War-rockets
(which do not contain their own means of ignition).

Division 3 comprises any ammunition as before defined which contains its own means of ignition, and is not included in division 1, such as—

Detonators.
Cartridges for small arms which are not safety cartridges.
Fuzes for blasting which are not safety fuzes.
Fuzes for shells.
Tubes for firing explosives
(which do not contain their own means of ignition).

By ammunition containing its own means of ignition is meant ammunition having an arrangement, whether attached to it or forming part of it, which is adapted to explode or fire the same by friction or percussion.

CLASS 7.—*Firework Class.*

The term "fireworks" comprises fireworks composition and manufactured fireworks.

Division 1.—The term "firework composition" means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature which is used for the purpose of making manufactured fireworks, and is not included in the former classes of explosives, and also any coloured fire composition.

Division 2.—The term "manufactured firework" means any explosive of the foregoing classes and any firework composition when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured so as to form a squib, cracker serpent, rocket (other than a war-rocket), maroon, star, lance, wheel, Chinese fire, Roman candle, or other article adapted for the production of pyrotechnic effects or pyrotechnic signals.

MANUFACTURE, POSSESSION AND SALE.

(*a*) *General Rules.*

2. An explosive shall not be manufactured except under and in accordance with the conditions of a license to manufacture the explosive granted under these rules.

Nothing in this rule shall apply—

(*a*) to the making of a small quantity of an explosive for the purpose of chemical experiment, and not for practical use or for sale; or

(*b*) to the filling for private use and not for sale of any safety cartridges to the amount allowed by these rules to be possessed for private use.

3. If any person manufactures an explosive in contravention of rule 2, he shall be punished with fine which may extend to three thousand rupees.

4. An explosive shall not be possessed except under and in accordance with the conditions of a license to possess the explosive granted under these rules:

Provided that this rule shall not apply—

(1) To a person possessing for his private use and not for sale—

(*a*) Gunpowder to an amount not exceeding on the same premises 30 lbs., or in lieu of the said quantity of gunpowder 15 lbs. of any other explosive, or in lieu of any less amount of gunpowder not so possessed, half that amount of other explosive; or

(*b*) Gunpowder contained in safety cartridges to an amount not exceeding 150 lbs., or in lieu thereof 150 lbs. of any explosive contained in ammunition of the 1st division of class 6, or in lieu of any less amount of gunpowder not so possessed, that amount of any explosive so contained.

Exception.—Nothing in the foregoing portion of the proviso to this rule shall be held to authorize the possession for private use—

(*a*) of any explosive of the 5th (fulminate) class; or

(*b*) of any explosive whereof the possession has been prohibited absolutely by Notification under Section 6 of the Act; or

(*c*) where the possession of an explosive has by Notification under that Section been prohibited subject to conditions of any such explosive except subject to those conditions.

(2) To the possession of an unlimited quantity of fireworks, if obtained and intended for immediate use and not for sale, and if kept for a period not exceeding 14 days in a safe and suitable place, and with all due precautions for the public safety;

(3) To the possession of any explosive by a person licensed to manufacture the explosive; or

(4) To the possession of any explosive by a carrier or other person for the purpose of transport when the same is being kept or transported in accordance with the provisions of the rules made under the Act with respect to the transport of such explosive.

5. If any person possesses an explosive in contravention of rule 4, he shall be punished with fine which may extend to one thousand rupees.

6. An explosive shall not be sold except under and in accordance with the conditions of a license to sell the explosive granted under these rules:

Provided that this rule shall not apply to any person selling any explosive which for his own private use he lawfully possesses to any person who is not legally prohibited from possessing the same.

7. If any person sells an explosive in contravention of rule 6, he shall be punished with fine which may extend to five hundred rupees.

(*b*) *Licensing of the manufacture, possession and sale of gunpowder and certain explosives.*

8. Licenses to manufacture, possess, and sell, or to possess and sell, or to possess an explosive of the 1st (gunpowder) class, or of the 1st division of the 6th (ammunition) class to such total amount during the currency of the license, and in such places as shall be approved by the licensing officer, may be granted by the District Magistrate.

Provided that nothing in any such license shall be deemed to entitle the license-holder to keep at the same time in the place to which the license applies more than 200 lbs. of gunpowder, 500 lbs. of explosive contained in ammunition of the 1st division of the 6th (ammunition) class, or any such less quantity of any of these explosives as the licensing officer may direct in this behalf.

9. The following fees shall be paid for every license granted under the last foregoing rule, namely:—

(1) A fee of twenty rupees for every license to manufacture, possess, and sell the maximum quantity of explosive mentioned in the preceding rule, or any less quantity;

(2) A fee of ten rupees for every license to manufacture, possess, and sell half the quantity of explosive mentioned in the preceding rule, or any less quantity;

(3) A fee of five rupees for every license to manufacture, possess, and sell a fourth of the quantity of explosive mentioned in the preceding rule, or any less quantity;

(4) A fee of ten rupees for every license to possess and sell the maximum quantity of explosive mentioned in the preceding rule, or any less quantity;

(5) A fee of five rupees for every license to possess and sell half the quantity of explosive mentioned in the preceding rule, or any less quantity;

(6) A fee of two rupees eight annas for every license to possess and sell a fourth of the quantity of explosive mentioned in the preceding rule, or any less quantity; and

(7) A fee of eight annas for every license to possess explosive.

10. License to manufacture, possess, and sell an explosive of the 7th (firework) class to such total amount during the currency of the license, and in such places, as shall be approved by the licensing officer, may be granted by the District Magistrate in Form D in the Schedule hereto annexed.

11. A fee of eight annas shall be paid for every license granted under the last foregoing rule.

12. No fee shall be charged for licenses granted to contractors, cultivators or other persons to possess gunpowder, fuses or other explosives in reasonable quantities when the same are proved to the satisfaction of the officer granting the license to be required *bona fide*, in the case of licenses granted to contractors, for blasting purposes, and, in the case of licenses granted to cultivators or other persons, for blasting purposes in connection with agricultural works or works of public utility. *a*.

a. As modified by Government of India, Home Department, Notification No. 518, dated the 19th April, 1893.

13. Every license granted under rule 8 shall be in Form A, B, or C in the Schedule hereto annexed as the case may be, and shall be subject to the conditions prescribed therein.

14. If any person commits a breach of any condition subject to which a license under rule 8 is granted, he shall be punished with fine which may extend to five hundred rupees.

(c) Licensing of the manufacture of other explosives.

15. Licenses to manufacture explosives other than those referred to in rule 8 or rule 10 shall be granted by the Governor General in Council on payment of such fees in such form for such term and subject to such conditions as the Governor General in Council may in each case prescribe: provided that the Governor General in Council shall, in the case of any such license, prescribe all the conditions which are hereinafter prescribed for licenses to possess an explosive of the same description and quantity as the manufacturing license is to cover.

16. If any person commits a breach of any condition subject to which a license under rule 15 is granted, he shall be punished with fine which may extend to three thousand rupees.

(d) Licensing of the possession of small quantities of other explosives.

17. Licenses for the possession at such places as shall be approved by the licensing officer of explosives other than those specified in rule 8 shall, if the explosive is not one of the 5th (fulminate) class, and if the quantity to be possessed at the same time does not exceed 60 pounds, be granted by the District Magistrate.

18. Every license granted under rule 17 shall be in Form E in the Schedule hereto annexed, and shall be subject to the conditions prescribed therein. A fee of five rupees shall be paid for every such license.

19. If any person commits a breach of any condition subject to which a license under rule 17 is granted, he shall be punished with fine which may extend to one thousand rupees.

(e) Licensing of the possession of explosives generally.

20. Licenses for the possession of explosives generally shall, if the explosive is not one of the 5th (fulminate) class, be granted by the Resident in accordance with the following procedure:—

(1) The applicant shall submit to the District Magistrate an application in writing accompanied by a plan (drawn to scale) of the place in which it is proposed to keep the explosive (herein referred to as the magazine) and the site thereof.

(2) The application shall specify such of the following matters as are applicable, namely:—

(*a*) The boundaries of the land forming the site of the magazine, and either any belt of land surrounding the site which is to be kept clear and the buildings and works from which it is to be kept clear, or the distances to be maintained between the magazine or any part thereof and other buildings and works;

(*b*) The situation, character, and construction of all the mounds, buildings, and works on or connected with the magazine, and the distances thereof from each other;

(*c*) The amount of explosive and of ingredients thereof wholly or partly mixed to be allowed at the same time within the boundaries of the magazine; and

(*d*) Any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation, or construction of any buildings or works, or the nature of any process or otherwise.

(3) Upon receipt of the said application—

(*a*) The District Magistrate shall thereupon cause notice to be published of the application, and fix a date on which any persons shall be heard objecting to the establishment of a magazine on the proposed site who have not less than seven clear days before the day of hearing sent to the said District Magistrate, and to the applicant, notice of their intention to appear and object with their name, address, and calling, and a short statement of the grounds of their objection.

(*b*) Where the site of the proposed magazine is situate within, or within one mile of, the limits of the jurisdiction of any Municipality, the applicant shall serve on the Municipal authority notice of the application and of the date of hearing by the District Magistrate.

(*c*) The said notices shall be published and served at the cost of the applicant by the District Magistrate not less than one month before the date of hearing.

(*d*) The District Magistrate shall fix the date of hearing as soon as practicable after application is made to him, and the time so fixed shall be as soon as practicable after the expiration of the said month from the publication and service of the notices by the applicant.

(*e*) On consideration of the application, and on making such enquiry as may be deemed necessary, the District Magistrate may dissent altogether from the establishment of such new magazine on the proposed site, or assent thereto, either absolutely, or on any conditions requiring additional restrictions or precautions.

(*f*) On the completion of the enquiry, the District Magistrate shall forward the application, with his recommendation, to the Resident through the Commissioner. The Resident may thereupon either grant the license applied for either in accordance with the recommendation of the District Magistrate or with the addition of any additional restrictions and precautions as may be deemed proper, or the Resident may refuse such license.

(*g*) If the Resident grant a license, he shall forward the same to the District Magistrate, who, when satisfied that the magazine is sufficiently completed according to the license to justify the use thereof, shall confirm the license; but, until so confirmed, the license shall not come into force.

21. A fee of 20 rupees shall be paid for every license granted under rule 20.

22. Every license granted under rule 20 shall be in Form F in the Schedule hereto annexed, and shall be subject to the conditions prescribed therein.

23. If any person commits a breach of any condition subject to which a license under rule 20 is granted, he shall be punished with fine which may extend to one thousand rupees.

24. Licenses for the possession of explosives of the 5th (fulminate) class shall be granted by the Governor General in Council on payment of such fees and in such form and subject to such conditions as he may in each case prescribe.

25. If any person commits a breach of any condition subject to which a license is granted under rule 24, he shall be punished with fine which may extend to one thousand rupees.

(*f*) *Licensing of the sale of other explosives.*

26. Licenses for the sale of explosives other than those referred to in rule 8 or rule 10 may be granted by the District Magistrate to any person licensed to possess the same.

27. A fee of five rupees shall be paid for every license granted under rule 26.

28. Every license granted under rule 26 shall be in Form G in the Schedule hereto annexed, and shall be subject to the conditions therein prescribed.

29. If any person commits a breach of any condition, subject to which a license under rule 26 is granted, he shall be punished with fine which may extend to five hundred rupees.

(g) Supplementary.

30. The District Magistrate, or any subordinate Magistrate deputed in that behalf by the District Magistrate, or any Police officer not below the rank of Inspector deputed in that behalf by the District Magistrate, may enter and inspect and examine any place in which an explosive is manufactured, possessed, or sold by a person licensed in this behalf under these rules.

31. Every officer acting under rule 30 may take samples of any explosive found therein on payment of the value thereof.

And he may seize, detain, remove, and if necessary destroy any explosive found therein, reporting the fact to the Magistrate of the District.

32. A person licensed to possess an explosive shall not be required to take out a license for the manufacture of the explosive by reason that, in a room or workshop in connection with the magazine, or place in which he is licensed to possess the explosive, he, by filling cartridges, making charges, drying, sifting, fitting or otherwise, adapts or prepares the explosive for the keeping of which he is licensed, for use, sale or otherwise: provided that he observes the following rules:—

(1) There shall not be in the workshop in which such filling, adaptation, or preparation is carried on more than 50 lbs. of gunpowder or in lieu of such gunpowder or of a less amount thereof, not so present, half that amount of other explosive.

(2) Any work unconnected with such filling, adaptation or preparation shall not be carried on in the said room or workshop while such filling, adaptation, or preparation is being carried on.

(3) The said room or workshop shall be detached from the magazine or place in which the licensee is licensed to possess the explosive and at a safe distance therefrom.

(4) An explosive of one description shall not be converted into an explosive of another description, and shall not be unmade or resolved into its ingredients.

TRANSPORT.

(a) Packing.

33. The following general rules shall be observed with respect to the packing of explosives for conveyance:

I.—Each class of explosive shall be separately packed.

II.—An explosive, not being an explosive of the 5th (fulminate) class or of the 2nd and 3rd divisions of the 6th (ammunition) class or of the 1st division of the 7th (firework) class, shall, if not exceeding 5 lbs. in quantity, be contained in a substantial case, bag, canister or other receptacle made and closed so as to prevent the explosive from escaping.

III. An explosive of the 1st (gunpowder) class, which is intended to be used for blasting purposes, may be carried in barrels covered with waxcloth or gunny.

IV.—In every other case the explosive shall be contained in a double package. The inner package shall be a substantial case, bag, canister or other receptacle made and closed so as to prevent the explosive from escaping and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the explosive to escape. Provided as follows:—

(*a*) If the explosive is explosive of the 1st (or gunpowder) class or is explosive of the 2nd (nitrate-mixture) class or is gun-cotton or other explosive of the 2nd division of the 3rd (nitro-compound) class, the quantity of explosive in any one outer package shall not, in the case of explosive of the first two classes, exceed 100 lbs. and in the case of the last 50 lbs., and if the explosive be gun-cotton, it shall be carried thoroughly saturated with water.

(*b*) If the explosive belongs to the 1st division of the 3rd (nitro-compound) class or to the 4th (chlorate-mixture) class, the inner package shall be without any metal in its construction, and the inner or outer package or both shall be thoroughly waterproof. No one of the inner packages shall contain more than 10lbs., and the aggregate quantity of the explosive in any one outer package shall not exceed 50 lbs.

(*c*) If the explosive belongs to the 5th (fulminate) class, it shall be packed in such manner as the Governor General in Council may specially direct.

(*d*) If the explosive belongs to the 1st division of the 6th (ammunition) class or is an explosive of the 2nd division, an outer package shall not be required, but it may be contained in quantity not exceeding 100 lbs., in a single package, which shall be a box barrel, or case not less than $\frac{1}{4}$ths of an inch in thickness, of such strength, construction and character as will not be broken or accidentally opened or become defective or insecure whilst being conveyed, and will not allow the explosive to escape.

(*e*) If the explosive belongs to the 3rd division of the 6th (ammunition) class, it shall be packed in a double package. The inner package shall not contain more than 2lbs. of such explosive, and no more than 50 lbs. shall be contained in the outer package.

(*f*) If the explosive belongs to the 1st division of the 7th (fir work) class, it shall be contained in a double package. The inner package shall be a substantial canister, case, or other receptacle hermetically closed, and containing no more than 1 lb. of explosive, and no more than 20 lbs. shall be contained in the other package ; and

(*g*) If the explosive belongs to the 2nd division of the 7th (firework) class, it shall be contained in a box, barrel, or case of wood, metal, or other solid material, and of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow any explosive to escape, and the quantity of explosive in any one package shall not exceed 100 lbs.

V.—Whatever be the amount of the explosive, and to whatever class or division of a class it belongs, the following conditions shall be observed:—

(*a*) The interior of every package, whether single or double, shall be kept free from grit and otherwise clean ;

(*b*) every package, whether single or double, when actually used for the packing of explosive, shall not be used for the packing of any other explosive of the same or any other class or for any other purpose ;

(*c*) there shall not be any iron or steel in the construction of any such single package or inner or outer package unless the same is effectually covered with tin, zinc, or other suitable material ;

(*d*) on the outermost package there shall be affixed, in conspicuous characters, by means of a brand or securely attached label or mark, the word "explosive," followed by the name of the explosive or other description of the contents and the name and address of the owners or sender ; and

(*e*) the amount of explosive in any single package, or, if there is a double package in any one outer package, shall not exceed the amount specified in the foregoing rules except with the consent of, and under conditions to be approved by, an officer appointed by the Resident in this behalf.

34. If any person commits a breach of any of the foregoing rules relating to the packing of explosives for conveyance, he shall be punished with fine which may extend to Rs. 1,000.

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(b) Mode of Conveyance.

35. The following general rules shall be observed with respect to the conveyance of explosives :—

I.—No explosive shall be conveyed from place to place, unless packed in the manner provided for in the foregoing rules.

II.—There shall not be conveyed in any carriage or vessel which is being used for the conveyance of an explosive, any explosive of a different class and division, of whatsoever nature, which contains its own means of ignition, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

III.—*a.* No explosive shall be loaded or unloaded except between sunrise and sunset.

IV.—Whilst the explosive is being loaded on or unloaded out of any carriage no fire or artificial light nor any article which is liable to cause or communicate fire or explosion (such as charcoal, lucifer-matches, articles for striking a light, petroleum or any spirit or oil or substance that gives forth an inflammable vapour at a temparature below 100° Fahrenheit) shall be, or shall be allowed to be brought had or used dangerously near to such carriage, and no smoking shall be allowed in, on, or dangerously near to the same : provided that when the use of a light for the purpose of such loading or unloading is unavoidable, a lamp of such construction, position, or character as not to cause any danger from fire or explosion may be used ; and no person while handling any explosive (except gun-powder, explosive of division 1, class 6, or explosive of class 7, if packed in accordance with the packing rules) shall wear boots or shoes with iron or steel nails, heels, or tips.

V.—In loading or unloading any explosive, the casks and packages containing the same shall be passed from hand to hand and not rolled upon the ground, they shall not be thrown or dropped down, but shall be carefully deposited and stowed.

VI.—The explosive shall not be conveyed except in the interior of a carriage so enclosed on all sides with wood or metal as effectually to protect the explosive against accident by fire from without. If the explosive cannot be so secured, it shall be completely covered with painted cloth, tarpaulin or other situable material so as to effectually protect it against communication of fire.

a. This rule has been modified, in British India, by Government of India Notification No. 2365, dated the 30th December 1892, republished at page 10 of the Residency Orders for 1893, as follows :—

III.—Except in the case of small consignment carried by public railway, which may be unloaded at any time, explosives shall be loaded or unloaded only between sunrise and sunset. For the purposes of this rule no consignment of more than one half wagon load booked to one station shall be deemed to be a small consignment.

VII.—There shall not be any iron or steel in the interior of the portion of the carriage with which the case containing the explosive is in contact unless the same be effectually covered with leather, wood, cloth, or other suitable material.

VIII.—In the stowing of explosive, due precautions shall be taken by means of partition or otherwise, and by careful stowing, to secure such explosive from being brought into contact with, or endangered by, any other article or substance conveyed in such carriage which is liable to cause fire or explosion; and if the explosive is dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive.

IX.—The amount of explosive conveyed in any one carriage at any one time shall not exceed 2,000 lbs. unless the carriage be so enclosed on all sides with wood or metal as effectually to protect the explosives against accident by fire from without, in which case the amount of explosive conveyed shall not exceed the following:—

In any one carriage on a railway	...	10 tons.
In any one other carriage ...	...	2 ,,

NOTE.—This rule must in the case of dynamite conveyed by railway be read subject to paragraph XII of rule 37.

X.—Nothing in the foregoing rules (except rule I) shall apply to any explosive of the 1st division of the 6th (ammunition) class, provided all due precautions are taken for the prevention of accidents.

36. The following rules shall be observed with respect to the conveyance of explosives otherwise than by public railway:—

I.—No explosive shall be conveyed in a carriage whilst carrying or plying for public passengers, unless the quantity be less than 5 lbs., and notice has been given before hand to the person in charge of such carriage: provided that there shall not be conveyed in any such carriage any explosive of the 5th (fulminate) class, or any explosive of the 3rd division of the 6th (ammunition) class or of the 1st division of the 3rd (nitro-compound) class, except—

(*i*) dynamite, which may be carried in the form of cartridges up to the limit of 5 lbs., provided that no detonators are carried in the same compartment; and

(*ii*) detonators to the number of 200, provided that the amount of fulminate of mercury in the package or packages containing the detonators shall in no case exceed in the aggregate 3 oz. (a certificate to this effect being given by the Agent of the Company by whom the detonators are tendered for transport); provided also that no dynamite is carried in the same compartment.

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PART II.—LOCAL RULES.

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Rules under the Explosives Act.

II.—With respect to the conveyance by carriage of explosives of the 5th (fulminate) class, or of the 3rd division of the 6th (ammunition) class, or of the 1st division of the 7th (firework) class, or of larger quantities than 5 lbs., of any other explosive, the following regulations shall be observed :—

(1) The person in charge of the carriage shall not drive or conduct the same in a dangerous or reckless manner, and shall take all due precautions to avoid fire and explosion, and no person shall do any act or thing in relation to the explosive which tends to cause fire or explosion, and is not reasonably necessary for the conveyance of the explosive or for work immediately connected with such conveyance ; and a person who is intoxicated shall not have charge of any carriage conveying explosive, and shall not be permitted to be in, or on, or attending the same.

(2) A person shall not forward to any warehouseman or carrier a consignment of explosive, unless he has given notice to such warehouseman or carrier beforehand, stating the name and quantity of the explosive proposed to be conveyed, and the name and address of the proposed consignee, and has had an intimation that the warehouseman or carrier is prepared to receive the consignment ; and a warehouseman or carrier shall not make such an intimation nor receive such consignment, unless he is prepared to receive it and forthwith to despatch the same, or to deposit it in a magazine or at a place at which a person is licensed to possess the same.

(3) The carriage conveying the explosive shall be in charge of, and constantly attended by, some competent person, or by a sufficient number of competent persons, and such persons shall not, if the amount of explosive conveyed exceed 100 lbs., stop or delay for a longer time than may be reasonably necessary, or stop unnecessarily at any place where such stopping would be attended with special public danger.

37. The following rules shall be observed with respect to the conveyance of explosives by public railway :—

I.—No person shall send for carriage upon any railway any consignment of an explosive, unless he has given to the officer in charge of the railway station previous notice in writing which, at the option of the Railway Administration, may extend to 48 hours, of his intention to send such consignment, and stating the true name, description quantity, and mode of packing of the explosive proposed to be conveyed, and his own name and address, and also the name and address of the proposed consignee, and unless he has had an intimation in writing from an authorized officer of the railway that such consignment will be received.

II.—No explosive which a Railway Administration shall, by any notice or regulation for the time being in force, notify that they will not receive shall be brought, sent, or forwarded to, or upon, any railway of the said Railway Administration.

III.—Consignments of explosives shall be sent to the forwarding station and shall be received by the railway servants only at such times, between sunrise and sunset, as the Railway Administration may appoint; and every package containing any explosive proposed to be conveyed on any railway shall immediately on arrival at the station be unloaded and placed in a safe place under the special direction of the officer in charge of the station.

IV.—An explosive must be removed by the consignee from the receiving station during the twelve hours of daylight after arrival: if this condition is not strictly complied with, the Railway Administration may return the consignment to the consignor at his risk and expense. And such packages shal in the meanwhile be kept as far away from the station buildings as possible in the wagon they were conveyed in, or, if unloaded, shall be completely covered with tarpaulins or other suitable material, and, if necessary, shall be protected by a police guard.

V.—The Railway Administration may refuse to receive any packages which they suspect to contain any explosive packed or sent in contravention of these regulations. And in case any package which the Railway Administration suspect shall be upon any railway, they may open, or require to be opened, any such package, to ascertain the fact at the risk and expense of the consignor, and may return the explosive contained in the package to the consignor, at his risk and expense, keeping the packages pending such return in the manner prescribed in the preceding rule.

VI. [a].—Subject to the exception provided for in clause (*c*), no explosive shall be conveyed by passenger train except of the kinds and in the manner hereinafter specified in this rule:—

(*a*) Safety cartridges and percussion-caps and safety-fuze (for blasting), also fog-signals for railway use, which may be conveyed in ordinary wagons or carriages.

(*b*) Dynamite which may be carried in the form of cartridges up to the limit of 5lbs., provided that no detonators are carried in the same compartment.

(*c*) Detonators which may be carried to the number of 200, provided that in no case the amount of fulminate of mercury in the package or packages containing the detonators exceeds in the aggregate 3oz. (a certificate to this effect being given by the company, firm or person tendering the detonators for transport or by its or his agent), provided also that no dynamite is carried in the same compartment.

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a. Substituted for the original rule by Resident's Notification No. 32, dated the 23rd January, 1891.

(*d*) Sporting gunpowder or non-safety cartridges packed in double cases as before provided, so long as the gunpowder is contained in one-pound tin canisters packed in a stout wooden case with an outer covering of tin or zinc completely spark-proof, or in metal-lined cases of a pattern approved by the Railway Administration. But no outer case shall contain more than 25 lbs. of gunpowder, and the total consignment of gunpowder or non-safety cartridges by one train shall not exceed 80 lbs.

(*e*) Explosives may be carried by mixed trains on any line on which goods trains are not running, subject to the conditions that not more than one vehicle containing explosives is forwarded at any one time by a mixed train ; that the precautions prescribed for conveyance by goods trains or observed ; and that directly a wagon containing explosives arrives at a section on which goods trains are running, it is detached from the mixed train.

VII.—Not more than five carriages containing explosives shall be loaded or unloaded at any railway station, or be conveyed by any one train at any one time ; and the quantity of explosive to be contained in any one carriage shall not exceed two-thirds of the normal load, unless the carriage shall be specially built and approved of by the Government of India for the conveyance of explosives. But nothing in this clause shall be held to apply to separate consignments of small arms ammunition.

VIII.—There shall not be conveyed in the same carriage with any explosive any lucifer or other matches, fuses, pipelights, acids, naphtha, paraffine, petroleum, or any other volatile spirit or substance liable to give off an inflammable vapour or liable to spontaneous ignition, or to cause or communicate fire or explosion.

IX.—The consignor shall attach to the consignment note a certificate signed by an officer authorized by the Resident in this behalf that the explosive, if it is gun-cotton, dynamite, or blasting gelatine, is of the standard purity, and has undergone no deterioration since its manufacture ; and further in the case of dynamite, that the cartridges have been examined and show no signs of exuded nitro-glycerine. The consignor shall also certify that the cartridges have been packed in this country in accordance with the packing rules.

X.—In the case of dynamite the outer package shall be marked with the date on which the dynamite was packed, and be secured with a leaden seal in token of the inspection having been made.

XI.—The certificate referred to in rule IX shall be valid for six months after date, if the examination has been made between the 15th October and 31st March ; but any Railway Administration which accepts dynamite for transport may demand a fresh certificate for dynamite presented for conveyance between 1st April and 15th October, (both inclusive).

XII.—Packages containing dynamite shall be stowed in one layer only and secured so as to prevent movement during transit. The gross load in any one wagon shall not exceed 3 tons.

XIII.—No explosive belonging to the 5th (fulminate) class or to class VI, division 3, shall be carried in the same train with dynamite, or with any other explosive belonging to class III, division I.

XIV.—Wagons used for the carriage of explosives shall be examined to see that they are spark-proof and have been cleaned out before they are loaded. Hair cloth, hides, or other suitable material shall be spread on the floor of the wagon and between each layer of packages, except when the packages are covered with gunny or felt or contain small-arms ammunition packed in tin-lined service-pattern boxes.

XV.—Wagons containing explosives shall be loaded and unloaded on sidings distant as far as possible from the station building.

XVI. *a*.—More than three layers of packages containing explosives shall never be packed one above another, except in the case of small-arms ammunition packed in tin-lined service-pattern boxes, when such a restriction is unnecessary. The loading and unloading of explosives when once begun shall be diligently proceeded with during daylight until the same is completed.

XVII.—When the train is being marshalled, wagons loaded with explosives may be shunted by a locomotive, provided that they are separated from the engine by not less than three wagons containing no explosive nor easily inflammable substance; this precaution is not necessary with wagons specially constructed for the carriage of explosive. The speed of these movements will be restricted to 5 miles an hour: they will be superintended by a duly authorized officer, who will be held responsible for the observance of these orders. Flying shunts are strictly prohibited.

XVIII.—Wagons containing explosives shall be placed at the end of the train away from the locomotive and shall be close coupled to one another, as well as to the adjoining wagons, and must be preceded and followed by three wagons not loaded with explosive or other traffic of an inflammable nature.

XIX.—If the wagons employed in the transport of explosive, as well as those immediately adjoining them, are provided with brakes, the brakes shall on no account be worked.

XX.—Wagons must in every case be locked when loaded with explosives.

XXI.—All operations connected with the transhipment of explosives at junction stations shall take place during daylight.

If any person commits a breach of any of the foregoing rules relating to the mode of conveyance of explosives, he shall be punished with a fine which may extend to Rs. 1,000.

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a. In the beginning of the last sentence of this rule the words "Subject to the provisions of rule 4 (III)" * were added and the words "during daylight" were omitted from it by Government of India Notification No. 2365, dated the 30th December, 1892, republished at page 10 of the Residency Orders for 1893.

* Relates to rules made by the Governor General in Council under Section 5 of the Explosives Act, 1884, and published in Home Department Notification No. 1417, dated the 24th June, 1887, see rule 35, III, of these rules.

General.

38. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

39. If a person licensed to manufacture, possess, sell or import an explosive dies or becomes bankrupt, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Act or the rules made thereunder for carrying on the business or acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license. Such new license shall be granted on the payment of one rupee.

40. The fees leviable under these rules shall be taken in the shape of "impressed stamps." Ordinarily the applications for licenses or renewals of licenses shall, if not othewise provided, be written on "impressed stamps," of value equal to the amount of fee leviable in respect of such licenses or renewals, the licenses themselves being issued on plain paper. But when the licenses themselves are written or printed on impressed stamps, the application may be on plain paper. When an application for a license is written on an impressed stamp and the license is refused, the value of the stamp will, on application, be refunded to the applicant.

41. All licenses except licenses to manufacture an explosive under rule 15 or to possess explosives of the 5th (fulminate) class under rule 24 shall expire on the 31st December of the year for which they are granted. Licenses granted under rules 15 and 24 shall be current for the term therein specified. But the currency of the license may, unless the circumstances have so changed that the grant of a new license would either not be authorized under the Act and rules, or is deemed objectionable by the licensing authorities, on application previous to its expiration, be renewed on payment of the original fee.

42. When a license granted in accordance with these rules is lost or accidentally destroyed, a duplicate may be granted to the licensee on payment of a fee of eight annas.

43. Any person holding a license, or acting under a license granted in accordance with these rules, shall be bound to produce the same when called upon to do so by any Magistrate or by any Police officer in charge of a police station or by any Police officer of higher rank.

44. All Magistrates or other authorities acting under these rules will perform their duties subject to the control of their executive superiors and of the Local Government.

(*For Appendices, see Part IV of this Manual.*)

Miscellaneous Notifications.

Notification No. 178 J., dated the 23rd September, 1874.—With reference to Notification No. 1203 of this date, in the Home Department, the Governor General in Council is pleased, in the exercise of the powers conferred by the 28th Victoria, Cap. 15, Section 3, to make the following orders :—

Original and appellate criminal jurisdiction over European British subjects of Her Majesty, being Christians, resident in the Native States, Territories, and Chiefships, below named, shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at Fort William, Madras, Bombay, and in the North Western Provinces, respectively, as follows :—

III.—By the High Court at Bombay in—

The Hyderabad Assigned Districts.

Hyderabad, excepting the Assigned Districts.

Notification No. 2616 I., dated the 6th August, 1880.—In exercise of the powers conferred by Section 6 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, the Governor General in Council is pleased to direct that a Justice of the Peace for the time being in any Native State, Territory or Chiefship specified in Foreign Department Notification No. 178 *J.*, dated the 23rd September 1874, shall commit for trial to the High Court, which under that Notification has original and appellate criminal jurisdiction in pursuance of the Statute 28 and 29 Victoria., Chapter., 15, Section 3, over European British subjects (being Christians) resident in such State, Territory or Chiefship.

Notification No. 3089 I., dated the 18th September, 1890.—In exercise of the powers conferred by Section 8 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, the Governor General in Council is pleased to direct that the Code of Criminal Procedure, 1882, in so far as it extends to British subjects in the dominions of His Highness the Nizam of Hyderabad, shall be received subject to the following modification, namely :—

"The officer for the time being holding the office of First Assistant to the Resident at Hyderabad shall have power to refer any case instituted before him as a Justice of the Peace in the Hyderabad State to any other Justice of the Peace in the said State, and to transfer any case instituted before any Justice of the Peace in the said State to another Justice of the Peace in the said State."

Notification No. 2513 I., dated the 31st July, 1890.—Under the provisions of Section 1 of the European Vagrancy Act, IX of 1874, the Governor General in Council is pleased to declare that the provisons of Sections 4 to 9 (both inclusive) and of Sections 19, 20, 24 and 29 of the said Act shall come into force from this day in the dominions of His Highness the Nizam of Hyderabad.

Notification No. 31 J., dated the 12th March 1875.—In exercise of the powers conferred on him by Sections 13 and 15 of Act XI of 1872, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules :—

1. The Political Agent shall not issue a warrant under section 11 of the Act in any case which is provided for by Treaty, if the native state expressly desires to abide by the procedure of the Treaty, nor in any case in which application for surrender is made under Section 14 to the Governor General in Council or any Local Government.

2. The Political Agent shall not issue a warrant under Section 11, except on a request preferred to him in writing by, or by the authority of, the person for the time being administering the executive Government of the Native State at which he is the British representative, and on the understanding that the provisions of Act XI of 1872 and of these rules are to apply to the case.

3. If the accused be a British subject, the Political Agent shall, before issuing such a warrant, consider whether he ought not to certify the case as one for trial in British India : and he shall, instead of issuing a warrant, so certify the case, if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India than in the Native State.

4. The Political Agent shall in all cases, before issuing a warrant under Section 11, satisfy himself by preliminary enquiry that there is a *primâ facie* case against the accused, and that the charge is not prompted by political motives.

5. If the person surrendered under the warrant of a Political Agent, issued under Section 11, be not a British subject; or if, such person being a British subject, the Courts of the State, either by custom or by the express recognition of the Governor General in Council, try Native British subjects surrendered to them by extradition, and the Political Agent after hearing the statement, if any, of the accused, and making such further enquiry as he may deem necessary is still satisfied that there is a *primâ facie* case against the accused, and that the charge is not prompted by political motives, the Political Agent shall make over the accused to be tried by the ordinary Courts of the State in which the offence was committed ; provided that the Courts of the State have, by custom or recognition as aforesaid, power to inflict the punishment which may be inflicted under the Indian Penal Code, for the offence with which the accused person is charged. *a.*

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a. This rule was substituted for the original rule by Government of India Notification No. 87, *J.*, dated the 16th August, 1876.

6. If the accused be a British subject, but the Courts of the State do not by custom or recognition as aforesaid try Native British subjects, the Political Agent shall dispose of the case himself.

7. If the punishment which may be awarded under the Indian Penal Code for any offence for which an accused person has been surrendered as above be more than the Courts of the State by custom or recognition as aforesaid inflict, the Political Agent may try the case himself, if he thinks it advisable to do so.

8. Notwithstanding any thing in the three preceding rules, the Political Agent shall try any such case himself or make it over for trial by the ordinary Courts of the State, if he be generally or specially instructed by the Governor General in Council so to do.

9. In cases made over for trial by the Courts of a Native State under rules 5 and 7, the Political Agent shall satisfy himself that the accused receives a fair trial, and that the punishment inflicted in the case of his conviction is not excessive or barbarous ; and if he is not so satisfied, he shall demand the restoration of the prisoner to his custody pending the orders of Government.

10. A return of all persons made over for trial by the Courts of a Native State under rules 5 and 7 shall be submitted half yearly by the Political Agent to the Government of India or the Government of Madras or Bombay, as the case may be, in the following form :—

(*For the form, see Form No. 17, Part IV of this Manual.*)

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11. Persons arrested in British territory on a warrant issued by a Political Agent under Section 11, and persons arrested on a warrant issued under Section 14, shall be treated as far as possible in the same way as persons under trial for a similar offence would be treated under the Code of Criminal Procedure or under the procedure in force in the Presidency towns, if the arrest take place within any Presidency town.

12. Persons sentenced to imprisonment by the Political Agent shall, if British subjects, be conveyed to the most convenient jail in British territory, there to be dealt with as though the conviction had taken place in a Court of British India ; provided always that no appeal shall thereby be given other than is allowed by any rule for regulating appeals from the decisions of the Political Agent.

13. Nothing in rules 5 to 10 inclusive, which refer to cases under Section 13 of the said Act, shall be deemed to apply to Political Agents immediately under the authority of the Governor in Council of the Presidency of Fort St. George or the Governor in Council of the Presidency of Bombay.

Notification No. 149 J., dated the 8th October, 1875.—The Governor General in Council is pleased to order that the Notification of this Department, No. 31 J., dated 12th March, 1875, publishing certain rules under Act XI of 1872 (the Foreign Jurisdiction and Extradition Act, 1872), shall not apply to Native territory under the direct administration of the British Government, in which the Code of Criminal Procedure (Act X of 1872) is in force.

Notification No. 165, I., dated the 13th January, 1892.—In exercise of the powers conferred by Section 6 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate of Aurangabad and Jalna being a European British Subject, to be a Justice of the Peace within the Hyderabad State.

Notification No. 99, dated the 21st April, 1891.—The following Regulations which have been approved by the Resident as fit to be established at any Hyderabad Contingent Military bazar station by the Commanding Officer under the provisions of Section IV of the Bazar Regulations of the Hyderabad Contingent Stations, are published for general information :—

Depositing dirt in public roads, &c.

1. No person shall throw or put, or permit his servants to throw or put any dirt, refuse, rubbish, or filth of any description in any road, street, or public place, or on any waste or unoccupied public ground, or into any sewer or drain, except in such places and in such manner and at such times as shall be fixed by the Superintendent of Police with the approval of the Cantonment Committee.

Allowing sewerage to flow on public road, &c.

2. No person shall cause or allow the water of any sink, sewer, privy, urinal, cess-pool or drain, or any other offensive liquid matter belonging to him, or being upon his premises, to run, drain, or be thrown or put upon any road, street or public place, or into any surface drain in any road, street or public place.

Removal of night-soil along public road.

3. Except within such hours and by such route as may, from time to time, be fixed by public notice by the Superintendent of Police, with the approval of the Cantonment Committee, no person shall remove any night-soil or any other noxious or offensive matter along any road or thoroughfare within the limits of the Cantonment; and whether such hours have been fixed or not, no person shall use for any such purpose any cart, carriage, or other receptacle or vessel not having a covering proper for preventing the escape of the contents thereof or of the stench therefrom. If, in the course of removing night-soil or other noxious or offensive matter, any such matter shall fall upon any road or thoroughfare, the person or persons who are engaged in effecting such removal shall well and carefully sweep and cleanse the place

on which such matter shall have fallen, and shall effectually remove such sweepings therefrom. No person shall suffer to stand, or remain, or shall place or set down in any public place or thoroughfare any cart, carriage, receptacle or vessel for the removal of night-soil or any other noxious or offensive matter, for any longer time than shall be necessary.

Construction of private latrines.

4. The owner of any house, building, or premises within the limits of the Cantonment, to which in the opinion of the Cantonment Committee this rule may properly be applied, shall cause to be constructed, within a reasonable time after due notice has been given to him by the Superintendent of Police, for the use of the persons residing upon the ground appertaining thereto, a latrine or latrines according to such plans as may be prescribed or approved by the Cantonment Committee.

Removal of dirt from premises and provision of receptacles.

5. Every owner or occupier of any house, building or premises, within the limits of the Cantonment, shall cause to be removed therefrom, with such precautions, and at such times, as shall from time to time be ordered, all dirt, filth, refuse, rubbish, or noxious or offensive matter, and shall provide receptacles for the temporary deposit of such dirt, filth, refuse, rubbish, or matter in such manner and in such places as may be prescribed or approved by the Superintendent of Police with the sanction of the Cantonment Committee.

Keeping dirt on premises.

6. No owner or occupier of any house, building, or premises, within the limits of the Cantonment, shall allow to be kept for more than twenty-four hours or otherwise than in some proper receptacle, any dirt, filth, refuse, rubbish or noxious or offensive matter, in or upon the roof of any such house or building or in any out-house, yard or ground attached to, and occupied with such house, building, or premises, or shall suffer such receptacle to be in a filthy or noxious state, or shall neglect to employ proper means to remove the filth therefrom, and to cleanse and purify the same.

Filthy premises &c.

7. No owner or occupier of any house, building, premises, or land within the limits of the Cantonment, whether tenantable or otherwise, or of any private drain, privy, or cesspool, shall suffer the same or any part thereof to be in a filthy or unwholesome state, or overgrown with rank and objectionable vegetation, or shall suffer any offensive smell to proceed from the same, and every such owner or occupier shall cleanse, white-wash, or purify the same as the case may require, when called upon to do so by the Superintendent of Police.

Privies to be shut out from public view.

8. The owner or occupier of any house, building or land having a privy on his premises shall have such privy shut out by a sufficient roof, wall, or fence from the view of persons passing by or residing in the neighbourhood, and except with the permission of the Superintendent of Police, given with the approval of the Cantonment Committee, when no nuisance will be caused thereby, no owner or occupier shall keep any privy with a door or trap-door opening on to any street.

Houses unfit for human habitation.

9. If, in consequence of the want of proper means of drainage or ventilation or privy accommodation, or other sufficient reason, any house, building, or premises shall be declared by the Superintendent of Police, with the sanction of the Cantonment Committee, unfit for human habitation, and he shall prohibit its use for such purpose, no owner or occupier of such house, building, or premises shall use or suffer the same to be used for such purposes until in the opinion of the Cantonment Committee, the causes rendering it unfit for human habitation have been removed.

Spreading infection of any disease.

10. No person shall do, within the limits of the Cantonment, any act which he knows or has reason to believe to be likely to spread the infection of any disease, and every head of a household shall report to the police, within 24 hours, the occurrence in his household of any case of small-pox or cholera. This rule shall not apply to persons performing or causing to be performed the operation of vaccination.

Cultivation of prohibited crops.

11. No person shall cultivate within the limits of the Cantonment, any crop which is prohibited by the Cantonment Committee, or by the Officer Commanding the Cantonment, with the previous sanction of the Resident, on sanitary or other grounds.

Trimming hedges and trees and destroying trees.

12. Every owner or occupier of any ground within the limits of the Cantonment shall trim or prune the hedges and trees thereon in such manner as the Cantonment Committee may from time to time prescribe; and no person shall cut down or destroy any trees of mature growth, whether on private premises or otherwise, without the sanction of the Cantonment Committee.

Keeping swine.

13. No person shall keep any swine within the limits of the Cantonment except with the permission, signified in writing through the Superintendent of Police, of the Cantonment Committee, and under such restrictions as the Committee shall think fit to impose.

13—A. No person shall within Cantonment limits feed milch-cows, buffaloes, goats or any animal the flesh of which is used as food for human beings on any foul or unwholesome food, nor shall any person, within the said limits, sell the flesh or milk of animals so fed.

Keeping animals so as to be a nuisance.

14. No person shall keep any animals so as to be a nuisance or injurious to health, or in any place in which, in the opinion of the Cantonment Committee, such animals cannot be kept without danger to the public health or convenience,

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Keeping unlicensed public latrine.

15. No person shall keep any latrine or urinal for public use within the limits of the Cantonment, unless he shall have received permission in writing from the Cantonment Committee through the Superintendent of Police unless he shall observe all rules laid down regarding the construction and management of public latrines and urinals.

Performing offices of nature in places other than those appointed.

16. When, in the opinion of the Cantonment Committee, a sufficient number of latrines and urinals has been provided for the use of the inhabitants of the Cantonment and due notice of the intention to enforce this rule has been given by the Superintendent of Police, no person shall perform the offices of nature in any other places within the limits of the Cantonment than such as may be appointed, whether on public or private ground.

Committing nuisance on public ground.

17. No person shall commit a nuisance by easing himself in or by the side of or near to any public road or thoroughfare or place, or by indecently exposing his person.

Bathing in prohibited places.

18. No person shall bathe in any public place, within the limits of the Cantonment, the use of which for such purpose has been prohibited by the Cantonment Committee, or at times at which bathing in such place has been prohibited by the said Committee.

Bathing in place set apart for other sex.

19. No person of one sex shall bathe in any public bathing-place within the limits of the Cantonment if such place has been set aside by the Cantonment Committee for the use of persons of the other sex.

Diseased persons not to bathe in public bathing-place.

20. No person suffering from any contagious disease shall bathe in any public bathing-place within the limits of the Cantonment.

Defiling the water used for public purposes.

21. No person shall construct or keep any latrine, urinal, or place for the deposit of filth or refuse in the vicinity of any river, spring, tank, reservoir, well, or other source from which water is derived for public use, within the limits of the Cantonment, or shall do any act which shall corrupt or foul such water so as to render it less fit for the purpose for which it is ordinarily used.

Washing animals, clothing, &c., in prohibited places.

22. No person shall wash or cleanse, or cause to be washed or cleansed, in any public road or thoroughfare, or in or upon or by the side of any river, spring, tank, reservoir, well, or other source from which water is derived for public use, within the limits of the Cantonment, any animal, or any wool, cloth, or wearing apparel, or any utensil for cooking or other purposes, or leather, or skins of any animals, or other foul or offensive thing, in any places the use of which for such purposes shall be prohibited by the Cantonment Magistrate with the approval of the Cantonment Committee.

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23. No person shall kill, within the limits of the Cantonment, any animal for public sale except at the public slaughter-house, or at such other place as may be allowed by the Superintendent of Police with the sanction of the Cantonment Committee.

Killing animals, except at public slaughter-house.

24. No owner or occupier or farmer of any place used as a slaughter-house or market within the limits of the Cantonment shall keep or allow the same to be kept in a filthy or unclean state, or suffer any offensive smell to arise therefrom, or shall neglect to carry out any of the rules laid down for the management of slaughter-houses or markets.

Allowing slaughter-house or market to be in a filthy state.

25. No owner or occupier of any place used as a slaughter-house within the limits of the Cantonment shall slaughter or suffer to be slaughtered therein any diseased or unsound animal, and every owner or occupier of such place, in case of any diseased or unsound animal being brought thereto shall forthwith give information thereof to the Superintendent of Police.

Slaughtering diseasd animals.

26. No owner, occupier, or farmer of any market within the limits of the Cantonment shall knowingly allow the Commission of any nuisance within such market.

Allowing nuisance in market.

27. Every owner, occupier, or farmer of any market to which in the opinion of the Cantonment Committee, this rule ought to be made applicable shall, within a reasonable time, to be fixed by the Superintendent of Police, after he shall have received notice to do so, provide such places of retirement for the purposes of nature as, in the opinion of the said Committee, may be necessary for the cleanliness and health of the said market.

Markets to be provided with proper places of retirement.

28. No owner, occupier, or farmer of any market, shop, or stall within the limits of the Cantonment shall permit to be exposed for sale, or admit or permit to remain therein, any article intended for food or drink for man, which is noxious or unfit for use as food or drink for man, and he shall forthwith cause any such article to be removed.

Allowing exposure in market of unwholesome articles of food.

29. No person shall knowingly sell as food or drink for man, or offer or expose for such sale, or keep in his possession for the purpose of such sale, any article which is noxious or unfit for use as food or drink for man.

Sale of unwholesome food or drink.

30. No person shall adulterate any article of food or drink so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink.

Adulterating food or drink.

31. No person within the limits of the Cantonment shall sell any pork except under such conditions as may be prescribed by the Cantonment Committee.

Selling pork.

32. No person shall bury or cause to be buried, or shall burn or cause to be burned, any corpse in any place within the limits of the Cantonment, if the use of such place as a burial or burning gronnd has been prohibited by lawful authority.

Burying or burning corpses in prohibited places.

33. No person shall bury or cause to be buried any corpse in any burial ground, within the limits of the Cantonment, in a grave not constructed of masonry, which shall be less than six feet deep, or in a grave constructed of masonry which shall be less than four feet deep.

Depth of graves.

34. No person shall make or cause to be made a grave in any such burial ground at less clear distance than three feet from any other existing grave.

Distance between graves.

35. No person shall make or cause to be made a grave in any such burial ground in any other lines or situations than those, which may be marked out by competent authority for that purpose.

Graves to be made only in prescribed lines or situations.

36. No person when burning or causing to be burnt any corpse in any burning ground within the limits of the Cantonment shall permit the same or any part thereof to remain without being completely reduced to ashes, or to be removed until the same be so reduced.

Corpses to be reduced to ashes.

37. Every person who shall bring or convey, or cause to be brought or conveyed, any corpse to any such burning ground shall burn or cause the same to be burnt within four hours after its arrival at the said burning ground.

Corpses to be burned within four hours after arrival at burning ground.

38. No person shall throw any corpse into any river within the limits of the Cantonment when such practice shall have been declared by the Officer Commanding the Station, with the approval of the Resident, to be a public nuisance.

Throwing corpses into rivers.

39. No person shall use any place within the limits of the Cantonment for any of the following purposes if such use of such place has been declared by the Superintendent of Police, with the sanction of the Cantonment Committee, to be a nuisance, and has been prohibited as such, namely, as a butcher's shop, or for melting tallow, or for boiling offal or blood, or for making soap, oil-boiling, dyeing, or as a tannery, brick, pottery or lime-kiln, or for any manufactory or place of business from which offensive or unwholesome smells arise or as a yard or depôt for hay, straw, wood for coal,

Offensive or obnoxious trades.

Quarrying stone and cutting wood or grass on public ground.

40. No person shall quarry stone or kunker or dig up bricks, or cut wood or grass on any public ground, except in places which may be set apart for such purpose by the Cantonment Committee.

Depositing building materials or making excavations in public roads.

41. No person shall deposit any building materials, or make a hole or excavation, in any road, thoroughfare, or public place, without the permission in writing of the Superintendent of Police, given with the approval of the Cantonment Committee; and when such permission is granted to any person, he shall, at his own expense, whenever the Superintendent of Police may so direct, cause such materials, or such hole or excavation, to be sufficiently fenced and enclosed, until the materials are removed or the hole or excavation is filled up or otherwise made secure, and shall cause the same to be sufficiently lighted during the night.

Excavations, &c., in private or public ground.

42. No person shall make any tank, hole or excavation in any private or public ground of a character which appears to the Cantonment Committee to be objectionable on sanitary or other grounds.

Dangerous places to be repaired or enclosed.

43. The owner of every building, tank, well, hole or other place within the limits of the Cantonment, the repair, protection, or enclosure of which is necessary for the prevention of danger to the public, shall cause the same to be repaired, protected or enclosed so as to prevent danger therefrom.

Making roofs or external walls of inflammable materials.

44. No person shall make or suffer to remain any external roof or wall of any hut or other building of grass, leaves, mats or other such inflammable materials in any place within the limits of the Cantonment in which the use of such materials for such purposes shall have been prohibited by the Officer Commanding the Cantonment, or by the Superintendent of Police, with the approval of the Resident.

Causing obstruction by building, &c., in public roads.

45. No person shall build any wall, or erect or set up any fence, rail, posts, or cause other obstruction, encroachment, or injury in any public road or thoroughfare, or in or over any drain, sewer or aqueduct.

Inflammable materials, &c., near public buildings.

46. No person shall stack or collect dry grass, straw or other inflammable materials, or place mats or thatched huts or cooking places within one hundred yards of any barrack or stable, or other public building having a thatched roof or in any other place in which the collection or placing of inflammable materials or buildings shall be prohibited by the Officer Commanding the Cantonment, or by the Superintendent of Police, with the approval of the Cantonment Committee.

47. No person shall displace, take up or make any alteration in the pavement or roadway, or fences or posts, of any public road or thoroughfare without the consent in writing of the Superintendent of Police given with the approval of the Cantonment Committee.

Displacing pavement of public road.

48. Every person shall construct and also keep in proper repair the boundary walls, fences or other enclosure of his estate or premises.

Repair of boundaries.

49. Every person intending to build or re-build any house or hut within the limits of the Cantonment shall give previous notice in writing to the Superintendent of Police, and shall obey all rules and regulations which may be laid down by the Cantonment Committee, with respect to the sufficiency of the space to be left about such buildings or huts to secure a free circulation of air, or with respect to their ventilation or drainage.

Re-building houses and huts.

50. No person shall make any new permanent or temporary buildings, hut, shed, enclosure, awning or chubootra in any situation in which such building or other construction shall be declared by the Superintendent of Police, with the sanction of the Cantonment Committee, to be objectionable on sanitary grounds, or on account of causing encroachment or obstruction to a public thoroughfare.

Erecting buildings in objectionable situations.

51. No person shall drive or ride any animal, or drive any vehicle, within the limits of the Cantonment, in a manner so rash or negligent as to indicate a want of due regard for the safety of others, or shall drive except upon the proper side of the road in meeting and passing other vehicles.

Rash or negligent driving or riding.

52. No person shall drive within the limits of the Cantonment any vehicle at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light, except when in the opinion of the Superintendent of Police there may be sufficient moonlight to render such light unnecessary.

Driving vehicles without sufficient light.

53. No person shall train, or break or lead out for exercise any animal within the limits of the Cantonment, except in such places and at such times as may be allowed by the Officer Commanding the Cantonment.

Training animals.

54. No person shall take elephants, camels, or loaded carts along any public road within the limits of the Cantonment during such times as the use of such road for such purpose shall have been prohibited by the Officer Commanding the Cantonment.

Taking elephants, &c., along public roads.

Suffering ferocious dogs to be at large, and keeping dangerous animals.

55. No person shall suffer to be at large within the limits of the Cantonment any ferocious dog without a muzzle, and no person shall keep any dangerous animals, such as tigers, bears, &c., unless securely caged.

Picketing animals and collecting carts, &c.,

56. No person shall picket animals or collect carts on any public ground, or shall use such ground as a halting place for vehicles or cattle of any description, unless the use thereof for such purpose shall be prescribed or permitted by the Officer Commanding the Cantonment.

Causing obstruction by vehicles or animals in public road.

57. No person shall cause any obstruction in any thoroughfare by causing or permitting any vehicle or animal to remain therein longer than is required for loading or unloading, or for taking up or setting down passengers, or shall leave any vehicle or animal in such a manner as to cause inconvenience or damage to the public.

Exposing articles for sale on public road.

58. No person shall expose any articles for sale upon any stall, booth, or otherwise so as to cause obstruction in any thoroughfare.

Beating drums or tomtoms.

59. No person shall beat a drum or tomtom or blow or sound any instrument at any time or in any place which shall be prohibited by the Officer Commanding the Cantonment or by the Superintendent of Police.

Discharging fire-arms, fireworks, &c.

60. No person shall discharge any firearms, or air-gun, or fire-works, or send up any fire-balloon, or light any bonfire in or near any public road or thoroughfare, except with the permission of the Officer Commanding the Cantonment.

Destroying lamp-post, &c.

61. No person shall destroy, injure or disturb any sign-board or sign-post, or any lamp-post, lamp-bracket or lamp in any public road or thoroughfare, or extinguish any light therein, without due authority.

Begging, exposing deformities or being drunk or riotous.

62. No person in any public road, thoroughfare or place shall beg or apply for alms, or expose, or exhibit any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms, or shall be drunk and incapable of taking care of himself or riotous,

Cruelty to animals.

63. No person shall cruelly beat, abuse, or torture any animal.

Processions and music in the streets,

64. No person shall disobey any rules made by lawful authority for regulating the conduct of assemblies and processions in the public roads or thoroughfares, or with regard to the use of music in the streets.

Permitting disorderly behaviour in places of public resort.

65. No person, being the keeper of any house or place of public resort or entertainment, shall knowingly permit drunkenness or other disorderly behaviour in such house or place, or shall suffer any gaming therein, or shall permit prostitutes or persons of notoriously bad character to meet or remain therein.

Public gaming.

66. No person shall keep or use, or knowingly permit to be kept or used, any place as a common gaming-house, or shall in any manner assist in conducting the business of any place so used, or shall game or be present for the purpose of gaming in any such place, or shall game in any public street, place or thoroughfare.

Appointing agents.

67. Every owner of any house, building or premises, or other immoveable property within the limits of the Cantonment not residing within the Cantonment or in its immediate vicinity shall within one month after these rules have been declared to be in force, or within such time as may be specially ordered by the Superintendent of Police appoint a duly authorized agent resident within the Cantonment or in its immediate vicinity, who shall be answerable for the observance of all the present rules and regulations which refer to the owners of houses or other property as aforesaid.

Deaths to be reported.

68. The head of any house or family in which a birth or death may occur shall, within 24 hours, report or cause to be reported to the Superintendent of Police, or, in his absence, to the Officer Commanding the Station the fact of such birth or death, and also the cause to which death is believed to have been due.

PART III.—CIRCULAR ORDERS.

SECTION I.—CRIMINAL LAW.

Criminal Law (Indian Penal Code) Order No. 1.

(Circular No. XIV of 1879 of the Judicial Commissioner, Central Provinces, republished as Judicial Commissioner's Circular No. VI of 1880.)

It appears that misapprehension still exists as to the scope and meaning of Section 304-A of the Indian Penal Code. It has lately been applied to cases in which there had been the voluntary commission of an offence against the person. The officiating Judicial Commissioner therefore considers it proper to circulate for the guidance of the Criminal Courts of the Provinces the following explanation of the terms "rashness" and "negligence" as used in that section. This explanation is taken from the judgment of the Madras High Court in the case of Nidamarti Nagabhusanam, 7 Madras High Court, 119, which has been approved by the Chief Court of the Punjab, and issued as a Circular to the Criminal Courts of that Province, and has lately been relied upon by the Calcutta High Court.

2. "Culpable rashness is acting with consciousness that mischievous and illegal consequences may follow, but with the hope that they will not, and often with the belief that the actor has taken sufficient precaution to prevent their happening."

"The imputability arises from acting despite of the consciousness."

"Culpable negligence is acting without the consciousness that illegal or mischievous effects will follow, but in circumstances which show that the actor has not exercised the caution incumbent on him, and that if he had, he would have had the consciousness."

"The imputability arises from the neglect of the civil duty of circumspection."

"It is manifest that personal injury consciously and intentionally caused, cannot fall within either of these categories, which are wholly inapplicable to the case of an act or series of acts themselves intended which are the producers of death."

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3. It may be added in cases in which there has been an intention to cause bodily injury, and the offence does not amount to culpable homicide, the person by whom death has been caused should be punished either for causing hurt or grievous hurt, according as his intention, and the nature of the injuries inflicted bring the case within the definition of one or the other offence.

Criminal Law (Indian Penal Code) Order No. 2.

(Judicial Commissioner's Circular No. IV of 1879.)

From some cases which have come before me lately, I am led to believe that some of you require to have your attention drawn to Chapter XII of the Indian Penal Code on the subject of coining and uttering false coin.

2. It is, perhaps, almost unnecessary for me to say that to establish a case of coining against a person, circumstantial evidence must usually be relied upon, such as the finding of coining tools in the house of the accused, together with pieces of counterfeit money, some in a finished and some in an unfinished state, or such other evidence as is sufficient for an inference to be fairly drawn that the accused has been engaged in counterfeiting coin.

3. As regards the passing of counterfeit coin, which you will find treated of in sections 239, 240 and 241, it is necessary to draw your attention to the fact that the first of these sections refers to any coin, while the section 240 refers only to Queen's coin, and it is necessary to state in the charge which description of coin the accused has attempted to pass, for you will notice that the passing of a Queen's coin is more severely punishable than the passing of any other coin.

Again, it is necessary in preparing a charge under one or other of these sections to state in the charge and to prove by evidence, whether the utterer was aware, or otherwise, when he became possessed of the counterfeit coin he is charged with passing, that it was counterfeit.

If he was aware, then the offence would be triable under section 240; if he was not, it is triable under section 241.

4. To establish a charge under section 240, it must be proved that the utterer knew the coin was false when it came into his possession, and this again can alone be established by circumstantial evidence.

A person found with several pieces of false coin in his possession, or a few secreted about his person, or it having been proved that he passed off or attempted to pass off either on the same day or at different times to the same or different persons, these facts will be evidence from which his guilty knowledge may be inferred.

5. Every offence mentioned in this Chapter of the Penal Code is triable by the Court of Session or Magistrate of the 1st class, except offences under sections 241 and 254,[a] and it is therefore necessary to state in charges framed under these sections that the accused was *not* aware that the coin was counterfeit when it came into his possession.

Criminal Law (Indian Penal Code) Order No. 3.

(Punjab Chief Court Circular No. XVI—3680, dated 18th December, 1883, republished in Resident's Judicial Book Circular No. III of 1884.)

The Judges have noticed that Magistrates are apt to confound sections 352 and 323 of the Indian Penal Code, and to issue process and convict under the former section in cases in which the complaint is laid under section 323, and the evidence for the prosecution establishes the fact of violence having been actually used.

2. In some cases this is possibly done purposely, because charges under section 352 are triable as summons cases, whereas a charge under section 323 must be tried as a warrant case. The procedure in the former class of case is no doubt easier to the Magistrate, but it is less favourable to the accused, for in warrant cases the Magistrate is bound to call upon the accused for his defence, unless he discharges him (see sections 253 to 256 of the Code of Criminal Procedure), while in a summons case, the accused is primarily responsible for the production of his evidence on the day fixed for hearing (section 244).

3. The Judges, therefore, think it desirable to point out to the Criminal Courts subordinate to them that section 352 of the Indian Penal Code does not apply to cases where the offender uses criminal force which actually causes hurt to the person against whom it is displayed, and that such cases fall under section 323 of the Indian Penal Code. [b]

Criminal Law (Code of Criminal Procedure) Order No. 4.

(Punjab Chief Court Circular No. XIII—2285, dated 17th June, 1886, republished in Resident's Judicial Book Circular No. XII of 1886.)

The Judges of the Chief Court desire to invite attention to the changes and amendments made in the Code of Criminal Procedure by Act X of 1886 with special reference to the points noted below :—

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a. An offence under Section 262 I. P. C. is triable by a Magistrate of the 2nd class, but it does not relate to coins.

b. For the rest of this Circular, see Part III, Section II, Criminal Procedure (Inquiry and Trial), Order No. 6.

(1) The effect of Section 2 is to make it clear that District Magistrates empowered under Section 30 can pass sentences of transportation as well as imprisonment. Moreover a sentence not exceeding four years in duration will not now require confirmation by the Sessions Judge.

(2) The change introduced by Section 22 is important. The period of imprisonment awardable on a second conviction of an offence under Chapters XII and XVII of the Indian Penal Code, punishable with not less than three years' imprisonment, is extended to 10 years, and is no longer restricted to six years in regard to the commission of offences under Sections 379, 411, 414 and other offences punishable with three years' imprisonment under these Chapters.

(3) By Sections 5 and 19 it has been made clear that sub-divisional Magistrates as such can exercise the power of requiring security for good behaviour under Section 110.

(4) By Section 24 of this Act, Section 651 of the Civil Procedure Code has been repealed, and resistance or obstruction to lawful arrest or escape therefrom is now punishable directly under the Indian Penal Code, Section 255 B.

Criminal Law (Code of Criminal Procedure) Order No. 5.

(Hyderabad Assigned Districts High Court—Criminal—Circular No. IV of 1890.)

In consequence of a misapprehension of the meaning properly attachable to the words "Mukhtar" and "other person" as used in the Code of Criminal Procedure in the definition of the word "pleader" under section 4 (*n*) of the Code, certain unlicensed persons having been permitted to set up in some of the Districts of the Hyderabad Assigned Districts, contrary to the intention of the laws relating to legal practitioners, the following instructions, with the approval and sanction of the Resident, are issued for the guidance of the Magistracy in the Criminal Courts of the Hyderabad Assigned Districts.

The word Mukhtar as used in the definition is a person licensed to practise as a Mukhtar under some law for the time being in force; and he is specially mentioned in the definition because in Section 9 of the Legal Practitioners' Act of 1879 he is expressly empowered, subject to the provisions of the Criminal Procedure Code, to appear, plead, and act in any Criminal Court in which he is enrolled and any Criminal Court subordinate thereto.

Consequently within the Hyderabad Assigned Districts the word "Mukhtar" as used in the definition has no application, for there are no licensed individuals who can within the Hyderabad Assigned Districts claim that title. Therefore to admit, as has been done, an unlicensed person, who chooses to call himself a "Mukhtar," meaning thereby simply that he is an agent, is not permissible or right.

The term "other person" is ordinarily to be construed as covering only a relation or friend called in by an accused to defend him. The object of empowering the Courts to allow such to conduct the defence is manifestly to provide for those cases in which the accused is too poor to afford professional assistance, or for other reasons prefers friendly to professional assistance.

The Magistracy, however, should in each case, when a friend is employed, be careful to ascertain that under the guise of "friend" a person from the class of inferior unlicensed would-be professionals is not being encouraged to the detriment of the licensed professional and contrary to the spirit and intentions of the Legislature as expressed in various enactments.

2. It follows that under section 340, Code of Criminal Procedure, the only persons who within the Hyderabad Assigned Districts can in a Criminal proceeding of right claim to defend an accused are—

(1) Those who are authorized to practice in the Criminal Courts of the Hyderabad Assigned Districts under any law or regulation for the time being in force in the Hyderabad Assigned Districts *i. e.* the licensed pleaders of the Province.

(2) Those who are advocates, vakils or attorneys of a High Court so authorized.

(3) Those relations or friends of an accused who are appointed with the permission of the Courts.

Criminal Law (Code of Criminal Procedure) Order No. 6.

(Punjab Chief Court Circular No. XI—1545, dated 27th April, 1886, republished in Resident's Judicial Book Circular No. X of 1886.)

SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

Instructions necessary for the guidance of Magistrates in proceedings under Chapter VIII., Criminal Procedure Code.

There is reason to believe that the provisions of Chapter VIII of the Criminal Procedure Code, defining the circumstances under which persons may be called upon to furnish security to keep the peace (otherwise than on conviction), or for good behaviour, and laying down the procedure to be adopted in the trial of such cases, are not generally understood or observed; and the attention of Criminal Courts is accordingly invited to these provisions. It should be observed that by the present Code of Criminal Procedure (X of 1882) the power of demanding security for good behaviour has been considerably curtailed; and that certain conditions, which were not required by the previous Code, must now be complied with before process can issue, and before a final order can be passed calling upon a person to furnish security of either sort.

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2. Cases under Section 110, Criminal Procedure Code, in which proceedings are taken against habitual offenders with a view to their being called upon to furnish security for good behaviour, are the most common, and it is generally in respect of them that neglect of the provisions of the Code has come to notice. In the first stage of the proceedings in this class of cases, and before actual inquiry is made in the presence of accused, three points need attention :—

Cases of security for good behaviour under Section 110; three points to be attended to.

1. The information (Section 110).

2. The order thereon, including the substance of the information (Section 112).

3. Communicating the same to the accused (Sections 113 and 115).

3. *First.*—The information is the foundation of the whole proceeding, and the fact that the Magistrate is acting upon information should be recorded. No information should be acted upon unless it comes from a trustworthy source, and is such that, if substantiated and not rebutted, it will justify a finding that the person charged answers to one or more of the specific descriptions given in Section 110.

First, the information.

4. *Second.*—If the Magistrate deem it necessary to act on the information received he must record an order comprising the matters described in Section 112. The order is to contain, first, the substance of the information, and this should be stated with sufficient fulness for the accused person to have a clear understanding of the matter that he has to meet in his defence. Further, the order is to contain particulars of the security required; and in framing this portion of the order, the *proviso* to Section 118 must be borne in mind.

Second, the order on the information.

5. The *third* point is the communication of the order to the accused person. If the accused person is not in Court, the process for his appearance is to be accompanied by a copy of the order made under Section 112, to be delivered by the officer serving the process. If the person is present in Court, the order is to be read over to him, and, if he so desire, its substance is to be explained to him.

Third, communication of the order to the accused.

6. In regard to the process to be issued, Section 114 provides that, ordinarily, the process shall be a summons, unless the person is in custody, in which case a warrant will issue to the officer in whose custody he is. When the person is not in custody, a warrant is to issue only when the Magistrate is satisfied that it is necessary to prevent a breach of the peace, which is

Form of process issued to the accused person.

apprehended upon reasonable grounds. The grounds on which the Magistrate founds his order for issuing a warrant must in all cases be recorded. This provision relates more particularly to applications under Section 107, and will very rarely apply to applications under Section 109 and Section 110.

Inquiry on appearance of accused person.

7. After the preliminary proceedings are completed, and the accused is before the Court in person or by pleader, the inquiry commences into the truth of the information upon which the Magistrate has acted. In cases under Section 110 the procedure to be followed is that prescribed for warrant cases, except that no charge need be framed. Care, however, is necessary that the accused shall have a full opportunity of making his defence and supporting it by witnesses, an adjournment being granted if necessary for that purpose.

Finding and order.

8. On the conclusion of the inquiry the Magistrate must consider the order to be passed. The first point to consider is whether the accused is proved to be a person falling within any of the descriptions stated in Section 110; and, if the Magistrate consider that he is, the Magistrate should record a distinct finding of the specific description which he considers proved. If the finding be insufficient, as occasionally occurs, namely, that the accused is a bad character or a notorious thief (which findings might possibly have been sufficient under the old Code), the final order based upon it will be open to reversal. The same will be the case if the finding be that he is a habitual thief (or as the case may be), but the finding is not supported by evidence that the misconduct is habitual.

The second point to be considered is whether it is necessary to take security. Ordinarily proof of habitual misconduct will justify the conclusion that security is necessary; but the Magistrate has a discretion in the matter. In exercising this, it should be remembered that the object of the proceedings is to deter and not to punish. A convict just released from jail should not ordinarily be put upon security until there has been a fair opportunity of judging whether the punishment he has already undergone is not in itself a sufficient deterrent against relapse into evil courses.

Amount of security and period for which it is demanded.

9. If the Magistrate decide that security is necessary, the next step is to determine—

(1) the security to be given,

(2) the period for which it is to be given.

In fixing these, the Magistrate should be careful to refer to the original order to see that the security and the period therein specified are not exceeded. Further, as the amount of the bond is to be fixed with due regard to the circumstances of the case and is not to be excessive, it should appear upon the

record that the security demanded is not disproportionate to the ability of the accused person to furnish it, having regard to his status in life.

If accused appears to be minor.

10. When the appearance of the accused leaves it doubtful whether he is a minor, his age should be ascertained.

Procedure when security is not considered necessary.

11. If it is not found that security is necessary, the Magistrate will act under Section 119, according as the person is in custody, for the purpose of the inquiry merely, or is not in custody.

Points that must be noted in the final order for security; order to be translated.

12. When the final order is made under Section 118, it should state clearly—

(1) the amount of the bond;

(2) whether it is to be with or without sureties, and the number;

(3) the period for which security is to be given.

If the proceedings are in English, the order must be translated into the vernacular and signed by the Magistrate.

Date of commencement of period of security; warrants where period does not exceed and where it does exceed one year.

13. When the person from whom the security is required is not under sentence of imprisonment, or undergoing such a sentence, the period commences to run from the date of the order; and, unless the requisite security be given on that date, he must be committed to prison under Section 123 with a warrant in Form XIV of Schedule V, Criminal Procedure Code, if the period fixed does not exceed one year. When the period exceeds one year, the form must be varied so as to bring its last clause into conformity with the second clause of Section 123; and the proceedings must be laid as soon as conveniently may be before the Court of Session.

Security bond or copy of warrant to be filed with the record.

14. Care must be taken that the record is made complete by filing either the security bond or a copy of the warrant of commitment before consigning the record to the record-room.

Magistrates should refer to their Codes in these proceedings.

15. In other matters relating to proceedings under Sections 106, 109, and 110, Magistrates are referred to the provisions of the Code in Chapter VIII, and to the Forms X to XV inclusive in Schedule V of the Code. They are recommended to have their Codes beside them, and to refer to them in all proceedings under this Chapter, as errors and irregularities, which might be avoided by reference to the Code, can only be regarded as wholly inexcusable.

Criminal Law (Whipping) Order No. 7.

(Resident's Judicial Book Circular No. 1 of 1887.)

The provisions of Section 391, Criminal Procedure Code, are as follows:—

"When the accused is sentenced to whipping in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until 15 days from the date of the sentence, or if an appeal be made within that time, until the sentence is confirmed by the Appellate Court."

On a recent reference by the Resident, it has been ruled by the Government of India that, when a Magistrate combines sentences of imprisonment and whipping, it is necessary that the term of imprisonment shall be at least one of 15 days.

Criminal Law (Whipping) Order No. 8.

(High Court Criminal Circular No. 1 of 1890.)

The following instructions under Section 392, Code of Criminal Procedure, are issued as to the mode in which the punishment of whipping should be inflicted in order to secure uniformity of practice:—

Adults. In the case of male adults, *i. e.* of males of sixteen years of age and over, the Resident has, in Residency Orders Notification No. 80,[a] dated 3rd April, 1890, prescribed, under Section 392, Code of Criminal Procedure, that the whipping shall be applied to the posteriors of the offender.

Juveniles. In the case of male juveniles, *i. e.* males under sixteen years of age, the application shall also be to the posteriors, but, as the law lays down, with a light rattan and with no more severity, having regard to the age and strength of the juvenile to be punished, than would ordinarily be used in school for a breach of school discipline.

Criminal Law (Whipping) Order No. 9.

(Para 8 of Judicial Commissioner's Circular No. XIX of 1880.)

In order to render legal a sentence of whipping, in addition to imprisonment under Section 3 of Act VI of 1864, the previous conviction therein referred to must be of the *same specific offence*. A conviction of an offence comprising the same Criminal elements, but coming under a different Section of the Penal Code, is not a conviction of the "same offence."

a. See page 154 of Part II of this Manual.

Criminal Law (Stamps) Order No. 10.

(Extracts from Branson's Digest published in Resident's Judicial Book Circular No. VIII of 1885.) [a]

"The Collector, if of opinion that a document requires a stamp, ought to follow the procedure laid down by Section 37 of Act I of 1879; and before a criminal prosecution can be instituted under Section 40, it is incumbent on the Collector to form an opinion as to whether the offence was committed with an intention of evading payment of the proper duty."

"The Stamp Act is a fiscal enactment, and must be strictly construed: and before any person can be punished for an offence relating to the stamp revenue, the procedure prescribed by the Act must be strictly followed.—Empress *versus* Soddanund Mahanty, I. L. Rep. 8 Cal. 259, 1881; 10 Cal. Rep., 365."

"A. executed to B. on plain paper an instrument which ought to have been executed on paper bearing a 4 anna stamp. B. sued A. on the instrument and produced it in evidence. The Court called on B. to pay the duty and penalty, and on his refusal to do so, impounded the document and sent it to the Collector, who sanctioned the prosecution of A., without requiring the payment of the duty and penalty. A. was convicted of an offence under Section 61 of the Stamp Act I of 1879.

Held—that the conviction was illegal, as the Collector had failed to allow an opportunity of paying the duty and penalty.—Empress *versus* Janki, I. L Rep., 7 Bombay, 1882."

Criminal Law (Stamps) Order No. 11.

(Government of India Resolution No. 2153, dated 20th July, 1883, republished in Resident's Judicial Book Circular No. XI of 1883.)

The attention of the Board of Revenue, Lower Provinces, was recently directed to a case in which a Bank had granted a duplicate receipt to another Bank on unstamped paper, although the original receipt was stamped with a duty of one anna, and the money for which the original receipt was granted was required to be accounted for to a party other than the depositor. The case was referred to the Advocate General for opinion as to whether the duplicate receipt was liable to stamp duty, and the following opinion was given by him:—

"A receipt for money is an instrument within the meaning of the Stamp Act (Act I of 1879). It follows that a duplicate receipt mentioned in this case is liable to a stamp of one anna under Article 23 (*a*) of Schedule I."

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a. Resident's Judicial Book Circular No. VIII of 1882 on the subject of prosecutions under the Stamp law and the remainder of this Circular are not reprinted as they contain instructions for the guidance of Collectors and not of Magistrates based on the above rulings.

Criminal Law (Stamps) Order No. 12.

(Resident's Judicial Book Circular No. XIII of 1882.)

It having been observed that a divergence of practice exists in different parts of this Administration in the matter of stamping transfers or assignments of leases, the Resident directs that such instruments should, in future, be stamped under Article 60 of Schedule I. of the Stamp Act, 1879.

Criminal Law (Miscellaneous) Order No. 13.

(Government of India Letter No. 3074, dated 25th June, 1890, published in Resident's Judicial Book Circular No. II of 1890.)

I am directed to acknowledge the receipt of your letter No. 85-G, dated the 17th March, 1890, in which you refer for the decision of the Government of India a doubt suggested by the Deputy Postmaster General, Central Provinces and Berar, whether the production of the registers, official correspondence, and other records of a Post Office can be required by a Court of Criminal Jurisdiction under Section 94 of the Criminal Procedure Code.

The Deputy Postmaster General is of opinion that the provisions of that Section and of Section 95 do not apply to the registers and other business records of the Post Office. He holds that these are records within the meaning of Section 123 of the Indian Evidence Act, and that they cannot therefore be produced before a Court without the consent of the head of the Postal Circle.

2. You are of opinion that such records are not documents in the custody of the Postal Department within the meaning of the last clause of Section 94 of the Criminal Procedure Code, and that consequently they fall under the foregoing portion of the Section, unless privileged under Section 123 or Section 124 of the Indian Evidence Act. You are also of opinion that the registers or other documents connected, for instance, with the registration of letters, the parcel post, money orders, and the savings bank cannot consistently be held to be protected from production under either of those Sections, though occasionally a record of a Post Office might be of such a nature as to fall under one or other of them.

3. I am directed to say in reply that the Governor General in Council agrees generally in the opinion stated by you. To obtain protection under the last clause of Section 94 of the Criminal Procedure Code, the documents must be of the same nature as a letter, post card, or telegram. To obtain protection under Sections 123 and 124 of the Indian Evidence Act, they must relate to affairs of State, or must be communications made in official confidence by the disclosure of which the public interests would suffer. His Excellency

in Council considers that the bulk of the records of the Post Office do not come under any of these exceptions, and that as such their production may be enforced under Section 94 of the Criminal Procedure Code.

4. The Director General of the Post Office will be furnished with a copy of this letter.

Criminal Law (Miscellaneous) Order No. 14.

(Government of India (Home Department, Judicial) letter No. 639, dated 23rd May, 1890, republished in Resident's Judicial Book Circular No. 111 of 1890.)

I am directed to acknowledge the receipt of your letter No. 95-G, dated the 24th March last, enquiring whether a convict who is released before the expiration of the term of his sentence by an oversight on the part of the officer in charge of the jail can be re-arrested and put back into jail until the termination of the sentence, and if so, by what authority. This enquiry is made with reference to the case of a prisoner so released from the Amraoti jail, who was subsequently re-arrested, but was ordered by the Commissioner to be set at liberty on the ground that the re-arrest was illegal.

2. In reply I am to say that an escape is where one who is arrested gains his liberty before he is delivered by the course of the law, whether or not force or artifice be used on his part to effect the escape (1 Russell, 567); or, in other words, a person "escapes" who gains his liberty before he is legally discharged (2 Bishop, 1054). A prisoner is not entitled to be released otherwise than in due course of the law, and the Governor General in Council is advised that a mistake of the jailor cannot operate in his favour, and that Section 66 of the Code of Criminal Procedure not only covers all escapes, whether due to complicity or negligence, but also gives sufficient authority for the pursuit and recapture of any person who has not obtained his discharge from custody in due course of law.

3. It appears to the Government of India possible that, in ordering the release of the prisoner in the case referred to in your letter under acknowledgment, the Commissioner may have been misled by a *dictum* which is to be found in most text books that "when an officer has voluntarily suffered a prisoner to escape, it is said that he can no more justify the re-taking of him than if he had never had him in custody before; because, by his own free consent, he hath admitted that he hath nothing to do with him." But what was actually laid down by the old authorities has been explained from the Bench to be that a jailor, who has been fined for such an escape, cannot avoid the judgment by re-taking the prisoner; it is not to be inferred from this that he cannot justify the re-taking.

Criminal Law (Miscellaneous) Order No. 15.

(Chief Commissioner, Central Provinces, Circular No. I of 1887, republished as Resident's Judicial Book Circular No. II of 1887.

A case has recently come under the notice of the Chief Commissioner the facts of which are briefly as follows: A house which had been rented by a tenant was left by him unoccupied and locked. The owner applied to a Magistrate, representing that the tenant had absconded on account of indebtedness, and asking that the house should be opened. This was done under the orders of the Magistrate with the sanction of the Deputy Commissioner, and the house was made over empty to the owner, the property found therein being treated as unclaimed property.

2. The Officiating Chief Commissioner is aware that this procedure is one commonly adopted in other provinces as well as in these; but I am to say that there is no legal warrant for such procedure. Such action on the part of Government Officers is illegal and apt to give rise to difficulties, and it must be discontinued.

Criminal Law (Miscellaneous) Order No. 16.

(Judicial Commissioner's Circular No. IV of 1884.)

In non-cognizable cases, complainants are generally required to pay fees on applications or petitions of complaints and for serving processes. Besides these they are required to deposit in Court the reasonable expenses of witnesses attending the Court. Such fees and expenses, the Judicial Commissioner has observed, are repaid by Magistrates out of the amount of fine imposed on persons convicted of offences complained of in contravention of the provisions of Section 31 of the Court Fees Act (VII of 1870). It is therefore found necessary to remind all Magistrates that Section 31 of the Court Fees Act requires that when a complainant has paid fees on application or petition of complaint and for serving processes in non-cognizable cases, the Court shall, if it convict the accused person, order him to repay such fees to the complainant in addition to the penalty imposed upon him. With regard to the reasonable expenses of witnesses incurred, which it is optional with Courts to award, these may be deducted from the fine inflicted, as prescribed by Section 545, Criminal Procedure Code.

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PART III.—CIRCULAR ORDERS.

SECTION II.—CRIMINAL PROCEDURE.

Criminal Procedure (Investigation) Order No. 1.

(Resident's Judicial Book Circular No. V of 1889.)

The Resident desires to call the attention of Magistrates and District Superintendents of Police to the provisions of the law regarding the arrest and detention of suspected persons as laid down in Chapters V and XIV of the Criminal Procedure Code (Act X of 1882). The provisions in these Chapters supply ample facilities to the Police for a thorough inquiry into every class of crime and for the detection and arrest of offenders. District Superintendents of Police are therefore called upon to impress upon their subordinates the absolute necessity of instructing themselves and of acting in conformity with the law, and are warned that, should they pass over irregularities on the part of the latter, they will themselves be held responsible.

2. Cases where the offender is in arrest from the commencement of the Police proceedings are comparatively few in number. The majority of cases are those in which complaint is made of a cognizable offence with which no person has yet been charged or for which no one has been arrested. In such cases the procedure of the investigating officer in regard to accused or suspected persons may be conveniently divided into two stages :—

I.—Procedure previous to arrest.

II.—Procedure subsequent to arrest.

3. This division brings into prominence the alteration in circumstances consequent upon the arrest of the accused or suspected person. The word "arrest" scarcely needs definition. But it should be observed that the law authorizes no informal detention or restraint of any description by the Police. All detention or restraint by a Police Officer in the course of an investigation is either legal arrest or wrongful restraint and confinement.

4. *Procedure previous to the arrest of the accused or suspected person.*—When the Police Officer takes up the investigation of the offence, he can secure the attendance before him of any suspected or other person from whom he is likely to gain information, and who does not attend willingly, by written order issued under Section 160 of the Criminal Procedure Code. The Section runs as follows :—

"Section 160.—Any Police Officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person, being within the limits of his own or any adjoining station, who from the information given or otherwise, appears to be acquainted with the circumstances of the case, and such person shall attend as so required."

If the suspected person fails to attend in obedience to the order, the Police Officer has choice of only two courses :—

(*a*) Report can be made to the Magistrate with a view to the punishment of the offender under Section 174, Penal Code, and the movements of the suspected person can be watched, if necessary, by the Police ; or

(*b*) the suspected person can be arrested, if his arrest is legal, under Section 54 of the Criminal Procedure Code.

When the suspected person has attended before the Police Officer, he can be examined and his statement recorded in accordance with the provisions of Sections 161, 162, and 163 of the Criminal Procedure Code.

5. The circumstances in which a Police Officer may arrest without warrant under the Criminal Procedure Code are detailed in Sections 54, 55 and 57. But in connection with arrests in the course of an investigation special attention should be directed to Section 54, clauses (1) and (4), under which fall the majority of cases investigated. In applying these clauses much depends upon the judgment of the Police Officer. They are as follows :—

"Section 54.—Any Police Officer may, without an order from a Magistrate and without a warrant, arrest—

"1st.—any person who has been concerned in any cognizable offence; or
"2nd.—against whom a reasonable complaint has been made, } of his having been so concerned.
"3rd.—credible information has been received, or
"4th.—a reasonable suspicion exists

"5th.—Any person in whose possession anything is found which may reasonably be suspected to be stolen property, and who may be reasonably suspected of having committed an offence with reference to such thing."

It is left to the discretion of the Police Officer to decide—

(I) Whether the complaint and suspicion are reasonable or the information credible in cases (2), (3), and (4) above.

(II) When to make arrest, assuming that the accused or suspected person, in the investigating officer's opinion, has been concerned in any cognizable offence, or that a reasonable complaint, information, or suspicion of his having been so concerned exists against him.

6. A general definition of what constitutes reasonableness in a complaint or suspicion and credibility of information cannot be given. But both must depend upon the existence of tangible legal evidence within the cognizance of the Police Officer, and he must judge whether the evidence is sufficient to establish the reasonableness and credibility of the charge, information, or suspicion. Again, the moment when an arrest should be made is not and

obviously cannot be prescribed. The arrest may be made as soon as the suspected person appears to the Police Officer to be such a person as is mentioned in Section 54, clauses (1) and (4), or the arrest may, for sufficient reason, be postponed. Unnecessary delay in investigation is forbidden by Section 173 of the Criminal Procedure Code. To defer arrest until further evidence is obtained in corroboration of that which has already satisfied the Police Officer of the reasonableness or credibility of the charge is a step which is frequently adopted with the result that suspected persons are kept under illegal restraint while a case against them is being matured. Doubtless cases may occasionally occur in which delay is advisable for the proper substantiation of the offence and prosecution of the accused. But, as a rule, as soon as it appears that the suspected person falls within the category mentioned in Section 54 of the Criminal Procedure Code, a Police Officer should exercise his power of arrest. He should especially do so in cases where there may subsequently be difficulty in informing himself of the whereabouts of the suspected person or danger of his absconding.

7. In cases where a suspected person is not arrested forthwith, either because the Police Officer is not as yet satisfied that the provisions of Section 54 of the Criminal Procedure Code apply to him, or because, being satisfied that they do apply to him, the Police Officer, for sufficient reason, postpones immediate arrest, care must be taken that he remains at liberty and is a free agent. If the circumstances of the case so require, it is the duty of the Police to watch his movements openly or secretly and to keep themselves acquainted with his actions, as is the custom with detectives in every country, so as to be able to arrest him at any given moment, but no restraint of any kind may lawfully be exercised over him.

8. *Procedure subsequent to the arrest of the accused or suspected person.*—The Sections which relate to procedure immediately succeeding arrest are the following :—

"Section 60.—A Police Officer making an arrest without a warrant *shall*, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the persons arrested before a Magistrate having jurisdiction in the case, or before the Officer in charge of a Police station."

"Section 61.—No Police Officer *shall* detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of the special orders of a Magistrate under Section 167, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court."

"Section 167.—Whenever it appears that any investigation under this Chapter cannot be completed within the period of 24 hours fixed by Section 61, and there are grounds for believing that the accusation is well founded, the Officer in charge of the Police station *shall* forthwith transmit to the nearest

Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate."

Under no circumstances can a Police Officer detain an accused person in custody longer than 24 hours without the special orders of a Magistrate.

9. The Police Officer must be guided in his further procedure after the arrest of the offender according to whether—

(1) the investigation is incomplete, or

(2) the investigation is complete ;

and he must take action within 24 hours of the arrest. In cases where the investigation is incomplete and there are grounds for believing that the accusation is well founded the Police Officer will forward the accused to the nearest Magistrate as provided by Section 167, and his future action will be guided by the orders he receives from that Magistrate. It is to be observed that detention from time to time under this Section by order of a Magistrate can in no case exceed the term of 15 days. If the investigation has been completed and (a) if it appears that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, the investigating Officer must release the accused on his executing a bond to appear if required (Section 169). But (b) if it appears that there is sufficient evidence or reasonable ground of suspicion against the accused, the case must be sent up for trial, and to this end the investigating Officer must either forward the accused in custody or, if the offence is bailable, take security for his appearance (Section 170). Thus no person who has been arrested by a Police Officer can lawfully be discharged except on his own bond or on bail or under the special orders of a Magistrate (Section 63). Discharge in any other way is illegal.

10. With reference to paragraph 4, the Resident observes that there appears some danger that the Police may make use of the powers there referred to to continue the old system under a more subtle form; attention is therefore strongly called to the fact that the Police may direct the attendance of a suspected person, but that they cannot directly or indirectly compel him to obey this order, or, having obeyed it, to remain in attendance longer than he may wish. The remedy lies either in arresting him at once on the original charge or of bringing a complaint against him under Section 174 of the Indian Penal Code, [a] which is not an offence for which arrest without warrant can be made. It is further brought to notice that the powers the Police possess of watching suspected persons may easily be perverted into a means of informal detention ; it will probably therefore be found advisable in the

[a] An obvious error in the Circular is corrected.

majority of cases not to inform the suspected person that he is under surveillance. Should it be found necessary that the watch should be of an open nature, the Officer conducting the inquiry will be held responsible that it should not be allowed to degenerate into the wrongful restraint alluded to in paragraph 3 above given.

11. The Resident has been informed that much mischief has followed from the inattention of certain District Superintendents of Police to the training of their men as to the powers which they can legally exercise in this matter under the Criminal Procedure Code; a Police Officer who has been left untaught and untrained in his early service cannot, on reaching the position of Head constable or Sub-Inspector, at once master the law. Superintendents of Police are therefore called upon to pay greater attention to the instruction of their men. Such instruction should commence from the date of enlistment, and no constable should be promoted to the position of Chief constable or Head constable till he has shown a fitness for the place. On this subject detailed orders will be issued. In the meantime the question is one that should attract the best attention of District Superintendents of Police.

Criminal Procedure (Investigation) Order No. 2.

(Circular No. VI of 1885 issued by the Judicial Commissioner, Central Provinces, republished as Resident's Judicial Book Circular No. XII of 1885.)

The provisions of the Law which require that every accused person arrested by the Police shall be produced before a Magistrate within 24 hours after his arrest, allowing for the time required to reach the Magistrate's Court, are not always thoroughly understood or acted on.

2. Every Magistrate should, on an accused person being brought before him under Section 167, because the Police investigation has not been completed, note when the accused was first sent for by the Police and when he arrived at Court. If, making due allowance for time spent in travelling, the 24 hours detention allowed has been exceeded, notice should invariably be taken of the matter, and the Magistrate of the District should call the Police to account. Subordinate Magistrates should not fail to bring every known instance of unauthorized detention to the notice of the Magistrate of the District.

3. Before a Magistrate can authorize the detention of the accused person pending the completion of the Police investigation, he must peruse the copy of the entries in the diary relating to the case which must accompany the accused and ascertain why further detention of the accused is considered necessary. If he considers further detention unnecessary, he may, if he has jurisdiction, try the case or commit it for trial; if he has no jurisdiction, order the accused to be forwarded to a Magistrate having jurisdiction. If he considers further detention necessary he may authorize such detention, but if the deten-

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tion is to be in the custody of the Police, he must record his reasons for granting the detention in Police custody. No order of detention can be for a longer period than 15 days, and a copy of every order, with the reasons for making it, must be sent to the Magistrate of the District.

4. The Magistrate of the District should satisfy himself that orders for the detention of accused persons passed by Subordinate Magistrates are based on good and sufficient grounds.

5. Orders of detention in Police custody should be written in the form *a* prescribed in the Police Department for applications in that behalf. The Police should receive the Magistrate's order in original, and the Magistrate will have a copy of his order made on the duplicate of the application to be filed with the magisterial record of the case. This copy will be first sent to the Magistrate of the District, who will, after perusal, return it to the Magistrate who is to inquire into or try the case to be filed with the record.

6. The above instructions repeat the provisions of the Code of Criminal Procedure regarding orders of detention under Section 167. Orders of remand under Section 344 have nothing to do with Police procedure, nor is an accused remanded to Police custody. It is only necessary to point out that an accused cannot be remanded for a longer period than 15 days at a time.

Criminal Procedure (Investigation) Order No. 3.

(Judicial Commissioner's Circular No. III of 1883.)

From correspondence which I have seen in this office, I find that some Magistrates have not informed themselves of what is required of them when they receive reports from the Police under Section 157, Criminal Procedure Code, provisoes *a* and *b*.

On receiving such reports from the Police, the Magistrate has no authority to direct the Police to investigate. The only course open to the Magistrate is that laid down in Section 159, Criminal Procedure Code. If he thinks investigation is necessary, he must hold it himself and proceed under Section 191 *b*, issuing his warrant or summons as the case may be.

2. Again, it has been found that some Magistrates when ordering the Police, under Section 155, to investigate a non-cognizable case direct the Police to challan or send up the case *if there is evidence*. This is all wrong. The Police can only challan or send up with the accused cases cognizable by them. If the Magistrate wishes to have an accused sent up to him in non-cognizable cases, he must issue a warrant or a summons, as the case may be, before this can be done. The only exception to this rule is to be found in any offences which may be committed in the *presence* of a Magistrate within the local limits of his jurisdiction—Sections 64 and 65, Criminal Procedure Code.

This Circular is issued mainly with the view of instructing Tahsildars in their duty as Magistrates.

a, For the form, see Part IV of this Manual.

Criminal Procedure (Inquiry and Trial) Order No. 4.

(Circular No, XIII ,dated 27th May, 1871, issued by the Judicial Commissioner, Central Provinces, republished in Resident's Judicial Book Circular No. X of 1887.)

It is advisable to impress on all Criminal Courts the great importance of securing that confessions made by accused persons are perfectly voluntary.

2. When the accused are brought to the place where the Court is held by the Police Officers who have captured them, they should be handed over to the Police, whose duty it is to guard prisoners under trial before the Court

3. When the first examination of an accused person is being recorded none of the Police who have been concerned in his arrest or in obtaining his confession should be allowed to be in or near the Court; and should an accused person commence a confession at any future stage of the proceedings, the said Police should be removed from the Court to such a distance that they can neither see the accused nor hear what he states.

4. Attention is drawn to the following extract from the quotation made, in paragraph 5 of the Judicial Commissioner's Book Circular No. VII [a] of 1863:—

"Seeing the rapid way in which confessions are sometimes recorded when the prisoners are first sent in by the Police, I desire that, after the whole of the evidence has been concluded, the prisoner whose confession or answer has been taken at any previous stage should be again distinctly asked what he has to say, and that the answer then given should be recorded."

Criminal Procedure (Inquiry and Trial) Order No. 5.

(Circular No. 51, dated 29th May, 1884, issued by the Judicial Commissioner, Central Provinces, republished in Judicial Commissioner's Circular No. III of 1884.)

The attention of Magistrates is directed to Section 204 of the Code of Criminal Procedure, which provides that a Magistrate may issue a summons for causing the accused to appear before him even in cases in which, according to the fourth column of the second Schedule of the Code, a warrant should issue in the first instance.

Magistrates should use the discretion thus given them, and should not issue a warrant as a matter of course, especially in cases where, a petty charge of defamation, insult to provoke a breach of the peace, or criminal intimidation, is preferred before them.

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a. Central Provinces Circular, not extended to the Hyderabad Assigned Districts.

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PART III.—CIRCULAR ORDERS.

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Section II.—Criminal Procedure.

Criminal Procedure (Inquiry and Trial) Order No. 6.

(Punjab Chief Court Circular No. XVI—3680, dated 18th December, 1883, republished in Resident's Judicial Book Circular No. III of 1884.)

4. [a] It frequently happens that applicants to this Court for revision urge that no proper opportunity was given to them to call witnesses to rebut the evidence for the prosecution, and there is often nothing on the record to show that this allegation is not well founded. It has been stated above that, under Section 244 of the Criminal Procedure Code, the accused in a summons case is primarily responsible for the production of his evidence on the day of hearing, but even in these cases the Court should, as a matter of precaution, at the conclusion of the case for the prosecution, ascertain from the accused whether he has any witnesses, and not refuse to give him a further opportunity of bringing or summoning witnesses who may not be present in Court, unless it appears that they are not material, or that the accused has been wilfully negligent in the matter. In every summons case in which no witnesses are produced for the defence, the Court should record either that the accused does not wish to call witnesses, or that for reasons stated he has been refused a further opportunity of doing so.

5. In order that persons accused in summons cases may have a better opportunity of knowing what the Law expects of them, a clause will be added to the present form of summons warning the person addressed that, unless he is prepared to admit the offence with which he is charged, he must bring his witnesses with him on the day fixed for hearing.

6. In warrant cases a Magistrate, as has already been pointed out, is bound to call upon the accused person, after the charge has been read out and explained to him, to enter upon his defence and to produce his evidence, and can only decline to summon any witness the accused may wish to have summoned through the Court on one of the grounds specified in Section 257, which, it will be observed, must be recorded in writing. If the accused declines to call witnesses, this should be distinctly placed on record.

Criminal Procedure (Inquiry and Trial) Order No. 7.

(Circular No. IX, dated 6th September, 1879, issued by the Judicial Commissioner, Central Provinces, republished in Judicial Commissioner's Circular No. V. of 1880.)

The Officiating Judicial Commissioner desires to call the attention of all Magistrates to some grave defects which mark the conduct of too many inquiries and trials.

(1). The omission to call for and examine the first report or complaint of a crime as reduced to writing in accordance with Section 112, [b] Criminal Procedure Code, or the General Police Diary containing the entry

[a] For the first 3 paragraphs of this Circular, see Section I, Criminal Law (Indian Penal Code) Order No. 5.

[b] Now read Section 154.

of the substance of the report or complaint in accordance with the same Section and Section 44 of the Police Act.

Native witnesses are in the habit of developing and strengthening their statements as a case proceeds. It is therefore of great importance to know what was said at first, especially in cases where the prosecution trusts mainly to evidence of recognition, or where the facts of the crime are established, but it is doubtful whether all the accused are guilty. Thus in a case lately before the Judicial Commissioner, the wounded person at first said he did not see his assailant's face, but he thought it was A. On the trial he said he saw A's face distinctly and recognized him beyond doubt. Similar cases must be in the recollection of all Magistrates. Yet the obvious precaution of examining the first report and the previous statements of complainants, when such statements have been taken down, is too often neglected. [a]

(2). Magistrates dispose of complicated criminal cases without examining the police diaries, and without requiring evidence to establish such material facts as the date and time of the first report of the arrest of the accused, or of the search of his house or premises. It is necessary, in cases which are not simple and self-evident, to know how the evidence has been got together and the proof built up. A Magistrate should go behind the evidence as presented to him in Court, and satisfy himself that there has been no unfair play. In cases where the prosecution depends on the finding of stolen property and its recognition, it is especially unsafe to neglect this precaution.

The Criminal Courts are empowered to call for and examine the police diaries by Section 126[b] of the Criminal Procedure Code; and [c] the case diaries shall be held ready during the trial for the Magistrate's inspection.

Magistrates are expected to use the power thus given to them. At present it is not always used; and from the police diaries which come before the Officiating Judicial Commissioner, it would seem that the Officers who write them have little fear of criticism from the bench.

(3). Some Magistrates appear to think that all they have to do is to sit on the bench and listen to what is put before them. It is a Magistrate's duty to secure the ends of justice and truth. If the evidence is defective on any point, or witnesses necessary to the thorough investigation of the case have not been called, it is the Magistrate's business to see that the defect is remedied without regard to the duration of the case.

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a. A passage of the Central Provinces Circular which is inapplicable to Berar owing to a difference in Police Orders has been omitted.

b. Now read Section 172.

c. A reference to other Central Provinces orders has been omitted.

Criminal Procedure (Inquiry and Trial) Order No. 8.

(Judicial Commissioner's Circular No. XV of 1880.)

It has been noticed in some proceedings both in criminal and civil trials which have lately come before me, that adjournments are much too freely made, and attention is therefore drawn to the following points.

2. As regards criminal trials under Section 194, [a] Criminal Procedure Code, an enquiry can only be adjourned and an accused person remanded in the absence of a witness, or from *any other reasonable cause*. For a Magistrate to remand an accused person to custody without completing the enquiry because of other emergent revenue or executive work is certainly not a reasonable cause, and should never be advanced as a reason for adjourning an enquiry.

3.[b] Judges who are also Magistrates will, of course, require to give precedence to a criminal case, which may be brought before them; but if certain days in each week are set apart for hearing civil suits the chance of their being interfered with will be reduced to a minimum.

4. When Judges are also Magistrates in revenue charge of taluks, certain hours of the day should be given up to revenue work, ordinarily before midday, and the rest of the day to judicial work.

Criminal Procedure (Inquiry and Trial) Order No. 9.

(Hyderabad Assigned District High Court Criminal Circular No. 1 of 1891.)

By desire of the Resident, under instructions from the Government of India, Magistrates presiding in all Hyderabad Assigned Districts Criminal Courts (and Judges in Civil Courts), when dealing with any record of the Postal Department and produced in Court, are directed to require the disclosure of no more than is sufficient for the purpose of the business before the Court.

The Postal Department, under the orders of Government in connection with Resident's Book Circular No. II of 1890, is required, in obedience to the summonses of a Criminal (or Civil) Court, to produce any of its records or certified extracts or copies of such; but obviously a record should not be called for if a certified extract or copy will serve the Court's purpose.

Criminal Procedure (Inquiry and Trial) Order No. 10.

(Judicial Commissioner's Circular No. IX of 1881.)

An instance lately occurred, in which a Medical Officer was summoned all the way from Hyderabad to give evidence in a Sessions case, although his

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a. Now read Sections 344 and 496.

b. Part of this paragraph has been omitted as it related to civil case only.

statement had been already recorded by the Magistrate making the preliminary enquiry.

2. Attention is therefore drawn to Section 323, [a] Criminal Procedure Code. Medical Officers should not be summoned from long distances as a matter of course.

Criminal Procedure (Inquiry and Trial) Order No. 11.

(Hyderabad Assigned District High Court Criminal Circular No. 11 of 1890.)

With the sanction and approval of the Resident it is directed that Magistrates dealing with railway cases shall do so with the least possible delay.

When the Police arrest under Section 48 of the Railway Act, [b] there is no objection to applying the provisions of Section 170, Criminal Procedure Code, the case being treated as a cognizable case within the definition of Section 4, clause (*g*), of the Code, though the offence itself may not be cognizable.

Criminal Procedure (Preparation of Record) Order No. 12.

(Judicial Commissioner's Circular No. XIV of 1880.)

When any article or articles are produced in evidence before a Magistrate, a description of each article shall be entered under the Magistrate's signature on the fly sheet of the record.

This description should always include dimensions and weights, when dimensions and weights are material, either as regards the article itself (as in excise or weights and measures cases), or as regards the use that was made of it (as in murder or hurt cases). Each article should be distinguished by a letter or number; and when reference is made to it in the course of the evidence, the letter or number should be quoted.

As a general term under which to refer to things produced and dealt with in this way, "articles in evidence" is to be preferred to "exhibits," as the former has the sanction of the Criminal Procedure Code, and the latter has not.

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a. Now read Section 509.

b. Act IV of 1879. This Act has been repealed by Act IX of 1890 which has been extended to the Hyderabad Assigned Districts.

Criminal Procedure (Preparation of Record) Order No. 13.

(Circular No. IV, dated 31st March, 1879, issued by the Judicial Commissioner, Central Provinces, republished in Judicial Commissioner's Circular No. XX of 1879.)

The Officiating Judicial Commissioner finds it necessary to call the attention of all Magistrates to the very great importance of recording proper judgments in criminal cases.

2. Many of the judgments which come before the Officiating Judicial Commissioner hardly refer to the evidence at all, and contain little more than an expression of the Magistrate's convictions as to the guilt of the accused. Others, again, are rambling, inconsequent, and arbitrary. Magistrates import into their judgments their personal knowledge of character and behaviour, and refer to matters not found in the record in explanation of the probable motives or causes which may have led to an offence.

3. A criminal judgment should be clear, systematic and straightforward. It should state the facts of the case, establishing each fact by reference to the particular evidence by which it is supported; and it should give succinctly and plainly the reasons which justify the finding. A judgment, in short, should be what the law requires it to be in Section 464 [a] of the Criminal Procedure Code, with regard to which the following remarks, made by the Commissioner of the Nerbudda Division in the Criminal Report for the past year, deserve to be quoted:—

"Nothing can be clearer than the directions of the Code as to what a judgment should contain, and yet I think I may safely say, that not in one case out of ten are the plain directions of the Code complied with. An Officer's judgment will contain what he thinks, and as he thinks it; * * * but, as a rule, his judgment will not contain that clear and logical sequence of conclusions from proved facts, the sequence contemplated in the plain direction to give a "statement of the point or points for determination, the finding thereupon, and the reasons for the finding."

Criminal Procedure (Preparation of Record) Order No. 14.

(Circular No. IX, dated 6th September, 1879, issued by the Judicial Commissioner, Central Provinces, republished in Judicial Commissioner's Circular No. V [b] of 1880.)

The record in criminal trials is sometimes so meagre that the Appellate Court can hardly form a judgment on the value of the evidence. It ought not to be necessary to say that the record of details of time, place, and circumstance is often essential in criminal cases. It may be that they were

a. Now read Section 367.

b. For the first portion of this Circular, see Section II,—Criminal Procedure—Order No. 7.

elicited at the trial though not recorded. But, as a rule, a bad record means a bad judgment. Without the assistance of the record, a Magistrate cannot keep these details before his mind so as to detect the contradictions of witnesses, and the inconsistencies in their stories.

2. Witnesses are referred to in judgments; and accused persons are described in the record of evidence as well as in judgments by numbers only. This is not a safe practice. The names should always be given as well as numbers.

Criminal Procedure (Preparation of Record) Order No. 15.

(Hyderabad Assigned District High Court Circular No. VI of 1889.)

In a criminal proceeding the object is to ascertain the liability to punishment of the person accused.

To ensure this the Magistrate must ascertain whether the accused committed certain acts or was guilty of certain omissions which go to constitute a punishable offence, and if the offence is proved, he has next to affix the legal consequence, *viz.*, to apportion to the accused the whole punishment or such portion of it as the merits of the case call for and the law sanctions.

Therefore in every criminal case a Magistrate's judgment should as briefly as possible, but clearly, set out—

1st—The acts or omissions said to constitute the offence,

2nd—The evidence by which these have been established, and

3rd—If the Magistrate's judgment is adverse to the accused, the measure of punishment in award and the reason for according the same, or in the contrary event the reasons for discharge or acquittal, as the case may be.

Criminal Procedure (Preparation of Record) Order No. 16.

(Resident's Judicial Book Circular No. III of 1883.)

The Resident observes that Judicial Officers are in the habit of recording interlocutory orders in cases which they try on the first page of the lithographed fly sheet; when such orders are numerous, further sheets are introduced before the sheets on which the evidence of witnesses is recorded. This prac-

tice is incorrect and inconvenient. In future Judicial Officers will record interlocutory orders at that place in the proceedings at which they are given. For instance, if after examining certain witnesses, the case is adjourned, the order for adjournment will be recorded on the sheet which contains the evidence of the last witness. This plan has the great advantage of rendering it possible for the Appellate Court to read the proceedings in easy chronological order.

It will be understood that as a consequence of this procedure, the opening fly sheet will, as a rule, only have one order recorded upon it, *viz.*, that such and such parties were before the Court and the proceedings commenced. There will be more orders only in those cases in which adjournments have to be made before evidence is recorded.

2. A further similar error in procedure needs correction. The Resident finds that some officers, when a witness is examined twice over and at different times, record the second statement made on the back of, or below, the first statement. This is a most inconvenient plan, for the second statement is always elicited by some fact which came out *after* the first statement was recorded, and is therefore unintelligible to an Appellate Judge until he has read further in the case. In future, the statements of witnesses recalled should be recorded on sheets separate from those used for the record of their first statement, and should be filed at the place in the proceedings where they were given, and this should usually be the rule, even if a witness is re-examined the same day. The great object should be to prepare the record in such a way as to show on the face of it the natural chronological development of the case.

3. Another small point is noted here. When a judgment is likely to extend over more than one quarter sheet of foolscap, *i. e.* beyond the inside of the right hand half of the fly sheet, the officer recording it should write on separate pieces of paper and leave the proceeding sheet blank. What now happens is that because the words "judgment of the court" have been printed by way merely of illustration on the fly sheet, Officers begin their judgment there, and when they flow over on to further sheets, are obliged to file those sheets inside the fly sheet, and therefore *before* the beginning of their judgment, or outside, and therefore loose. Both plans are objectionable. The fly sheet should be looked upon simply as a binder, and should not be used for writing judgments, unless it is clear that the judgment will not extend over more than a few lines.

Criminal Procedure (Preparation of Record) Order No. 17.

(Resident's Judicial Book Circular No. IV of 1886.)

The Resident finds it necessary to remind Judicial Officers that every proceeding of a subordinate Court ought, upon the face of it, to disclose that the Officer is of competent Jurisdiction, and the capacity in which he assumes to act in such proceedings.

2. Under the existing system of Revenue, Civil and Criminal Administration, it is often important to ascertain whether in a particular proceeding an Officer has been exercising Civil or Revenue powers, as well as the powers which he is competent to exercise. But the record frequently discloses no more than that the Officer is a Naib Tahsildar, or a Tahsildar, or an Extra Assistant Commissioner, or an Attaché, or an Assistant or a Deputy Commissioner, titles which in themselves disclose nothing as to the Civil or Criminal jurisdiction of the Officer thus designated.

3. As every Judicial Officer is bound to know the extent of his powers, observance of the Rules now prescribed will be easy, and may prevent Officers exceeding their jurisdiction, through inadvertence, while it will afford information to superior Courts which is frequently needed, and, under the existing lax practice, is only procured after research that should be unnecessary.

RULES.

(3.) [a]—Every Judicial Officer hearing or deciding a criminal proceeding or appeal is held responsible that the record and the final order shall disclose the criminal powers which such Officer exercised in hearing or deciding such proceeding or appeal.

(4.)—The powers referred to in Rule 3 are the following :—

Magistrate 3rd class.	Cantonment Magistrate.
Do. 2nd ,,	Assistant do.
Do. 1st ,,	District Magistrate.
Sub-Divisional Magistrate of the 2nd or 1st class.	District Magistrate, empowered under Section 30, Criminal Procedure Code.
Special Magistrate of the 3rd, 2nd or 1st class.	Sessions Judge.
Bench of Magistrates or Special Magistrates of 3rd, 2nd or 1st class.	Justice of the Peace.

(5.)—When the Officer is acting in exercise of a power specially conferred, as, for example, summary power or the power of whipping, in the case of a 2nd class Magistrate, the record and final order shall disclose the fact that he is specially empowered in that behalf.

Criminal Procedure (Preparation of Record) Order No. 18,
(Resident's Judicial Book Circular No. IX of 1887.)

Under Section 360, Act X of 1882, the evidence of each witness taken under Section 356 or 357 is required to be read over to him in the manner therein prescribed, but as there is usually nothing on the record to show whether this prescription of the Law is attended to or not, the Resident deems

a. Rules (1) and (2) have been omitted as they related to civil proceedings.

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it necessary to lay down that, in future Magistrates proceeding under the provisions of Section 360 will invariably note that the evidence as recorded was read over (or interpreted, as the case may be) to the witness, and that it is admitted by him to be correct. Of course, if the witness deny the correctness of any part of the evidence, the Magistrate's memorandum of the objection made to it will be sufficient to show that the provisions of Section 360 have not been disregarded.

Criminal Procedure (Preparation of Record) Order No. 19.

(Judicial Commissioner's Circular No. V of 1884.)

Instructions appear to be called for as to the mode in which confessions made by an accused to a Magistrate under Section 164, Criminal Procedure Code, are to be recorded as distinguished from mere statements. The latter, it will be observed, are to be recorded in the narrative form in the manner laid down in Section 359, Criminal Procedure Code, while confessions require to be recorded in the manner prescribed by Section 364.

2. At present many Magistrates neglect to adhere as closely as they should do to the procedure laid down for recording confessions. The record of a confession should show every question put by the Magistrate and the answer to it. The memorandum required by Section 164 at the foot of the record is always made, but the record itself too often fails to show, as it should, that the Magistrate has ascertained for himself by questioning the accused that the confession has been voluntarily made, and hence no reason for the Magistrate's belief that it is so is apparent.

3. The result of this is that in appeal as well as in trials exception is often taken to the admission in evidence of the confession as recorded by the Magistrate, thereby necessitating the adoption of the procedure laid down by Section 533, Criminal Procedure Code, and causing delay in the disposal of cases.

4. Magistrates are therefore enjoined to be very careful in complying with the requirements of the Law in recording confessions made to them when acting under Section 164, Criminal Procedure Code.

At the foot of the Marathi record of the confession of an accused person under the above Section, as well as of his examination in inquiries and trials, the memorandum required by the former, and the certificate required by Section 364, should be recorded below the signature or mark of the accused and not, as is often the case now, by Magistrates recording evidence in English, below the English translation.

Section II.—Criminal Procedure.

Criminal Procedure (Preparation of Record) Order No. 20.

(Judicial Commissioner's Circular No. XI B of 1880.)

The following orders, taken from those in force in the Punjab, relating to the commitment of Sessions cases, are issued with the Resident's approval for the information and guidance of all Magistrates.

1. In all cases committed to the Sessions "the Empress" is to be entered as prosecutor; the complainant is to appear as a witness. The word "Empress" in the vernacular is to be rendered Kaisar-i-Hind. The charge must be a specific one, and described as nearly as possible in the words of the law which creates the offence. If it is intended to prove previous convictions, they must be set out in the charge.

2. All witnesses are to be bound over to appear and give evidence when called upon at the Court of Sessions. No more witnesses are to be entered in the calendar than are necessary.

3. The medical evidence should be taken in English, when the Magistrate is acquainted with that language, with great care and precision, and should be translated into the vernacular, and read over to the accused that he may have the opportunity to cross-examine. If it so happens that a native doctor has to be examined on professional details, the assistance of the Civil Surgeon or Sub-Assistant Surgeon may be solicited in the conduct of the examination, and the correct recording of the evidence.

4. The identity of bodies must be proved by witnesses who can swear to the body, or jewels, or clothes, &c., found by others on the body and proved to have been so found.

5. Evidence should also be recorded to prove the custody of the body of the deceased after death, and its delivery for the purpose of *post mortem* examination to the medical Officer.

6. Similar care is often required in tracing the custody of poisonous substances, poisoned food, blood-stained clothes, &c. The evidence should never leave it doubtful as to what person or persons have had charge of such articles throughout the various stages of the enquiry, if such doubt can be cleared up. This is especially necessary in the case of articles sent to the Chemical Examiner. The person who packs, seals, and despatches such articles should invariably be examined.

7. Clothes, weapons, money, ornaments, poisonous substances, food and every article which forms a part of the circumstantial evidence, should be produced in court, and their object and identity should be proved by witnesses.

8. Circumstances connected with the finding of the body, of the property, state of the locality, deportment, &c., of the accused, must be proved by the evidence of witnesses who saw what they described, or by the Police who conducted the investigation. The evidence, when procurable, of a European Police Officer, in cases where much turns on circumstantial evidence, is highly valuable.

9. All exhibits and depositions of witnesses on the English record, which are transferable to the Sessions file, should be on separate sheets of paper of uniform size, ordinarily white foolscap, and duly signed.

10. The rules given in Resident's Circular No. 2900, dated 19th December, 1871, have been very much lost sight of lately, if they were ever attended to, of which I have great doubt. In future the annexed form [a] of calendar should be used in all commitments to the Court of Sessions. It has been filled in so as to serve as a model, and requires no further explanation. Columns 5, 6, and 7 should be filled up by the Magistrate in his own handwriting.

11. The reasons for commitment required by the Code of Criminal Procedure may be written either on the Calendar sheet, or on a separate sheet, as may be most convenient. In case of commitment by native Magistrates, the calendar should be written in the vernacular of the Court and so submitted.

12. In preparing the "reasons for commitment," the committing Magistrate should marshal the evidence in the order in which it should come under judicial consideration :—

(*a*) The medical evidence, if any ;

(*b*) evidence to the identity of the body or property, and the direct evidence of the perpetration of the crime ;

(*c*) evidence to the discovery of the offender and his arrest :

(*d*) circumstantial and other evidence.

The witnesses should be numbered in the order in which they are marshalled : an official should be designated by his title, and a native female by the word "Stri." If there be more than one witness of the same name, the parentage should be given. If any of the witnesses are relatives of the accused or connected with the deceased, or the party in whose interest the Government prosecutes, this should be stated.

14. Deputy Commissioners are not required to countersign the calendar. Each Magistrate must commit on his own responsibility.

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a. For the form, see Part IV of this Manual.

15. When a commitment is made, the Magistrate should notify the fact, and transmit the following papers to the Court of Sessions :—

a. Copy of charge.
b. Calendar.
c. Reasons for commitment.
d. Record of original enquiry.

Besides these, any weapon or other article of property necessary for production in evidence must be sent or be forthcoming at the trial. The Chemical Examiner should always be requested to return, if possible, any article sent to him for examination, which is likely to be required at the trial.

Criminal Procedure (Preparation of Record) Order No. 21.

(Resident's Judicial Book Circular No. VII of 1880.)

The following instructions issued by the Judicial Commissioner, Central Provinces, are circulated for the information and guidance of Criminal Courts in Berar :—

"1. A report of proceedings, under Section 296, Act X of 1872,[a] should always be accompanied by the record, and should be in the form of a statement of the case in English, giving :—

"*1st.*—A brief analysis of the case.

"*2nd.*—The order of the Subordinate Court with the name of the Magistrate who passed the order, and the powers with which he is invested.

"*3rd.*—If the Court which reports the proceedings does so on the ground 'that the judgment or order is contrary to law,' the particular portion of the order to which this opinion refers, and the reasons for the opinion.

"*4th.*—If the ground of reference is that 'the punishment is too severe is inadequate,' the considerations which lead to the view taken by the referring Officer.

"*5th.*—A note of how much of the sentence passed has been already undergone by the accused. If the sentence was to fine or to whipping, it should be stated whether the fine has been realized or the whipping inflicted.

a. Now read Section 438 of Act X of 1882.

"2. *a.* It should be remembered that the only grounds for reporting proceedings under this Section are—

"1*st.*—That the judgment or order is *contrary to law.*

"2*nd.*—That the punishment is too severe or is inadequate."

Criminal Procedure (Preparation of Record) Order No. 22.

(Judicial Commissioner's Circular No. XX of 1880.)

Ordinarily, when a Court, acting under Section 296, *b.* Criminal Procedure Code, finds that the judgment or order of a subordinate Court is contrary to law, or that the punishment awarded is too severe or inadequate, it should, if an appeal lies, await the expiry of the period of appeal before reporting the proceedings to the High Court. In the following cases this rule will not apply:—

(1) When sentence of whipping or imprisonment has been illegally passed.

(2) When sentence of imprisonment *for less than the period of appeal* has been passed.

References in such cases should be made and marked urgent.

Criminal Procedure (Execution) Order No. 23.

(H. A. D. High Court Criminal Circular No. VI of 1890.)

With the sanction and approval of the Resident, it is directed that when it may be necessary to summon a District Superintendent of Police, a summons *in duplicate* shall be sent to the Deputy Commissioner of the District, allowing a sufficient margin of time, in the event of the Deputy Commissioner and the District Superintendent of Police not being together, for the Deputy Commissioner to serve the duplicate.

Criminal Procedure (Execution) Order No. 24.

(High Court Circular, printed at page 105 of Lyall's Manual.)

It has been brought to the notice of the Court that inconvenience and obstruction to business are often caused by inattention to the processes of the Civil and Criminal Courts on the part of persons connected with the Railway,

a. With reference to this para of the Circular note that the law has been remodelled and perhaps altered by the corresponding Sections of Act X of 1882.

b. Now read Section 138.

Electric Telegraph, and other public departments, who not unfrequently record on summonses or other legal processes their inability to attend, without receiving permission or orders from their own official superiors, under the erroneous impression that they thus exempt themselves from liability, thereby rendering themselves liable to the penalties attaching to contempt and disobedience of the lawful authority of public servants, prescribed by Chapter X of the Indian Penal Cade.

2. With a view of ensuring prompt obedience to the requisitions of such processes, the Court, with the sanction of Government, are pleased to direct that whenever a Civil or Criminal process is intended to be served on persons belonging to departments of the nature above referred to, a reasonable time be fixed for compliance with its terms, in order that the head of the department to which the party on whom the process is to be served belongs (and to whom notice should also be given whenever circumstances will admit of it), may make suitable arrangement for the conduct of the latter's duties during his absence in Court.

Criminal Procedure (Execution) Order No. 25.

(Resident's Judicial Book Circular No. VI of 1888.)

All processes sent for service from Administrative Officers or Courts to any district in British territory the vernacular of which differs from that in which the process is written should invariably be accompanied by a translation in English.

Criminal Procedure (Execution) Order No. 26.

(Judicial Commissioner's Circular No. XI of 1881.)

It has been brought to my notice that informal warrants are frequently issued by Magistrates and sent to jail; the following instructions are therefore issued, with the Resident's approval, in regard to the preparation and issue of warrants and other processes, for the information and future guidance of all Judges presiding in Criminal Courts in Berar.

2. No general warrants for arrest should ever be issued by a Court of Justice.

3. Every warrant should state, as shortly as possible, the special matter on which it proceeds. By Section 159 *a.* of the Code of Criminal Procedure every warrant is to be in the Form B., *b.* given in the second Schedule, or to the like effect.

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a. Now read Section 75 of Act X of 1882.

b. Now see Form No, II, Schedule V of Act X of 1882.

Form B *a.* expresses on the face of it the special cause on which it is granted, *viz.*, that the party "is accused of the offence of" (stating the offence). A warrant "to the like effect," under Section 352, *b.* should contain a recital that the Court has reason to believe that A. B., "who is required to give evidence as a witness in a case against C. D., will not attend to give evidence without being compelled to do so;" and a warrant, under Section 355, *b.* should similarly contain a recital that the witness had been summoned, and omitted to attend. A strict adherence to the form of warrants of arrest, prescribed by the Code, will tend to prevent their being granted irregularly, and without enquiry as to whether the circumstances justify their issue.

4. In all warrants and processes of every description, whether under the Criminal Procedure Code, or any other law in force, the father's name, caste, tribe, or nationality, and residence of the person to be arrested, summoned, &c., should be entered, so as to place his identity beyond all doubt. The warrant should also set forth the Court from which it issues, and the name of the district. Where existing printed forms do not provide for these particulars, they should nevertheless be entered in writing, either in the body of the document or elsewhere.

5. Great care must be used in having forms of warrants distinguished from forms of summons, and making the police know the difference. Different tinted paper * should be used and lithographed or printed forms always. The people of the country will gradually become familiar with the appearance of each process, and know how to act.

* NOTE.—This is the general practice already, it is believed.

6. Great care should also be taken that a warrant, which always implies personal arrest and restraint, never goes forth when a summons to attend would be sufficient for the ends of justice; and any attempt to coerce or restrain a party who has been summoned only, should be checked and punished. It must be understood that the police will carry out to the letter the instructions issued in the writ handed over to them; with the Magistrate will rest the responsibility of the consequences of an informal or illegal process, bearing his seal and signature.

7. Warrants of commitment issued by European Magistrates should, as a rule, and certainly in all cases where more than six months' imprisonment is awarded, be filled up in English; but cases need never be delayed on this account, as the printed forms leave very little to be filled up in writing.

Instructions have been issued to the Superintendents of Jails that in cases in which more than six months' imprisonment is awarded by a European Magistrate, and the warrant is not filled up in English, a fresh warrant in due form should be called for and substituted for that originally sent.

a. Now see form No. II, Schedule V of Act X of 1882.

b. Now read Section 90.

8. All interpolations in warrants, whether they are in English or the native vernacular, should be made in red ink, and be initialled by the Magistrate who signs the warrant.

9. Signatures should be in the hand-writing of the Magistrate himself, and should not be affixed by a stamp. This practice, if it exists, is illegal and objectionable, and must cease. No Officer in charge of a jail is justified in receiving or detaining a prisoner on a warrant so signed.

10. Section 303 [a] of the Code of Criminal Procedure requires that every warrant for commitment of a prisoner to custody shall be signed and sealed by the Judge or Magistrate who issues it; and this implies that the warrant should be signed in full with the Judge or Magistrate's own hand, and not merely with his initials. The number of the case should always be inserted in the warrant.

11. In the case of persons sentenced to more than three [b] years' imprisonment by Magistrates of Districts, invested with powers under Section 36 [c] of the Criminal Procedure Code, whose sentences are referred to the Sessions Judge for confirmation, the warrant should bear the date of the original sentence, *viz.*, of the Magistrate's order, and not of the date of the Sessions Judge's order confirming the sentence. The same rule should also be observed in the case of a person required by the Magistrate to furnish security, under the provisions of Section 506 [d] of the Criminal Procedure Code.

12. Warrants for the release or remission of sentences of prisoners confined in jail, and intimations of payment of fines, sent to jail authorities, must always be drawn up in the vernacular of the Officer issuing the order, and be signed in full by such Officer, and sealed with the seal of his Court.

13. It is wrong to issue a single warrant containing the sentences passed in several distinct cases. In every case a separate warrant, for each accused sentenced, is indispensably required.

14. In cases of simultaneous conviction of several offences, under Section 314 [e] of the Criminal Procedure Code, each sentence should be completely undergone *before* the other commences, and therefore a separate warrant for each sentence must issue.

Criminal Procedure (Execution) Order No. 27.

(Judicial Commissioner's Book Circular No. III of 1888.)

A question having been raised by a Deputy Commissioner as to the form of the warrant remanding to jail a person committed to take his trial before the Sessions Court, since Schedule V of Act X of 1882 is silent on the point, it is hereby directed that for the future, Form C of Schedule II of the old Criminal Procedure Code, Act X of 1872, shall be made use of in such cases.

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a. Now read Section 384.
b. Now read "four years" vide Section 34 of Act X of 1882 as amended by Act X of 1886.
c. Now read Section 34.
d. Now read Section 110.
e. Now read Section 35.

Criminal Procedure (Execution) Order No. 28.

(Judicial Commissioner's Book Circular No. XX of 1877.)

It has been brought to notice that the Circular Order by the Resident No. 939 of 1872-73 in regard to orders for additional imprisonment in default of fine being always *separate* from the warrants of imprisonment, is not always strictly acted up to, inasmuch as persons are often sent to jail under *one* warrant, in which is embodied both the award of imprisonment, and the order for fine, with its alternative of further imprisonment, I have the honour to request that Magistrates will in future be careful that the provisions of the Circular in question to be found at page 94[a] of the Berar Manual are never disregarded.

Criminal Procedure (Execution) Order No. 29.

(Judicial Commissioner's Book Circular No. XIX of 1880.)

To prevent misapprehension on the part of Officers in charge of jails, it is necessary, when sentence of whipping in addition to imprisonment is passed, to enter in the warrant that the whipping is to be inflicted *on the expiry of fifteen days* from the date of the sentence, unless an appeal be made by the prisoner within that time.

Criminal Procedure (Execution) Order No. 30.

(Judicial Commissioner's Book Circular No. XVII of 1879.)

In order that a correct record might be kept of habitual offenders, Deputy Commissioners were requested in the Judicial Commissioner's covering memo. to Circular No. 5 of 1878 to see that, in sending convicts to jail, the number of previous convictions obtained against such convicts were recorded on the back of their warrants. Will you be so good, in future, as to enter, in addition to the above, the date of such previous convictions, and the nature of the offence of which the convict was previously convicted.

Criminal Procedure (Execution) Order No. 31.

(Judicial Commissioner's Book Circular No. I of 1887.)

When in criminal cases personal recognizance is required from prisoners in jail, the bail bonds for signature should accompany the order of release.

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a. The rules printed at page 94 "Rules for the Registry and Realization of Fines" have been superseded by Hyderabad Assigned Districts High Court Circular No. IV of 1889. See Section II—Criminal Procedure (Execution) Order No. 37.

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Criminal Procedure (Execution) Order No. 32.

(Punjab Chief Court Circular No. 18-2114, dated 25th June, 1885, republished in Resident's Judicial Book Circular No. VII of 1885.)

Sessions Judges when passing sentence of transportation for life, will enter on the warrant of commitment, for the information of the jail authorities, a note showing whether the prisoner sentenced comes under one or other of the following five classes :—

1. Dakaits.
2. Thugs.
3. Robbers who administer poisonous drugs.
4. Professionals.
5. Hereditary criminals.

This information is required to enable the jail authorities to classify life-prisoners under the rules regulating the mark system, and the remission of sentences of convicts. For the purposes of those rules, professionals (class 4) have been defined by the Local Government as prisoners against whom there is a record of more than two convictions, and hereditary criminals (class 5) as prisoners belonging to a tribe declared criminal under the provisions of Act XXVII of 1871.*a*.

Criminal Procedure (Execution) Order No. 33.

(Judicial Commissioner's Circular No. XXXII of 1879.)

The Inspector General of Police has, in accordance with a recommendation made by the Prison Conference, 1877, at para 12, Chapter IV of the Report, instructed the Police to prepare a descriptive roll *b*. of every person who may be arrested by them on a charge under Chapter XII or XVII, and to forward this roll, attached to the charge sheet, to the Magistrate before whom the person so arrested may be sent for trial.

In all cases of conviction the descriptive roll above referred to should be sent by the Magistrate with the warrant and convict to the Jail authorities.

Criminal Procedure, (Execution) Order No. 34.

(Judicial Commissioner's Book Circular No. II of 1887).

The following instructions on the subject of the recognition of reconvicted prisoners and the definition of the term "habitual criminal" are issued by

a. For rules under this Act, see Part I of this Manual, page 27.
b. See paragraph 295 of the Berar Police Orders.

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order of the Governor General and are published for information and guidance. Particular attention is requested to the instructions contained in paragraphs 1, 2 and 3 :—

I. The descriptive roll of every prisoner arrested by the Police, which is at present prepared at the station-house [a] and sent up with the prisoner to the Magistrate, is, in the event of the final conviction of the prisoner by the Magistrate, to be copied in a register [b] to be kept up in the jail for this purpose.

II. According to orders already in force, the Police, in sending up an accused person to the Magistrate, should embody in the charge sheet as complete a record as possible of all his previous convictions.

III. The Inspector General of Jails is to instruct the jail authorities not to content themselves with the information obtained from the Magistrate or from the Police as to the former convictions recorded against a convict, but they are to endeavour to ascertain from the subordinate jail officers, warders, and long-term convicts, as well as from the jail records, if the prisoner has been previously convicted.[c]

The Inspector General of Jails will also arrange that the Police be given frequent opportunities of inspecting convicts, after admission into jail, both by a weekly parade and by such other means as may be found desirable.[d]

For the purposes of the jail discipline, the words "habitual criminal" shall mean a prisoner so classed—[e]

(1). By the Magistrate that heard the case:—

(*a*). because he has been convicted of an offence punishable under Chapter XII or XVII of the Indian Penal Code with three years' imprisonment or upwards and has been previously punished on conviction for an offence under either of these Chapters and similarly punishable; or

(*b*). because, from the circumstances of the case, the Sessions Judge or Magistrate believes the prisoner to depend on crime as a means of livelihood, or to have attained such an eminence in crime as to warrant his being classed with habitual or class B criminals.

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a. See paragraph 295 of the Berar Police Orders.

b. See rules 199 and 229 C (a) of the Berar Jail Manual.

c. See rule 229 C (b) of the Berar Jail Manual.

d. See rule 229 C (c) of the Berar Jail Manual and paragraphs 293 and 294 of the Berar Police Orders.

e. See also rule 204 and Registered Amendment No. XLI of the Berar Jail Manual.

(2) By the District Magistrate or any Magistrate empowered by him on this behalf, the classification being made in accordance with the principles suggested for the guidance of the Courts in clause I (*a*) and (*b*) of this definition.

(3) Subject to the control of the District Magistrate by the Officer in charge of the jail when the prisoner is—

(*a*). sentenced or believed to be liable to punishment under Section 75 of the Indian Penal Code;

(*b*). under sentence enhanced by reason of more than one previous conviction; or

(*c*). known to have been repeatedly imprisoned for similar offences; or

(*d*). a member of a criminal tribe.

Provided that—

(1). Any such Court or Magistrate as is mentioned above may direct that a prisoner shall not be classed as an habitual criminal; and

(2). When there is room for doubt whether a prisoner should be so classed or not, the Officer in charge of the jail shall refer the case for the orders of any such Court or Magistrate.

Explanation.

The classification when made by the convicting Court shall be final. If the Courts omit to classify a prisoner as an habitual, the District Magistrate or any Magistrate empowered by him may do so. In case of omission on the part of the Court and of the Magistrate, the Officer in charge of the jail may make classification subject to the general control and supervision of the District Magistrate.

It will be necessary for Magistrates to record in the warrants which accompany prisoners to jail whether such prisoners have been classified "habitual criminals" or not.

Criminal Procedure (Execution) Order No. 35.

(Hyderabad Assigned Districts High Court Criminal Circular No. II of 1891.)

Under instructions from the Resident, the attention of the Civil and Sessions Judge and Committing Magistrates and District Police Officers is requested to the orders of Government in respect of the filling up (so far as they are respectively concerned) of the descriptive and nominal rolls *a* prescribed and hereto attached [H (1) and H (2)] of convicts transported to Port Blair in the Andamans.

a. For these forms, see Part IV of this Manual.

2. With these rolls in future a copy of the judgment of the *sentencing* Court is to be transmitted. If the judgment is lengthy, it will be sufficient to send only such portions of it as are required to indicate the nature of the crime committed and the grounds for passing the particular sentence on the convict.

3. It is desired that the rolls and warrants of convicts be prepared on foolscap paper of *durable* quality, half a sheet being allowed to the roll of each convict, to which should be attached his warrant.

4. And it is particularly requested that each column prescribed in the descriptive and nominal rolls be filled up giving the completest information in the briefest possible compass; and, before being sent out, these rolls should be carefully checked by the senior responsible Officer to obviate the complaint occasionally made that they are lacking in information, and that the filling up has been delegated to irresponsible and incompletely instructed clerks. For example, such an entry "as *vide* copy of judgment enclosed," across column 3 of the nominal roll, requiring a detailed description of the convict's crime, as has been known to be made, is not permissible. Each column is to be complete in itself without reference to any thing else.

Criminal Procedure (Execution) Order No. 36.

(Government of India, Home Department, letter No. 2-346, dated 15th December, 1881, republished in Resident's Judicial Book Circular No. III of 1882.)

Information should be furnished in the descriptive rolls of all female life convicts who may in future be transported to Port Blair, as to whether they are married or single, or whether they have been divorced from their husbands.

Criminal Procedure (Execution) Order No. 37.

(Hyderabad Assigned Districts High Court Circular No. IV of 1889.)

RULES FOR THE REGISTRATION AND REALISATION OF FINES.

1. When a Criminal Court imposes a fine, whether as the only punishment in the case or in addition to imprisonment, it shall at once issue an order in the form No. I *a.* appended. This shall be a printed or lithographed form, addressed to the Court Inspector or Deputy Court Inspector or other official discharging the duties of a Court Inspector. The order shall be returned to the Court within a fortnight after the date of its issue.

The duty of a Court imposing a fine.

a. For the form, see Part IV of this Manual.

2. (*a*) In the case of an offender who is in jail the Officer receiving the order shall at once inform any friend resident within the Hyderabad Assigned Districts, and named by the prisoner, of the amount of the fine imposed and of the Court where it can be lodged.

Duty of the Officer receiving the order.

(*b.*) In the case of an offender whose attendance in Court on the passing of sentence was excused under Section 205 and 366 of the Code of Criminal Procedure, similar information shall be at once given to the pleader who represented him.

(*c.*) If the friend or pleader tenders the amount of the fine to the Officer executing the order, it shall be accepted and certified to the Magistrate, who, in the case of an offender in Jail, shall at once notify the fact of recovery to the Jailor. If within the fortnight no tender of fine is made, the fact of notice having been given to the friend or pleader of the offender shall be endorsed on the order, and the order shall be returned.

(*d.*) His Highness the Nizam has consented to permit his officials to communicate with the friends of an offender who is a subject of the Hyderabad State in order that the friends may have the opportunity of paying the fine imposed. Every Court imposing a fine on a Hyderabad subject will therefore communicate, on his request, with his friends through the official (Talukdar or Tahsildar) within whose jurisdiction they are said to reside, to give them the opportunity of paying the fine. But as payment in all such cases is optional and uncertain, the Court should in the first instance be careful to adjudge a sufficient term of imprisonment in default of paying a fine.

Duties of a Court when a subject of His Highness the Nizam is fined.

3. (*a*) At every head-quarter station, every out-station and every station of a Cantonment Magistrate, Honorary Magistrate or sub-Magistrate, there shall be kept in form No. 11 *a.* in vernacular or in the language of the Court. At head-quarter stations it shall be the duty of the Deputy Commissioner's Clerk of the Court, and at other stations of the Court Sheristadar, to see that fines imposed are entered on the day of sentence in the fine register. During the absence of the Clerk of Court or Sheristadar, the Deputy Clerk of the Court, or next senior Karkun acting for the Sheristadar will be held responsible for the duty above prescribed. The register will be signed daily by the responsible official.

A register of fines to be kept.

Responsibility of certain officials in regard thereto.

(*b.*) A native departmental clerk is to be specially charged with the custody of the above register and the duty of seeing that the necessary measures are taken from time to time to realize fines. He should look for his orders, through the Clerk of the Court or Sheristadar who daily signs the register, to the Court imposing fine.

Special clerk for custody of register.

a. For the form, see Part IV of this Manual.

(*c.*) As each fine is realized in whole or part, the departmental clerk will note the fact in the proper column of the register. If a distress warrant is returned without recovery, this fact will similarly be noted.

Duty of clerk on realization of fine.

(*d.*) It will be the duty of the departmental clerk from time to time to draw the attention of the Magistrate to unrealized fines in order that fresh processes may issue if the existence of assets is indicated. He will also prepare the monthly account-current according to form No. III *a*. annexed.

4. The levy of fines should not be delayed by reason of an appeal being lodged, but the Court may abstain from levying the fine till the period of appeal has expired, if valid security for its eventual payment is tendered.

Appeal no bar to levy of fine.

5. When a fine is imposed in addition to transportation and the whole or part of the fine is afterwards levied, the fact shall be notified to the authorities of the place of transportation.

Fine in addition to transportation.

6. (a) When the Court Inspector, or other Officer charged with the duty has certified that a fine has not been realized, or only partly realized, it remains for the Court passing the sentence to decide, under Section 386 of the Code of Criminal Procedure, whether a distress warrant for levy of the outstanding fine shall issue or not. If it is determined to issue such warrant, it will be in the form prescribed in Schedule V of the Criminal Procedure Code No. 37.

Duty of the Court on the return of order unrealized or partly realized.

(b.) The Courts will bear in mind that such warrants of distress cannot be enforced in Native States.

Warrants of distress can only be enforced in British India.

(c.) If anything is recovered on a warrant of distress while the offender is in jail, the fact will be at once notified to the jailor.

7. An Officer to whom a warrant of distress is addressed will observe in attachment and sale of property, and in dealing with objections, the formalities prescribed for the execution of civil decrees (Sections 266-336, Civil Procedure Code) in respect of moveable property, it being remembered that distress warrants for fines are criminal processes.

Formalities connected with warrants of distress.

a. For the form see Part IV of this Manual.

Responsibility as to periodical inspection of office registers.

8. The registers of fines kept by the Courts will be inspected by the Judicial Commissioner, the Civil and Sessions Judge, and Deputy Commissioners.

9. Within the limits prescribed by law, it is open to a Magistrate to issue warrants of distress as frequently as the information at his disposal justifies such a course. The Resident desires, however, that, in cases in which the alternative sentence has been served, discretion should be exercised in issuing further warrants of distress. If it is evident that the offender was able to pay, but did not pay, preferring the alternative of imprisonment, the law should be strictly enforced. If, however, it appears that the fine was not paid for want of means, and that its subsequent realisation (even if possible) would be ruinous to the offender or his family, it will not as a rule be expedient to take further steps, and the amount outstanding will be written off the register as irrecoverable, under the sanction of the Judicial Commissioner.

Criminal Procedure (Execution) Order No. 38.

(Resident's Judicial Book Circular No. V of 1879.)

An instance of certain prisoners having been kept in jail over the period of which their sentence was reduced by an Appellate Court having lately come to notice, the following rules framed by the High Court, Bombay, are circulated for information and guidance :—

1. When a sentence on a prisoner is reversed or modified on appeal, a fresh warrant will be issued by the Appellate Court to the Officer in charge of the Jail for execution, and its order will be communicated to the Lower Court for record.

2. When an appeal is rejected or a sentence confirmed, an intimation to that effect will be sent to the Officer in charge of the Jail by the Appellate Court, and its order will be communicated to the Lower Court for record.

3. When a case is revised by the High Court, the Court or Magistrate to which the High Court certifies its order under Section 299*a*. of the Code of Criminal Procedure will proceed under that Section to issue a fresh warrant or order to the Jailor.

4. When a prisoner has applied to the High Court in revision to have the sentence passed on him revised, and the High Court rejects the application intimation to that effect will be made direct to the Superintendent of the Jail

a. Now read Section 442.

5. In cases referred by the Court of Session for the confirmation of a sentence of death by the High Court, the High Court will send copy of its order to the Court of Session, which will then issue warrants to the Officer in charge of the Jail, as provided by Section 301[a]. of the Code of Criminal Procedure.

6. In all cases in which a sentence or order is modified or reversed, whether in appeal or revision, a separate warrant should be issued as regards each prisoner whose sentence has been so modified or reversed. In revision cases the Court to which the order is certified will issue the warrants as provided in paragraph 3.

7. In all cases the Superintendent of the Jail will acknowledge by letter the receipt of any warrant or order or intimation, and will inform the prisoner of the result of his appeal or application, and report the fact in the letter.

8. In all cases in which a fresh warrant has been issued, whether in appeal or revision, the warrant should be returned to the Court issuing it when it has been fully executed.

Criminal Procedure (Execution) Order No. 39.

(Hyderabad Assigned District High Court Criminal Circular No. II of 1893.)

The following instructions should be observed in fixing dates of execution of sentences of death in future warrants.

1. Unless it be otherwise specially ordered, on receipt of the order of the High Court confirming a sentence of death, the date fixed by the Sessions Court in its warrant for the execution of the sentence shall be not less than fourteen, nor more than twenty-one days from the date of the issue of such warrant.

2. Where the date fixed for the execution of a sentence of death has expired in consequence of the delay occasioned by an application to the Local Government or to the Governor General in Council for remission of punishment, a fresh warrant shall, on intimation of the rejection of the application being given to the Judge, be issued fixing a date for the execution of the sentence, which shall not be more than seven days from the date of issue of such warrant.

3. The fresh warrant shall be in the following form :—

(For the Form, see Part IV of this Manual.)

4. The return to a warrant of execution on a sentence of death shall be in the following form:—

(For the form, see Part IV of this Manual.)

a. Now read Section 381.

Criminal Procedure (Lunatics) Order No. 40.

(Central Provinces Circular No. 37 of 1881, republished with modifications in Judicial Commissioner's Circular No. XV of 1881.)

The provisions of Chapter XXXI [a] of the Code of Criminal Procedure having been misunderstood in several cases, it becomes necessary to explain clearly what is the procedure prescribed by law when a person who is charged with an offence appears to the Court to be of unsound mind, and to add certain practical details.

2. In the first place, it should be borne in mind that the fact that an accused person is reported to be insane, or that he appears to the Court to be of unsound mind, is not of itself a ground for suspending criminal proceedings. If the accused, though insane, is yet capable of understanding the matter of prosecution and of making his defence thereto, the inquiry, or trial must proceed.

3. To decide whether the accused is capable of making his defence, the Magistrate or Court of Sessions must "institute an inquiry" and "try the fact" [Sections 423, 424 (paragraph 3,) and 425, Code of Criminal Procedure][b] that is to say, the Court must take the evidence of a medical officer on the point at issue, examining him as a witness; and if any other testimony is likely to assist the decision, it should be obtained and recorded. Ordinarily, the evidence of the Civil Surgeon upon the question of the accused's capacity to understand the proceedings will be sufficient.

4. If the finding on this issue is that the accused is incapable of making his defence, the proceedings shall be stayed [Sections 423, 425, [c] Code of Criminal Procedure]. By this it is not meant that the accused shall be *discharged*. Section 426[d] provides that when proceedings are stayed, as above, the accused shall be kept in custody, if the offence is not bailable, or released on bail, if the offence is bailable. In the event of his being released on bail, the surety, besides undertaking for the safe guardianship of the lunatic, must engage to produce him before the Court when required to do so. In the event of the accused being kept in custody through the failure of bail, or through the offence not being a bailable one, the case must be reported to the Resident, and his orders must be awaited. Subordinate Courts should send their reports through the Magistrate of the District.

5. The record of proceedings which have been stayed, as above, should be sent, in due course, to the record-room, when the latest order which is possible under the procedure set forth in the foregoing paragraph has been entered up.

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a. Now see Chapter XXXIV.

b. Now read "the Magistrate or Court of Sessions must inquire into the fact" and "try the fact" (Sections 464 and 465 of the Code of Criminal Procedure—Act X of 1882)

c. Sections 464 and 465.

d. Section 466.

6. If an accused person who has been dealt with as in para. 4 above is discharged as sane from an asylum in which he may have been placed under the orders of the Resident, or if he is reported to have recovered his reason since his release on bail, the Magistrate or the Court of Sessions (as the case may be) may call for the suspended proceedings and resume the inquiry or trial (Section 427, *a.* Code of Criminal Procedure).

7. When the accused is again brought before the Court, the Court must again try the fact of accused's capacity for making his defence (Section 428 *b.* Code of Criminal Procedure), the same procedure being followed as that which was described in para. 3.

8. If an inquiry or trial is allowed to proceed (either originally, as in para. 2, or on the reappearance of the accused, as in para. 7) on the ground that the accused is capable of making his defence, the fact that he is believed to be at times insane cannot affect the order or sentence to be passed, unless upon evidence given before it, the Court finds that *at the time when the act which is charged as an offence was committed*, the accused person was by reason of unsoundness of mind "incapable of knowing the nature of the act, or that he was doing what was wrong or contrary to law" (Section 84, Indian Penal Code).

9. If the Court has reason to believe that this condition was fulfilled, it will nevertheless, if the proceedings are of the nature of an inquiry into a Sessions case and if the act seems to be proved, commit the accused to the Sessions (Section 424 *c.* Code of Criminal Procedure). In other cases, the act being proved, and Section 84 of the Indian Penal Code being found applicable, the Court while acquitting the accused must not release him, but must report the case for the orders of the Resident (Section 429, *d.* Code of Criminal Procedure).

10. From the foregoing summary it will be understood that in no case is an order of discharge or release appropriate in respect of an accused person whom the Court finds to be of unsound mind at the time of the inquiry or trial, nor is such an order appropriate in the case of a person whom the Court finds to have been of unsound mind at the time when the act which is the subject of the prosecution is alleged to have been committed, unless the accused is held not to have committed the act. It may be added that the procedure laid down by Act XXXVI of 1858 *e.* has no reference to persons who are charged before a Criminal Court with a particular offence.

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a. Section 467.

b. Section 468.

c. Section 469.

d. Section 470.

e. See Part I of this Manual, Page 2.

Criminal Procedure (Lunatics) Order No. 41.

(Judicial Commissioner's Circular No. XIII of 1877.)

In supersession of former orders on the subject, I have the honor to request that Deputy Commissioners, and all Magistrates authorized to send lunatics to the Asylum under Sections 4 and 5 of Act XXXVI of 1858 *a.* and Rule IV *b.* of the Resident's rules on the subject, will be so good as to send to the Superintendent of the Lunatic Asylum in addition to the certificate in the form A annexed to the Act a statement in the form appended giving in English the information therein detailed. The Superintendent has been directed to receive no lunatics who are unaccompanied by this statement which should be in English.

2. The Magistrates' order for the admission of the lunatic into the Asylum should be recorded as follows below the Medical certificate in form A.

"Being satisfied that A. B. is a fit and proper person to be detained under care and treatment in the Lunatic Asylum, I hereby order that he be received into the Asylum at—

C. D.
Magistrate.

The Deputy Commissioners will notice that it is only wandering and dangerous lunatics who are to be dealt with under Sections 4 and 5 of the Act above quoted.

3. Section VIII provides for the reception of other lunatics and Rule IV gives authority only to Judges of the principal Civil Courts of Districts to pass orders under this Section by which it is understood that only Deputy Commissioners can authorize the detention of lunatics. Under this Section, lunatics sent to the Asylum should be accompanied by a similar statement to that above prescribed. *c.*

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a. See Part I of this Manual, page 2.

b. These rules were published by the Resident at Hyderabad as an executive authority under Section 2 of the Lunatic Asylums Act (XXXVI of 1858) in the Residency Orders (Supplement) dated the 2nd April, 1877. These rules have been omitted from this Manual as there is no Lunatic Asylum in the Hyderabad Assigned Districts, the Nagpur Asylum being used, see Notification No. 17, dated 27th August, 1884, (Part II—Local Rules, page 180.) In order to make the meaning of this Circular quite clear, Rule IV referred to is reprinted.:—

IV. The authorities empowered to order the admission of lunatics are :—

(1.) Magistrates exercising full powers in respect of wandering or dangerous lunatics : or lunatics who are neglected or maltreated—Sections 4 and 5 of Act XXXVI of 1858.

(2.) Judges of the principal Civil Courts of districts, in respect of all other lunatics except the two classes hereafter mentioned—Section 8 of Act XXXVI of 1858.

(3.) Local Government, as regards criminal lunatics—Sections 426 and 433 of the Criminal Procedure Code and Section 31 of Act V of 1871.

(4.) Military Officers commanding divisions, in respect of Native Non-Commissioned, Officers and soldiers afflicted with insanity.

c. Para 4 is omitted as it relates to matter completely treated of in Section II,—Criminal Procedure (Lunatics,) Order No. 42.

Criminal Procedure (Lunatics) Order No. 42.

(Resident's Judicial Book Circular No. VII [a] of 1888.)

The following instructions have been issued regarding the procedure to be followed under Sections 466, para. 2, and 471, Code of Criminal Procedure:—

1. Such cases if tried by a Subordinate Magistrate shall be reported by the Magistrate of the District, or if tried by the Court of Sessions by the Judge of that Court, to the Secretary for Berar through the Judicial Commissioner, Hyderabad Assigned Districts, for the orders of the Resident.

2. Such reports shall be accompanied by the original record, and shall contain the following information :—

(*a.*) A brief statement of the facts of the case.

(*b.*) Whether the lunatic is believed, from information as to his previous history, from the opinion of the Civil Surgeon, or on other grounds, to be dangerous or harmless.

(*c.*) Whether the lunatic has any friends who will undertake to look after him if discharged.

(*d.*) The recommendation of the District Magistrate or the Sessions Judge regarding him.

3. If the Resident orders the lunatic to be confined in an Asylum or Jail, the District Magistrate, in giving effect to the order, shall send the Superintendent the following particulars :—

(1.) The lunatic's name.

(2.) Father's name.

(3.) Caste or religion.

(4.) Place of residence and ordinary occupation.

(5.) Position in life.

(6.) Whether the attack is the first.

(7.) What is believed to be the cause of insanity.

(8.) Whether the lunatic is subject to epilepsy.

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a. This Circular supersedes Resident's Judicial Book Circular No. VIII of 1878, which has therefore been omitted.

(9.) or suicidal,

(10.) or dangerous to others.

(11.) Whether other members of his family have been affected with insanity.

(12.) The offence with which he is charged.

(13.) Whether the trial has been postponed under Section 466, or whether the accused has been acquitted under Section 471, Code of Criminal Procedure.

(14.) The Court by whom the prisoner was tried or acquitted.

(15.) Number and date of Local Government's order directing incarceration of the lunatic.

4. This circular includes the particulars required by Circulars Nos. 20 of 1875 and 9 of 1880 of the Judicial Commissioner, Hyderabad Assigned Districts, and does not in any way affect the procedure prescribed by Circular No. 15 [a] of 1881 issued by the same Officer.

Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 43.

(Extradition Treaty concluded with His Highness the Nizam of Hyderabad—Political No. 539, dated 31st May, 1867.)

His Excellency the Viceroy and Governor General of India in Council is pleased to publish for general information the following treaty concluded with His Highness the Nizam of Hyderabad :—

ARTICLE 1.

The two Governments hereby agree to act upon a system of strict reciprocity, as hereinafter mentioned.

ARTICLE 2.

Neither Government shall be bound in any case to surrender any person not being a subject of the Government making the requisition. If the person claimed should be of doubtful nationality, he shall, with a view to promote the ends of justice, be surrendered to the Government making the requisition.

a. For this Circular, see the last preceding Order.

Section II.—Criminal Procedure.

ARTICLE 3.

Neither Government shall be bound to deliver up debtors, or civil offenders, or any person charged with any offence not specified in Article 4.

ARTICLE 4.

Subject to the above limitations, any person who shall be charged with having committed within the territories belonging to, or administered, by the Government making the requisition, any of the undermentioned offences, and who shall be found within the territories of the other, shall be surrendered :— the offences are mutiny, rebellion, murder, attempting to murder, rape, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery, or burglary, thefts of property exceeding 100 Rupees in value, cattle-stealing, breaking and entering a dwelling-house and stealing therein, setting fire to a village, house, or town, forgery, or uttering forged documents counterfeiting current coin, knowingly uttering base or counterfeit coin, embezzlement whether by public Officers or other persons, and being an accessory to any of the above-mentioned offences.

ARTICLE 5.

In no case shall either Government be bound to surrender any person accused of any offence, except upon requisition duly made by, or by the authority of the Government within whose territories the offence shall be charged to have been committed, and also upon such evidence of criminality as, according to the laws of the country in which the person accused shall be found, would justify his apprehension and sustain the charge if the offence had been there committed.

ARTICLE 6.

The above treaty shall continue in force until either one or the other of the high contracting parties shall give notice to the other of its wish to terminate it and no longer.

ARTICLE 7.

All existing engagements and agreements shall continue in full force.

Signed, sealed, and exchanged at Hyderabad, on the 8th day of May, in the Year of Our Lord One Thousand Eight Hundred and Sixty-seven.

Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 44.

(Notification No. 1392 I., dated 14th April, 1888.)

The following supplementary agreement, modifying the provisions of the Extradition Treaty [a.] with the Hyderabad State, which was set out in the *Gazette of India* dated the 1st June, 1867, is published for general information :—

"Whereas a treaty [a.] relating to the extradition of offenders was concluded on the 25th May, 1867, between the British Government and the Hyderabad State : And whereas the procedure prescribed by the Treaty for the extradition of offenders from British India to the Hyderabad State has been found by experience to be less simple and effective than the procedure prescribed by the law as to the extradition of offenders in force in British India : It is hereby agreed between the British Government and the Hyderabad State that the provisions of the Treaty prescribing a procedure for the extradition of offenders shall no longer apply to cases of extradition from British India to the Hyderabad State ; but that the procedure prescribed by the Law as to the extradition of offenders for the time being in force in British India shall be followed in every such case." [b.]

Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 45.

(Resident's Judicial Book Circular No. II of 1881.)

On the authority noted on the margin, the Commissioner of Berar on the one part, and the officers of His Highness the Nizam in the border districts of Berar on the other, have been enabled to mutually surrender, in direct communication with each other, persons coming [a.] within the operation of the Extradition Treaty of 1867 entered into between His Highness the Nizam and the British Government. This ability, hitherto restricted to the border districts of Berar only, has now been extended to the whole of His Highness the Nizam's Dominions, all Talukdars in which have been authorized to communicate direct with officers in Berar for purposes of extradition and surrender of persons falling within the scope of the above treaty.

Yuka No. 2028, dated 13th August 1869, from H. H. the Nizam's Minister to the Resident, and the Ahkam forwarded with it.

Letter No. 2771-270, of 8th September 1869, from the First Assistant Resident to the Commissioner, West Berar.

Endorsement No. 2771-271, of 8th September 1869, from the First Assistant Resident to the Commissioner, East Berar.

a. See the last preceding Order—Order No. 43 in this Section.

b. Para 2 has been omitted as it related to Rajputana States.

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Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 46.

(Resident's Judicial Book Circular No. V of 1878.)

To prevent any misconception in regard to the procedure to be observed in securing the attendance of witnesses residing in the territories of His Highness the Nizam, who are required to give evidence in Berar Courts, and in affording reciprocal aid, in corresponding cases, to the Courts of His Highness' Government, the following summary of the orders already issued on this subject in communication, and with the concurrence of the Nizam's Government is circulated for general information :—

1. Summonses for witnesses residing in His Highness the Nizam's territory shall be sent direct, by the Court issuing them, to the Tahsildar within whose jurisdiction the parties are said to be resident, and the latter, on being summoned, shall be at liberty to proceed direct to the Court before which they are required to appear.

2. A reciprocal course shall be observed by all Berar Courts in respect to summonses sent to them by the Courts of the Nizam's Government for the attendance of witnesses residing in Berar.

The rules prescribed in the Civil Procedure Code for the service of summonses shall be observed in such cases.

Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 47.

(Resident's Judicial Book Circular No. IV of 1880.)

The following rules and procedure regarding the issue of civil and criminal processes by Courts in His Highness the Nizam's Territory for service in Berar, having received the approval and sanction of His Highness' Government, are hereby made known for the general information and guidance of Berar Courts.

2. Whenever a civil or criminal summons issued by a District Court in His Highness the Nizam's Dominions and requiring the attestation or attendance of parties or witnesses is received for service, the first duty of the receiving officer is to see whether or not the process is accompanied by charges for process service as detailed below, in addition to postage expenses for transmission and returns of such process:—

(*d*). [a] In criminal cases which relate to offences other than those in which the Police can arrest without a warrant, a fee of eight annas per summons.

3. The summons received for service should be generally written in Marathi.

If the above conditions are not fulfilled, the summonses may be returned unserved; but a wide discretion in this matter is allowed to the receiving officer, especially if he thinks that the return of the summons unserved is likely to be attended with evil results. Should he be of opinion that the summons ought to be served without delay, he may issue it and recover the process fees afterwards.

4. It is not necessary that the summons should pass through the Residency office. They may be received from His Highness the Nizam's Courts and be returned to them direct. Similarly, summonses from Berar Courts may be sent direct to His Highness' Courts for service without the intervention of the Residency office.

Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 48.

(*Resident's Judicial Book Circular No. XVI of 1883.*)

In continuation of the Resident's Book Circular No. IV [b] of 1880, and at the suggestion of His Highness the Nizam's Government, the Resident has been pleased to direct that whenever processes are issued by the Courts in Berar for service in His Highness' Territory, they should forward with such processes the same process fee which is levied in Berar in respect of similar processes.

Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 49.

(*Resident's Judicial Book Circular No. X of 1879.*)

A summons lately forwarded to the Resident from Berar for service through His Highness the Nizam's Government required the attendance of a person, said to be resident in the Aurangabad Taluka, at Argaon, on a date ten days after the receipt of the summons in the Resident's office. The Resident was consequently obliged to return the summons unserved; and he now

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a. Clauses (*a*), (*b*) and (*c*) are omitted as they related to Civil matters.

b. See the last preceding Order, Order No. 47.

desires to remind Berar Courts that generally when a Criminal or Civil process has to be served through the Residency office and the Nizam's Government a period of thirty days from date of issue is not too much to allow for the service of such process. In special cases of importance this period may sometimes be abridged on particular cause being shown.

Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 50.

(Resident's Judicial Book Circular No. XII of 1881.)

With a view to secure uniformity of practice in respect of commissions, issued by Civil, Criminal, or Revenue Courts in Berar, for the examination of witnesses at Hyderabad, the following instructions are issued for information and guidance :—

As a rule all such commissions should be addressed to "The First Assistant Resident or such other Officer or Officers as he may appoint;" and all remittances sent with such Commissions should be made payable to "The First Assistant Resident," without giving the name of the gentleman holding the appointment.

No commission should ordinarily be addressed to the Resident; nor should any remittance be made payable to him.

No commission should be sent direct to His Highness the Nizam's Minister without the intervention of the Residency office.

Distant dates should be fixed for the return of commissions, and names of the witnesses to be examined should be given in full, with their correct address. The street or lane where they reside should so far as is possible, be ascertained and stated.

Commissions for examination of witnesses residing at Secunderabad, (Husen Ságar) or at Bolárum (Alwál) should be invariably addressed to the Cantonment Magistrate, Secunderabad, and the Superintendent of Police, Bolárum, respectively; and remittances in such cases should be made payable to the Officer to whom the commission is addressed.

Remittances intended for the First Assistant Resident should be made payable at Hyderabad, and not at Secunderabad.

Criminal Procedure (Interchange of Processes with Nizam's Government) Order No. 51,

(Notification No. 1, dated 2nd March, 1891.)

With the concurrence of His Highness the Nizam's Government, the following procedure will be followed for the future in the service of processes between the City and Suburban Courts and the District Courts in His Highness the Nizam's Territory on the one hand and the Courts in the Hyderabad Contingent Stations on the other :—

(1). All Civil and Criminal processes issued by the Courts in the Hyderabad Contingent Stations and intended for service in the suburbs of the City will be sent to the Judge of the Suburban Court direct by post.

(2). All Civil processes issued by the above Courts, and intended for service in the City will be sent to the Judge of the Small Cause Court of the City direct by post.

(3). All Criminal processes intended for service in the City will be sent by post direct to the Nazim of the Criminal Court in the City.

(4). All Civil and Criminal processes issued by the above Courts and intended for service in the jurisdiction of a District Court in His Highness the Nizam's Territory will be sent direct by post to the Court within the local Jurisdiction of which it is to be served.

(5). In like manner all Civil and Criminal processes issued by the City and Suburban Courts, and the District Courts in His Highness the Nizam's Territory and intended for service in the Hyderabad Contingent Stations, will be sent by post direct to the Officer Commanding at the station in which the process is to be served.

PART III.—CIRCULAR ORDERS.

SECTION III.—GENERAL INSTRUCTIONS.

General Instructions (Distribution of Work) Order No. 1.

(Resident's Order No. 503-33, Lyall's Manual, page 107, and Judicial Commissioner's Circular No. X of 1875.)

In each District one Officer invested with the full powers of a Magistrate must always remain at the Sudder Station to receive Police reports, and try or prepare for commitment all heinous cases received from talukas wherein there may be at the time no Officer having jurisdiction. He will in fact be Magistrate [a] of the District for the time being, excepting of course those talukas which the Deputy Commissioner, if on circuit, may retain in his own hands, or make over to an Assistant also invested with full powers.

General Instructions (Distribution of Work) Order No. 2.

(Commissioner's Judicial Circular No. 67 of 1865, Lyall's Manual, page 106.)

Should cases come up before a Magistrate when he is about to leave head-quarters, they should be transferred to another Court if there is reason to suppose that the Magistrate will not have time to dispose of them. Cases cannot be half tried by one Officer and disposed of by another.

2. When officers are on their tours they should keep the Police acquainted as nearly as possible with the dates on which their camps will be at the different halting-places.

General Instructions (Distribution of Work) Order No. 3.

(Resident's Judicial Book Circular No. XII of 1887.)

Some instances of delay in the disposal of criminal work having recently come to the notice of the Resident, as well as the inadequate sentences passed on offenders who had been previously convicted, the following instructions are issued to all Criminal Courts :—

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[a] This is not the wording that would be used in a Circular of the present day.

2. Deputy Commissioners should direct their attention to ensuring prompt disposal of Criminal cases by the Magistrates subordinate to them, in order to obviate any cause of complaint by witnesses of unnecessary detention. Deputy Commissioners should also take measures to ensure that cases dealing with persons who have been previously convicted are sent up to Officers competent to award adequate sentences, and further that the necessity of allowing sufficient time and opportunity to the police to prove previous convictions is clearly understood. Nothing is so important to the proper administration of criminal justice as the certainty that, after one conviction, an offender will not be leniently dealt with if again convicted.

General Instructions (Distribution of Work) Order No. 4.

(Resident's Judicial Book Circular No. I of 1881.)

The Resident has reason to think, from some correspondence that has lately come under his consideration, that District Magistrates in Berar do not exercise that personal control over the criminal administration of their Districts which is desirable, and that too often important cases are taken up by the inferior magistracy when they ought not to be.

2. The power to receive police reports involves, as has been observed in a part of the correspondence above referred to—

A. The power to take up and try cases in which arrest is made and the prisoner is sent in with the report.

B. The power to exercise and pass orders on reports in cases in which arrests not being made, the Police seek the guidance or orders of the Magistrate as to what should be done.

A represents what may be called the judicial magisterial work: B the executive magisterial work.

3. This latter it is necessary that Deputy Commissioners should keep entirely in their own hands, except when the presence of a thoroughly competent and experienced subordinate Magistrate admits of their transferring to him a part of the duty without fear of its being performed at all inefficiently. Such transfer, however, should only be temporary, and should only take place when the Deputy Commissioner is burdened with other important duties.

4. As regards cases of the class falling under A, it is desirable that they, as well as those coming under B, should, except where a subordinate Magistrate is invested with power to deal with them, be sent up to the Deputy Commissioner, who would then transfer the A cases to the subordinate Magistrate

and dispose of the B cases himself. But as it would probably be inconvenient to apply these instructions to outlying Tahshils, they will, for the present, be held applicable to, and be acted on at, head-quarter Tahsils only.

5. The District Magistrate should, however, caution all subordinate Magistrates in his District who are not immediately under his own eye, not to take up cases under either A or B—however authorised to do so—the importance of which may suggest the expediency of their being disposed of by a Magistrate invested with full powers.

6. The Judicial Commissioner is requested to see that these orders are carefully attended to. If they add to the work of any Deputy Commissioner so as to render it necessary for him to be provided with additional assistance, the Resident will be happy to consider any representation that may be made on this point through the Judicial Commissioner; but he feels sure that the orders now issued are required in the interests of the police as well as of the judicial administration, and of the province generally.

General Instructions (Distribution of Work) Order No. 5.

(*Resident's Judicial Book Circular No. II of 1879.*)

I. Special Magistrates may receive or not, at their own option, such cases within their competence to try as the Police may bring before them, in which the offences have been committed within the limits of their jurisdiction.

It will be the duty of Deputy Commissioners to ascertain the wishes of each Special Magistrate with regard to Police cases, and to issue orders to the Police accordingly. If the Special Magistrate is willing to take up Police cases they may be sent to him, but not otherwise.

II. Where Special Magistrates usually receive Police cases they should be requested, when temporarily unable to receive them from illness, absence from home, or other causes, to send a message to the Police station, so that cases may be sent to the regular Magistrate.

III. Special Magistrates may receive and determine such complaints as the complainants may choose to bring before them, provided that the offences occurred within the limits of their jurisdiction, and are within their competence to try. But Special Magistrates must not try cases in which their own relations or dependants are concerned.

IV. Notice should be given within the limits of each jurisdiction that those having complaints may present their petitions direct to the Special Magistrates.

V. It is to be distinctly understood that these rules are issued solely with a view to prevent Special Magistrates being burdened with more work

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than they wish to perform, and in issuing subsidiary instructions care must be taken that nothing which may tend to denote want of confidence in the Special Magistrates be allowed to appear. It is the wish of Government that the position of Special Magistrates should be one of dignity, and that gentlemen who accept the office of Special Magistrate should not have more work allotted to them than they may wish to undertake.

General Instructions (Distribution of Work) Order No. 6.

(Judicial Commissioner's Circular No. XVIII of 1878.)

It has been brought to notice that in one district cases of cattle-theft are tried by Magistrates of the 3rd class, who are necessarily quite incompetent to award sufficient punishment.

Such offences should invariably be tried by Magistrates of the 1st class, who in cases of former convictions may find it advisable to send the accused up to the Magistrate of the District for trial under Section 315, [a] Criminal Procedure Code.

General Instructions (Distribution of Work) Order No. 7.

(Resident's Judicial Book Circular No. V of 1880.)

The Government of India in their letter No. 7-564, of the 28th May last (Home, Revenue and Agricultural Department), which is printed below, have suggested the desirability of directing District Magistrates to arrange that criminal cases against European or Native soldiers of Her Majesty's Army in India should not be tried by any Magistrate below the rank of a Magistrate of the 1st class. The Resident approves of this suggestion, and directs that it be carried out in Berar.

2. Sir R. Meade does not regard it as involving the treatment of soldiers with any special distinction, but simply as having for its object to guard them, as far as possible, against hasty or unjust treatment by inexperienced Magistrates, at the risk of consequences to them to which *persons not soldiers* are not liable.

Letter from the Government of India, Home Department, Judicial, No. 7-564, dated the 28th May, 1880.

A case has recently been brought to the notice of the Government of India, in which a sepoy of a Native Infantry Regiment was, for a very trivial offence, sentenced by a Deputy Tahsildar, exercising the powers of a Magistrate of the 3rd class, to one month's rigorous imprisonment and a fine of three rupees, or in default one week's further rigorous imprisonment. On

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a. Section 318.

a reference to the High Court of the Province, the sentence of one month's rigorous imprisonment was set aside, the rest of the Magistrate's order being confirmed.

2. The case in question illustrates the desirability of confining the enquiry into criminal cases against European or Native soldiers of Her Majesty's Army in India to Magistrates fully competent to deal with such cases, more especially as a sentence of rigorous imprisonment exceeding three months, when passed upon a soldier of Her Majesty's service, involves his discharge under military regulations. In this view, I am directed by the Governor General in Council to suggest for your consideration, the desirability of directing District Magistrates to arrange that cases of the nature referred to should not be tried by any Magistrate below the rank of a Magistrate of the 1st class.

General Instructions (Distribution of Work) Order No. 8.

(Hyderabad Assigned District High Court Criminal Circular No. IV of 1891.)

With the sanction and approval of the Resident it is directed that all cases falling under Sections 109 and 110 of the Code of Criminal Procedure shall as a rule be dealt with by the District Magistrate.

General Instructions (Distribution of Work) Order No. 9.

(Hyderabad Assigned District High Court Criminal Circular No. VII of 1890.)

The difficulty in dealing with crime in Berar is that serious crime against the coinage and property is mostly committed by foreigners. On apprehension, these men give addresses in various distant parts of India. When reference is made to the authorities of those parts it is usually found that the addresses given are false. Clearly in such cases the probability is that we have before us criminals of a more or less determined stamp whose cases should be brought to the notice of the District Magistrate. Consequently, with the sanction and approval of the Resident, it is directed that all such cases shall ordinarily be reported to the District Magistrate, and shall invariably be so reported when there is a reason to identify the accused as being a Dakkani Mahomedan of the class habitually given to false coinage or of being a member of some one of the tribes habitually addicted to crime, such as Sonoriahs, Meenahs, Buttuks, &c.

Pending the orders of the District Magistrate the proceedings in the Court of subordinate Magistrate shall be stayed.

General Instructions (Distribution of Work) Order No. 10.

(Hyderabad Assigned District High Court Criminal Circular No. VIII of 1890.)

When a person against whom a conviction for an offence against coinage or property exists is placed before a subordinate Magistrate charged with the

committal of an offence against coinage or property, it is directed, with the sanction and approval of the Resident, that the subordinate Magistrate shall decide whether the accused shall be held to be an habitual or not.

If he decides not, he shall preliminarily place that fact on the record with the reasons for his decision and that he may himself dispose of the case.

If he decides that he is an habitual, the case is to be sent to the District Magistrate for disposal.

It is to be borne in mind that the object of the Legislature on Section 348 of the Code of Criminal Procedure is to secure that the great majority of cases referring to habituals shall ordinarily be sent to the District Magistrate for disposal if empowered under Section 30 of the Code of Criminal Procedure, or committed to the Sessions if he is not, and it is only extraordinarily that subordinate Magistrates should retain such cases themselves.

General Instructions (Distribution of Works) Order No. 11.

(Hyderabad Assigned District High Court Criminal Circular No. III 1891.)

From recent correspondence on the subject, the Resident has been led to believe that some uncertainty exists amongst Officers in Berar as to the correct principle to be followed in dealing with habitual offenders.

The attention of all Magistrates is therefore directed (with the approval and concurrence of the Resident), in continuation of Criminal Side High Court Circular No. VIII *a*. of 1890, to the provisions of Section 75 of the Indian Penal Code, and it is explained that, while a sentence of six or seven years' imprisonment, with or without whipping, will generally have sufficiently deterrent effect on offenders with two or three previous convictions, transportation for life is the appropriate punishment for persons who, though convicted a large number of times, nevertheless relapse into crime. Accordingly Section 348, Criminal Procedure Code, should be interpreted to mean that offenders of the former class should be placed on their trial before Deputy Commissioners, and cases of the latter type should be committed to the Sessions Court for disposal.

2. For a complete understanding of the views of Government in the connection discussed, the following extracts (by the Resident's direction) are added :—

No. 1-426—Home Department (Police), to the Resident at Hyderabad, dated Simla, the 31st May 1890.

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a. See the last proceeding Order.

"5. With reference to what is said at the close* of paragraph 2 of this letter, I am directed to enclose an extract (paragraph 27) from a report recently submitted to the Government of India by the Commissioners who visited the Penal Settlement of Port Blair with a view to examine the system in force there. It will be seen that the Commissioners bring to notice the comparatively small extent to which the provisions of Section 75 of the Indian Penal Code, authorizing the infliction of a sentence of transportation for life in the case of persons habitually guilty of offences against property, is resorted to, and point out that such a sentence is peculiarly appropriate in the case of such persons for whom jail life in India appears to have no terrors, but who might possibly be reformed if subjected to wholly new influences such as would be brought to bear upon them in transportation. The convict under sentence of transportation for life in Port Blair has to serve a term of ten years as a labouring prisoner, in the course of which he can obtain by good conduct various privileges, and is liable for misbehaviour to have the term of his probation extended and to other punishments. If he has uniformly behaved well during this period, at the end of it he becomes a self-supporter and is allowed to earn his own living by agriculture or service.

* His Excellency in Council also fears from the information before him that the provisions of Section 75 of the Indian Penal Code have not been always used by the Courts in a manner calculated to deter habitual criminals from crime.

"The Commission suggest that the advantages of a sentence of transportation for life in such cases might be brought to the notice of the judicial authorities, and that the officers responsible for prosecutions should pointedly draw the attention of the Courts to the inadequacy of short sentences of imprisonment in the case of habitual offenders. From the lists of such offenders under confinement in one province which he has seen, the Governor-General in Council is disposed to think that such a course would be productive of some advantage. It appears to be the case, as the Commissioners state, that especially in presidency towns habitual offenders are frequently sent to jail on short sentences of imprisonment, although their career shows clearly that such sentences have no deterrent effect upon them. If the Local Governments were to cause an examination to be made of the record of convictions against habitual offenders under confinement in their jails and were to call for explanation where the sentences passed have been clearly inadequate, the effect would probably be beneficial."

The paragraph 27 referred to in paragraph 5 above runs thus :—

"We suggest for the consideration of Government that the attention of the judical authorities in India might with much advantage be drawn to the special appropriateness of a sentence of transportation for life in the case of persons habitually addicted to offences against property (Section 75, Indian Penal Code). We have reason to believe that many Indian jails are at present crowded with such habitual offenders, especially in the neighbourhood of the chief centres of population. We have before us lists of such habitual criminals from the central jails in Bengal, which show that large numbers of persons still in the prime of life and presumably fit subjects for transportation spend their existence between the court-house and the jail. They are rarely

at large for more than a few weeks before they find their way back to prison, and it is clear that confinement in our jails has no deterrent effect upon them whatever. The sentences passed upon them, possibly for want of knowledge of their previous career, are in no way graduated to the character which their repeated offences show to be theirs. We constantly find that a criminal who has just been released from a long term of imprisonment is, on the next occasion when he is convicted, sentenced to a short one, although Section 75 of the Penal Code recognizes that such incorrigible offenders should be punished with the utmost rigour of the law.

[Here some examples are quoted.]

"The above examples might be multiplied indefinitely from the jails of Bengal, and we submit that they prove that sufficient use is not made of the provisions of Section 75 of the Indian Penal Code. This may perhaps be due to the fact that the prosecuting Officers do not pointedly bring before the sentencing courts the antecedents of the accused, or that the advantages of transportation as a reformatory form of punishment are not understood. We have explained at the beginning of this report how highly we rate the life and discipline at Port Blair as a reformatory agency, and it appears to us that there is no class of Indian criminals to which a life sentence of transportation is, both for the criminal's own sake and for that of society, more suitable. The successive sentences passed in jails show that prison life in India has no terrors for these persons, and their career of crime marks them out as incorrigible pests of society, against whom the community is entitled to protection by their permanent removal from its midst. In the Andamans they would be given a fresh chance in an entirely new sphere, where good conduct would be rewarded by the means of honest livelihood with a good climate, a fertile soil, and a ready market for the fruits of their labour."

General Instructions (Distribution of Works) Order No. 12.

(H. A. D. High Court Criminal Circular No. II of 1894.)

Several cases have recently come to the notice of the Judicial Commissioner in which the accused have been policemen or police officers which have been tried by Tahsildars and by Magistrates of the 2nd class with not altogether satisfactory results. Such cases, and cases generally in which Government servants are accused, should ordinarily be tried by the District Magistrate or by the senior available Magistrate of the 1st class. Petty and unimportant cases in which Government servants are accused are beyond the scope of these orders.

General Instructions (Inspection) Order No. 13.

(Judicial Commissioner's Circular No. XII of 1876.)

There do not seem to have been any orders issued as to the inspection of Tahsildars' Civil and Criminal Registers, and the different records connected with these Departments by Deputy Commissioners, or Assistant Commissioners, when visiting their talukas.

2. These inspections are most essential, and of greater use in ensuring that the different Tahsil officials keep things up to date, than any written orders that can be issued.

3. Whenever a Deputy Commissioner, or Assistant Commissioner in charge of a taluka, visits a Tahsil station, he should make it one of his principal duties to thoroughly examine the Registers and all other Civil and Criminal records. The Assistant Commissioner's remarks on the result of his inspection should be forwarded to the Deputy Commissioner; and the Deputy Commissioner's remarks on his inspections should be forwarded to the Judicial Commissioner. These results of inspections by Deputy Commissioners will be of immense use to the Judicial Commissioner on his tours of inspection.

4. Deputy Commissioners should examine the records of all offices under their orders at head-quarters once in six months, and Tahsil or detached Assistant's offices once in the year, reporting the results as above.

5. It is desirable that in each office there should be hung up a list of al the Registers and Books kept in each department, so that the inspecting Officer may see at a glance whether all the records have been examined.

General Instructions (Inspection) Order No. 14.

(Judicial Commissioner's Circular No. X of 1876.)

With reference to this office No. 164-69 of the 21st January last, I would beg to remind you how necessary it is that you should call up periodically from all Courts under your orders certain Civil and Criminal cases taken at random and have them submitted to examination returning them with such remarks on procedure, &c., as may seem necessary.

2. A certain number of cases from the subordinate Courts no doubt do come before you in appeal, but in addition to this I would recommend your calling up some cases as above say every quarter.

General Instructions (Inspection) Order No. 15.

(Resident's Judicial Book Circular No. I of 1883.)

There being considerable uncertainty as to the points which should be noted by Officers inspecting subordinate Courts, the following list of subjects for enquiry is issued for the assistance of Officers making such inspections.

2. It is not intended that inspections should be confined to the matters herein prescribed, nor that each inspection made should embrace all the topics contained therein.

3. Deputy Commissioners should inspect their own files and registers and the Nazirs' registers, as also those of their Assistant and Extra Assistant Commissioners, at least once a year.

PART I.

I.—Report on the state of the Court-house, whether it is in good repair and properly kept. Notice especially the state of the record-rooms and the Nazir's store-room.

II.—Notice, at the sadr station, whether the library is in good order and under whose charge it is. At outlying courts, notice whether books of reference are sufficient and whether files of circulars are complete.

III.—Report on the arrangements of the bench, and whether the accommodation for the bar is sufficient, and the separation of its members from the bench complete.

IV.—Is the court establishment sufficient and capable? Are there any unpaid candidates (copyists), and, if so, have Government rules on the subject been complied with? [a]

PART IV. (A).—*Nazir.*

XXX.—Examine Register No. XXIX (A) [b] and note whether processes and warrants are served and returned to the Court issuing them without any unnecessary delay. Note also whether the distance in miles in column 9 has been correctly calculated. Are any of the process servers employed on other than their legitimate duties?

XXXI.—Are there any complaints against any of the establishment on account of inefficiency from age or any other cause?

XXXII.—Does the staff appear sufficient, or in excess of the requirements?

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a. Paragraphs from V to XXIX are omitted as they relate to Civil registers, suits, &c.

b. For instructions see Part IV of this Manual.

XXXIII.—Examine Register No. XXX (B) [a] and check the correctness of the entries. Are the arrangements of the store-room satisfactory as regards the preservation of the property stored therein, and has the property been correctly labelled, bearing the number of the case to which it appertains?

XXXIV.—Examine General Court Account No. XXXVII (I) [a] and ascertain that the balance in hand is correct and agrees with column 25 of the classification register, [b] to be maintained under the Resident's Circular No. IX of 1882. Note whether the Nazir is in the habit of keeping money in his hands, which he is not authorized to do. Also examine chalans No. XXXVIII (J) [a] and XXXIX (K) [a] and note whether they have been correctly kept up to date.

PART IV. (B).—*Copyists.*

XXXV.—Who is the Officer placed in charge of the copyists' department? Examine Register No. XX, [a] and note particularly whether unnecessary delay occurs in the preparation of copies (columns 2, 7 and 15). Are there any unclaimed copies in the copyists' hands?

(C).—*Records.*

XXXVI.—Are the records properly kept and promptly furnished as required for purposes of inspection?

XXXVII.—Is the record-keeper's register (No. VIII [b] Criminal) properly kept?

XXXVIII. [d]—Are the stamps in the files duly punched?

XXXIX.—Are the instructions contained in the Resident's Book Circular No. XV [c] of 1881 observed?

(D).—*Petition Writers.*

XL.—Are the rules issued in the Resident's Book Circular No. I [c] of 1881, for the admission of petition writers within the precincts of Courts properly observed, and whether the register prescribed by rule VII of the Circular has been properly maintained?

(E).—*Pleaders and Mukhtyars.*

XLI.—Is the register of Pleaders and Mukhtyars duly maintained. [d]

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a, For the form, see Part IV of this Manual.

b, For this, see Part II of this Manual, page 169.

c, For this Circular now see Code of Non-Judicial Circulars, Vol. IV, Chapter, I, Resident's Book Circular No. VII, reprinted in Section IV of this Manual.

d, Paragraph XLII has been omitted as it related to the inspection of files in Civil cases and appeals and was not required by Criminal Courts.

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PART VI. CRIMINAL—A.—*Registers.*

XLIII.—Examine Registers Nos. I and II, [a] and note whether they are neatly and properly kept up to date.

XLIV.—Examine Register No. III. [a] and note whether orders passed by the Magistrate have been clearly entered in column 7. It should be distinctly stated whether a complaint is admitted and process to the accused issued, or how it is disposed of otherwise. Check columns 5 and 6, and note if any unnecessary delay has occurred on the part of the Police to investigate.

XLV.—Examine Register No. IV [a] carefully, and check the correctness of the entries in some of the principal columns, by an examination of a few cases taken at random. See that the detail required by column 26 has been clearly and correctly entered, and ascertain that cases disposed of summarily have been distinguished from others by an asterisk affixed to the serial number against such cases. It must also be noticed whether the requirements as to record under Chapter XVIII Criminal Procedure Code, are properly complied with.

XLVI.—Examine Register No. V, [a] and note whether the provisions of the Resident's Book Circular No. II [b] of 1878 are strictly complied with.

XLVII.—Examine the other Registers, and note whether they are correctly kept and up to date; also note whether errors and omissions pointed out at your last preceding inspection have been corrected and supplied.

B.—*Original Files.*

XLVIII.—In examining files of cases, notice specially the following points :—

(1). Is the complainant's statement reduced to writing in cases instituted on complaint?

(2). Are such cases, as a rule, referred to the Police or other agency for investigation? Note whether the instructions contained in Judicial Commissioner's Circular No. 23 [c] of 1879 are strictly observed.

(3). Is the evidence properly recorded, and in the handwriting of the presiding Officer?

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a. For the forms, see Part IV of this Manual.

b. This Circular has been superseded by Judicial Commissioner's Circular No. IV of 1889, for which see Section II, Order No. 37 of this Manual, page 308.

c. This Circular issued in reference to Act X of 1872 has not been reprinted as it has been practically superseded, but para. 3 of the Circular to which special reference is herein made ran as follows :—

"In very exceptional circumstances only should non-cognizable cases be referred to Police Officers for investigation."

(4). Is the confession or examination of accused properly recorded in his own vernacular or in the language of the district? Are the provisions of the "Judicial Commissioner's Circular No. 5 of 1884" [a] strictly complied with?

(5). Are charges correctly framed, and in the case of persons previously convicted, do they sufficiently set forth the fact of previous conviction, and is the accused person called upon to plead thereto? (See Sections 221, 222, 223 and Schedule II, form No. XXVIII. [b])

(6). Are previous convictions, when not admitted, duly proved?

(7). Is the defence fully gone into?

(8). Are judgments properly recorded, and do they appear to have been recorded before being pronounced?

(9). Are warrants correctly drawn up and properly executed?

C.—*Appeals.*

XLIX.—(1). Are sentences as a rule confirmed without perusal of proceedings?

(2). Is notice to the appellant issued before an appeal is heard?

General.

L.—Make any suggestions which, in your opinion, would simplify the Registers, &c., and which would facilitate the action of the Courts, Civil and Criminal.

General Instructions (Prosecution and Defence) Order No. 16.

(Resident's Judicial Book Circular No. VI of 1879.)

Section 272 of Act X of 1872 [c] (Code of Criminal Procedure) provides that the Local Government may direct an appeal being made by the Public Prosecutor or other Officer specially or generally appointed in this behalf from an original or appellate judgment of acquittal: and in Berar Deputy Commissioners, as the Chief Magistrates of Districts, are the Officers who have, through the proper channel, to bring to the notice of the Local Government cases in which an appeal from an order of acquittal should be made.

a. Words quoted have been substituted for "Resident's Book Circular No. I of 1880."

b. A reference to Judicial Commissioner's Circular No. 10 of 1872 is omitted, that Circular having been practically superseded by Act X of 1882.

c. Now read Section 417 of Act X of 1882.

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Whenever a Deputy Commissioner has to move the Local Government to direct an appeal, a concise history of the facts of the case, together with the grounds of appeal, should be submitted for orders of the Resident.

General Instructions (Prosecution and Defence) Order No. 17.

(Resident's Judicial Book Circular No. I of 1894.)

In supersession of so much of the Resident's Judicial Book Circular No. V of 1886 as refers to the Hyderabad Assigned Districts, and in conformity with the views expressed by the Government of India in their Resolution No. 2-38-48, dated Calcutta, the 11th January 1886, on the subject of the representation of the Crown in criminal cases which may come before the High Court on revision or appeal, the Resident at Hyderabad is pleased to direct that in all revision cases coming before the Judicial Commissioner as High Court for the Hyderabad Assigned Districts, the Sessions Judge, Hyderabad Assigned Districts, shall, when forwarding the record, express his opinion, after consulting the Deputy Commissioner concerned, whether the Crown should be represented by an Officer appointed to conduct the duties of public prosecutor under the terms of the Secretary for Berar's letter No. 3723, dated November 4, 1893. The necessary steps to instruct the Officer appointed will be taken in the Judicial Commissioner's office.

In appeal cases, besides the issue of the usual notice under Section 422, Code of Criminal Procedure, the Sessions Judge, Hyderabad Assigned Districts, will be good enough to adopt a course similar to that proposed above in revisional cases.

General Instructions (Prosecution and Defence) Order No. 18.

(Resident's Judicial Book Circular No. II of 1894.)

In supersession of so much of the Resident's Judicial Book Circular No. VI of 1886 as refers to the Hyderabad Assigned Districts, the subjoined Notification regarding the appointment at Government expense of a pleader to defend an accused person in a murder case when he is unable to engage the services of a pleader is republished for the information and guidance of the Judicial Officers in those Districts.

Residency Orders Notification No. 125, dated 11th June, 1886.

It is hereby notified for general information that in the Hyderabad Assigned Districts the Sessions Judge will in future appoint a pleader to defend an accused person in a murder case when the accused may be unable to engage the services of a pleader if the Magistrate committing the case certifies that the prisoner is unable to pay for legal advice. The pleader thus appointed will get a daily fee of Government Rs. 16, and will be furnished, at least one week before the trial comes off, with copies of committing Magistrate's proceedings at Government expense by the Sessions Judge, Hyderabad Assigned Districts.

In passing on murder cases committed to the Court of Sessions, Deputy Commissioners will see that the committing Magistrates invariably give the certificate above alluded to.

General Instructions (Prosecution and Defence) Order No. 19.

(Government of India, Military Department, Letter No. 1205-C, dated 23rd June, 1893, republished in Resident's Judicial Book Circular No. VII of 1893.)

1. When soldiers[a] are to be tried by a Civil Court (*i. e.*, a Court which is not a Military Court) upon any criminal charge, the local Military authorities (General Officers Commanding Districts) should consult the District Magistrate and arrange with him for the selection and remuneration of a pleader, advocate or barrister, as the importance and necessities of the case may require.

2. The fee to be paid to the pleader, advocate or barrister must not exceed Rs. 100 per diem, when the trial is before a High Court, and Rs. 50 per diem in all other cases.

3. It is to be clearly understood that the local authorities are only to appoint a pleader in cases where they think it desirable, and are to fix the fee beforehand (subject to the maximum amounts stated above) at whatever sum may be reasonable with reference to the customary rates of the localities concerned.

4. The expenditure incurred will be a military charge, and will be adjusted under Grant 14 of the budget estimates, minor head, "Contingencies."

5.[b] When counsel is rightly provided for the defence of a soldier at the first trial in a Civil Court, counsel can also be provided when considered necessary on appeal, subject to the limitations laid down in clauses 2 and 3 of these rules.

General Instructions (Prosecution and Defence) Order No. 20.

(Resident's Judicial Book Circular No. X of 1894 republishing Government of India, Military Department, letter No. 1248-C dated the 6th June, 1894.)

Native soldiers on leave and reservists not under training are at their homes and among their friends and free from Military control; they are therefore in the same position as the ordinary civil population in this matter, and as such have no claim on Government of legal assistance if they happen to get into difficulties. The provisions of Military Department letter No. 1205-C,[c] dated 23rd June, 1893, are not therefore applicable to soldiers on leave and reservists not under training.

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a. "The rules for the defence of soldiers in Civil Courts do not apply to Native Officers." —Government of India, Military Department, letter No. 2109-C, dated 2nd October 1894, republished in Resident's Judicial Book Circular No. XXIII of 1894.

b. This clause has been inserted on the authority of Government of India, Military Department, letter No. 1784-C, dated the 16th August, 1894, republished in Resident's Judicial Book Circular No. XIX. of 1894.

c. For these rules see the last preceding Order.

2. Reservists of the Native Army when called out for training or service are in the same position as soldiers serving with the colours, and that the rules [a] above referred to should therefore be held to be applicable to them.

General Instructions (Prosecution and Defence) Order No. 21.

(Resident's Judicial Book Circular No. V of 1893.)

The Resident is pleased to issue the following instructions regarding the procedure to be observed when prosecutions are instituted by public Officers of any Department in the Hyderabad Assigned Districts :—

Where the charge is of a cognizable offence, the prosecution will be conducted by the police, unless special circumstances render the engagement of a pleader necessary, in which case the sanction of the Commissioner must be obtained, through the Deputy Commissioner of the district. Where the charge is of an offence which is non-cognizable, the Officer who prefers the complaint should refer for instructions to the Deputy Commissioner of the district, who may, if he thinks fit, either instruct the Officer himself to prosecute, or, if the case is of a complicated and difficult nature, rendering in his opinion, the employment of some legal practitioner necessary for a proper prosecution, report for the sanction of the Commissioner the arrangements he thinks suited to the requirements of the case.

General Instructions (Punishment) Order No. 22.

(Judicial Commissioner's Book Circular No. VII of 1877.)

The Commissioner in a late inspection of the Amraoti jail remarked that though the solitary cells were very good they were quite empty and seemed to think it likely that Magistrates refrained from giving sentences of solitary confinement under the impression that the executive have not the means of carrying out such sentences.

2. It is supposed in some quarters that solitary confinement has a very salutary and deterrent effect on the criminal classes, and therefore attention is drawn to Section 73, I. P. C., under which solitary confinement can be awarded, and District Magistrates are requested to instruct subordinate Magistrates to avail themselves more freely, than heretofore, of the provisions of this Section, as there would appear to be abundant means of giving effect to sentences of the nature.

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a. This clause has been inserted on the authority of Government of India, Military Department, letter No. 1784-C, dated the 16th August, 1894, republished in Resident's Judicial Book Circular No. XIX of 1894.

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General Instructions (Punishment) Order No. 23.

(Judicial Commissioner's Book Circular No. III [a] of 1887.)

The attention of Magistrates is drawn to Government of India Notification No. 1607 [b] (Home Department), dated 6th December, 1883, which is republished on page I of the *Hyderabad Residency Orders*, dated 3rd January, 1884.

2. Under Section 399 of the Code of Criminal Procedure (Act X of 1882) it is the sentencing Magistrate alone who can direct the confinement of youthful offenders in a reformatory; but as no such institution exists in the Hyderabad Assigned Districts, it is expedient that no sentence of imprisonment should be passed on juvenile offenders for any term but such as may make it worth while to send them to the Reformatory at Poona: [c] thus, it would hardly be advisable to send a juvenile prisoner to Poona whose sentence of imprisonment is six months or less.

3. Magistrates of the 1st Class can always apply Section 5 of the whipping Act to juvenile offenders, 2nd Class Magistrates, if duly empowered under the last clause of Section 32 of the Code of Criminal Procedure, but not otherwise, can do the same. Other Magistrates of the 2nd Class and Magistrates of the 3rd Class who cannot sentence to whipping when they have juvenile offenders before them should act on the provisions of Section 349, Criminal Procedure Code, and, if the accused is guilty, refrain from passing sentence and send him to the District Magistrate.

4. These instructions apply only to cases in which *male* juvenile offenders are concerned. There is no accommodation for females in the Reformatory at Poona, and if girls are sentenced to imprisonment, they will be confined in the female ward of the local district jail.

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a. This Circular is III of 1887, dated 7th June, 1887. It was apparently issued in substitution for Circular No. III of 1887, dated 29th April, 1887, which has accordingly been omitted from this Manual. The Circular of earlier date required District Magistrates to try all juvenile offenders.

b. See Part II of this Manual, page 154.

c. By Notification No. 388, dated 12th June, 1889 and in exercise of the powers conferred by the Reformatary Schools Act, V of 1876, the Governor General in Council has made the following rule for regulating the periods for which Courts and Magistrates in the territories administered by the Governor of Bombay in Council may send youthful offenders to Reformatory Schools in the said territories:—

"No boy shall be sent to a Reformatory School if under 10 years of age, for a less period "than 7 years, if over 10 years of age, for a less period than 5 years, unless he shall "sooner attain the age of 18 years."

This rule in strictness applies only to cases in which orders are passed by Bombay Courts: but there may be some difficulty in the admission into the Poona Reformatory, of boys whose sentences do not conform to this rule.

General Instructions (Punishment) Order No. 24.

(Judicial Commissioner's Book Circular No. VI of 1884.)

It has been brought to notice that Magistrates occasionally in awarding solitary confinement fix the days in the month on which such confinement is to be suffered by the convict.

2. Inconvenience is apt to arise from this, owing, perhaps, to the cells being full on the particular days named in the Magistrate's warrant.

It is further not necessary that Magistrates should specify the dates on which a sentence of solitary confinement has to be undergone by a convict.

3. The Magistrate is answerable for seeing that in awarding the punishment he does not exceed the proportion allowed by Section 73, Indian Penal Code, while the Superintendent of Jail is responsible for seeing that in executing such sentences, Section 74 is attended to. In issuing warrants in future Magistrates will be so good as to bear the above remarks in mind.

General Instructions (Punishment) Order No. 25.

(Government of India, Home Department (Judicial) Resolution No. 2-44-54, dated 11th January, 1882, republished in Resident's Judicial Book Circular No. VI of 1882.)

In Home Department Circular Nos. 15-1052-61, dated 24th September, 1880, the Local Governments and Administrations were requested to furnish the Government of India with a full report as to the circumstances under which the punishment of whipping is at present inflicted by the order of Criminal Courts in India, and also with an expression of opinion as to its modification or continuance. The opinions expressed by the Local Governments and Administrations in reply to this Circular are altogether in favour of the retention of whipping, under proper restrictions, as a form of punishment for juvenile offenders, and, in certain cases, for adults. In this opinion the Governor General in Council after careful consideration, can only express his concurrence. If due discrimination is exercised in awarding it, and in respect of the manner of its infliction, there can be no doubt that whipping is for various reasons a suitable punishment for Indian Criminals.

2. In some of the replies to the Circular of the 24th September, 1880, suggestions have been made by Local Governments and Administrations for amending the law* under which the punishment of whipping is at present inflicted by the order of Criminal Courts in India. The Governor General in Council does not think it advisable at present to undertake any legislative amendment of the Whipping Act; but the Select Committee now

* Act VI of 1864 (an Act to authorize the punishment of whipping in certain cases) and Sections 20[a] and 310[b] to 313[b] of Act X of 1872. (The Code of Criminal Procedure.)

a, Section 32 of Act X of 1882.
b, Sections 391 to 395 of Act X of 1882.

dealing with the Bill for amending the Criminal Procedure Code has been invited to consider the following suggestions :—

(1) that Magistrates of the second class should only be able to order the infliction of whipping when specially empowered by the Local Government in that behalf; *a*.

(2) that whipping should be prohibited when the offender is over 45 years of age; *b*.

(3) that the permissive use of the cat instead of the ratan be withdrawn and the size of the ratan be regulated by law; *c*.

(4) that the Court ordering the punishment be required to decide in each case whether its infliction shall be in public or in private; *d*.

It appears further to be desirable that Local Governments should be put in possession of the views of the Government of India upon certain other matters of an administrative character in connection with this subject, and that they should invite the attention of subordinate Officers thereto, and see that effect is duly given to the wishes of the Supreme Government.

3. In the first place, then, the Governor General in Council is decidedly of opinion that the punishment of whipping should not ordinarily be inflicted in cases in which the offender holds a respectable station in life. The punishment is only appropriate in the case of criminals of the lower orders of society; and it is to ensure due discrimination in this respect that the power of inflicting it should generally be placed only in the hands of experienced Officers. Further, it appears to His Excellency in Council that the punishment should not, save under very special circumstances displaying particular turpitude on the part of the offender, be inflicted in cases of extortion, false evidence, or forgery ; and, generally, it should be understood that, as an additional punishment, the policy of Government is that whipping should only be awarded when a further deterrent seems to be really called for in the interests of public justice.

Lastly, the Governor General in Council observes that the extent to which the punishment of whipping is inflicted in the several provinces is a matter which should, even during ordinary times, when the circumstances of the

a. The Law has been amended to provide this. See Act X of 1882, Section 32.

b. This amendment has been made. See Act X of 1882, Section 393.

c. The Law now provides the minimum size. See Act X of 1882, Section 392.

d. The Law permits the execution at such time and place as the Court may direct. See Act X of 1882, Section 390. In making order the Magistrate should have regard to the orders of the Resident conveyed in Resident's Judicial Book Circular No. IV of 1883—see the next following Order.

country are normal, be carefully watched by Local Governments and Administrations, in order that any tendency towards an indiscriminate or ill-judged resort to this form of punishment may be promptly checked. This is especially necessary during times of scarcity, when, from causes more or less beyond their own control, the poorer classes of the population are driven to the commission of petty crimes. The policy of largely resorting, during times of agricultural distress, to whipping as a punishment for petty thefts and other offences of a similar nature, may no doubt be defended by the argument that it would be impossible at such times to provide accommodation for all offenders in the jails. But if due and timely provision is made for the employment of the industrious poor, there need be no excessive resort to punitive measures of this kind; and the Governor General in Council trusts that, if such times should unfortunately recur, this matter will be watched with special care by the Local Governments and Administrations concerned, and that it may be found possible to distinguish between those members of the criminal classes who take advantage of seasons of public trouble to prey upon their neighbours, and the honest labouring poor, who are driven by sheer necessity to grain-pilfering or similar offences. For the former the punishment should be sharp and effective, and whipping may often be most appropriate. The latter should be considerately dealt with, and put in the way of relief, after such punishment of fine or moderate imprisonment as may seem to be appropriate in each case.

General Instructions (Punishment) Order No. 26.

(Resident's Judicial Book Circular No. IV of 1883.)

In supersession of Circular No. 24, dated 27th December 1878, issued by the Judicial Commissioner, Hyderabad Assigned Districts, on the subject of whipping, the Resident directs that the following rules, borrowed from the Central Provinces, be adopted :—

In cases in which persons are sentenced by any Magistrate to whipping as a sole punishment, the sentence is to be carried out at or near the court-house of such Magistrate, at a fixed time at the close of each day, in the presence of a Magistrate, and (unless otherwise ordered by the Court which passes the sentence) in the presence of the Medical Officer who has been directed to attend for the purpose.

Magistrates of Districts will make due provisions for carrying out these orders. The flogging should be inflicted with as much privacy as circumstances permit.

General Instructions (Punishment) Order No. 27.

(Hyderabad Assigned District High Court Criminal Circular No. III of 1890.)

With the sanction of the Resident, the following directions are issued, in respect of cases in which a sentence of whipping, either alone or in combination, is admissible, but is not adopted.

Against such, 1st class Magistrates in the column of remarks of their monthly calendars, and 2nd class Magistrates in their daily criminal calendars, are to note briefly the reasons that induced them to refrain from whipping. Similarly 3rd class Magistrates in their daily calendars will note why they refrain from using the powers given them under Section 349, Criminal Procedure Code.

District Magistrates will very carefully scrutinize the reasons given and those instances in which, without good and sufficient cause, Magistrates refrain from inflicting whipping or getting it inflicted are to be reported along with the Magistrate's explanation.

2. The object of this circular is to ensure that Magistrates do not overlook or deliberately neglect their powers under the Whipping Act, needlessly running up the score of petty fines and filling the jails with short-term prisoners.

General Instructions (Medical Evidence) Order No. 28.

[*Government of India—Home, Revenue and Agricultural Department—Resolution No. 2 68-77, dated 20th January, 1880, as modified by Home, Revenue and Agricultural Department, Resolution No. 14 1001-12, dated 14th September, 1880, republished in Resident's Book Circular No. III, Chapter VIII, Volume I, Code of Non-Judicial Book Circulars.*[a]

Some cases have recently occurred in which packages containing human or other *viscera* consigned to the Post Office have, during transit, become offensive, or positively dangerous, to the employés of the Postal Department in the sorting carriages attached to railway trains. One such package exploded; another was so offensive that it was buried by the Post office officials.

An instance has also recently been brought to the notice of the Government of India in which transmission of a package containing a human stomach, and sent to the Post Office for the purpose of being forwarded to a Chemical Examiner for analysis in connection with a magisterial enquiry, was refused by a local Deputy Post Master on the ground that it contained an offensive article within the meaning of paragraph 92, Section II, of the Postal Regulations.

2. The result has been to show that the proper working of the Postal Department will be endangered unless such packages are transmitted in absolutely secure cases. At the same time, if such parcels could not be transmitted by post, the result might be a serious risk of the failure of justice in many cases of poisoning. Under these circumstances the Governor General in Council, after consulting the Local Governments in the Bengal Presidency, has resolved to prescribe the following rules for experimental adoption in regard to the mode of packing substances of the nature above described:—

a. (Attention was again drawn to these orders by Government of India, Home Department—Resolution No. 12, Judicial, 927-938, dated 6th July, 1891, reprinted in Resident's Book Circular No. III, Chapter VIII, Volume I, Code of Non-Judicial Book Circulars.)]

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(1). The suspected *viscus* or other portion of the body to be sent for examination should be enclosed in a glass bottle or jar, fitted with a stopper or sound cork.

(2). If liable to decomposition, it should be immersed in methylated spirits of wine, which should be used in the proportion of one-third of the bulk of the material.

N. B.—The use of spirits of wine in packing *viscera* should be invariable whether the season is hot or cold, and care should be taken that common bazaar spirit is not used.

(3). The stopper or cork should be carefully tied down with bladder or leather and sealed. To ascertain that it has been securely closed, the bottle or jar should be placed for some minutes with its mouth down.

(4). The glass bottle or jar should then be placed in a strong wooden or tin box, which should be large enough to allow of a layer of raw cotton, at least three fourths of an inch thick, being put between the bottle or the jar and the box.

(5). The box itself should be encased in common garah cloth, which should be sealed in accordance with the usual rules of the Post Office as to parcels.

(6). Despatching Officers will be held personally responsible that these instructions are carefully followed. Whenever practicable, such parcels should be packed under the immediate supervision of the District Civil Surgeon.

(7). At all stations where there is a District Civil Surgeon the parcels should invariably be sent to the Post Office by that Officer, and not by a subordinate Officer; but where there is no Civil Surgeon, they may be sent through the Sub-divisional Officer. *a.*

(8). A declaration of contents to the officials of the Postal Department is unnecessary, and should not be made.

3. The Governor General in Council trusts that these rules will be very carefully observed, and that they will obviate the recurrence of any inconvenience or danger to the employés of the Postal Department. It will be

a. This rule has been substituted for the original rule by Government of India, Home, Revenue and Agricultural Department, Resolution No. 14/1001-12, dated the 14th September, 1880, republished in Resident's Book Circular No. III, Chapter VIII, Vol. I Code of Non-Judicial Circulars.

understood that they are not intended to interfere with any rules already prescribed by the Local Government for the proper transmission of such bodies, but merely refer to packing when such bodies are sent through the Post Office.

General Instructions (Medical Evidence) Order No. 29.

(Resident's Book Circular No. III, Chapter VIII, Volume I, Code of Non-Judicial Circulars.)

The following instructions issued by the Government of the North Western Provinces and afterwards made applicable in the Central Provinces, regarding the transmission of substances to the Chemical Examiner, are circulated for information and guidance.

1. "Substances ought not to be sent to the Chemical Examiner for analysis when there is neither a reasonable suspicion that poison has been used, nor anything in the *post mortem* examination of the bodies leading to such a supposition. Magistrates should limit their references to that Officer to cases of urgent necessity and in which the local Medical Officer cannot afford the information required.

2. "Civil Surgeons and Superintendents of Police are to remember that the duty of making a reference to the Chemical Examiner, and of requiring that Officer to make a report, which shall be admissible under Section 325 [a] of the Criminal Procedure Code, is one which lies solely within the province of the Magistrate conducting enquiry for which information on the character of the suspected substance is required. Such references should not, under any circumstances, be made by them directly.

3. "The duty of preparing and despatching the subjects sent for analysis devolves on the Medical Officer. In discharging it, careful attention should be paid to the directions detailed below. The cost of preparation and packing and postage should be charged in the Msgistrate's contingent bill. The fees payable for chemical analysis shall also be charged in like manner, all charges on this account being debited to "Law and Justice."

4. "The suspected substance should be, when practicable, enclosed in a glass bottle fitted with a sound cork, or in a well stoppered jar; and the Medical Officer, who makes the *post mortem* examination, should see the cork tied down and sealed. It is desirable, especially in the hot season, that matters liable to decomposition should be put up in spirit. The bottle should be enclosed in a thick layer of raw cotton, and tightly packed into a tin case or wooden box. The box itself should then be encased in a common *jarah* cloth, which should be sealed in accordance with the usual rules of the Post Office as to banghy parcels.

a. Now read Section 510.

"An impression of the seal used should be sent to the Chemical Examiner. Every bottle and packet should be labelled, and the Officer who despatches it should write across the label (adding his signature) the nature of the contents, and the number and date of the letter reporting its despatch. This letter, signed by the Officer who has signed the label, and containing the impression of the seal above directed, should always be sent separate from the parcel containing the suspected substances, and it should contain, for the information and guidance of the Chemical Examiner, the fullest possible details regarding symptoms and *post mortem* appearances.

5. "Great care should be used in packing all substances sent to the Chemical Examiner, otherwise the success of the analysis is endangered, while the transmission of decomposed matter through the post in vessels which leak is most offensive and dangerous to the Officers of the Postal Department, and might justify the prosecution of the sender under Section 42 of the Post Office Act[a]. (XIV of 1866). The Chemical Examiner is directed to report the names of any Officers who offend against these instructions.

6. "All Officers requiring substances to be analysed in which the quantities of constituents have to be determined, such as potable waters, should remember that such analysis occupy a great deal of time, and that therefore no needless analysis should be called for. Care should be exercised to diminish the number of samples to be analysed as much as possible. A certificate in every case should be obtained from the Magistrate of the District that the analysis is absolutely necessary. Without it the Chemical Examiner is empowered to decline undertaking the analysis.

7. "If the Civil Surgeon can give a decided opinion regarding stains supposed to be those of blood, it is unnecessary to refer to the Chemical Examiner; but if the Civil Surgeon is unable to settle the question, and if evidence on it is very desirable, it should be referred to the Chemical Examiner.

8. "Besides a copy of the *post mortem* examination, the Chemical Examiner should be furnished with replies to the following queries :—

(*a.*) What interval was there between the last time that the person, who is supposed to have been poisoned, ate or drank anything, and the first appearance of symptoms of poisoning?

(*b.*) What interval was there between the last time of eating or drinking and the death of the person (if death occurred)?

(*c.*) Did the person move from the place where the first symptoms were noticed? If so, how far did he go?

(*d.*) What were the first symptoms?

(*e.*) Did vomiting or purging occur?

a. The Act has been extended to the Hyderabad Assigned Districts, see Part I, page 5.

(*f.*) Did the person become drowsy or fall asleep?

(*g.*) Were any cramps or twitching of the limbs observed, or tingling of the skin or throat complained of?

(*h.*) Mention any other symptoms noticed."

General Instructions (Medical Evidence) Order No. 30.

(Resident's Book Circular No. V, Chapter I, Vol. I, Code of Non-Judicial Circulars.)

A case of recent occurrence in Berar renders it necessary for the Resident to draw attention to the rule laid down in Circular No. 116, dated 11th January 1865, from Medical Head-Quarters, Madras, that "all Medical Officers shall be held liable to attend, when required by Officers in charge of the police and other competent authority, to examine corpses and wounds likely to become the subject of judicial enquiry."

Executive Medical Officers in Berar are bound to give prompt attention to all requisitions of Magistrates and other Officers for making judicial *post mortem* examinations.

A requisition made by an Inspector or Chief Constable of Police, in the absence of a superior Officer, cannot be set aside under this rule, except by order of a Magistrate or other Officer entitled to over-rule such requisition.

General Instructions (Medical Evidence) Order No. 31.

(Resident's Judicial Book Circular No. IX of 1885 republishing Punjab Chief Court Circular No. XI-2023, dated 16th June, 1885.)

The substitution of the following points on which a Medical Report after a *post mortem* examination in cases of infanticide should be made is directed in lieu of those given in Appendix B., head 7 (Infanticide), to Judicial Circular No. LXXVI.[a]

Points to be noted in Medical Report.

EXTERNAL EXAMINATION.

1. Describe external appearance, condition as regards putrefaction, spots, acchymoses or injuries, &c.

2. Size, including length of body, and dimensions of head and thorax.

3. Weight.

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a. Punjab Circular not republished in Berar.

4. Condition of navel and umbilical cord.

5. Age—(*a.*) Extra uterine,

(*b.*) Intra uterine.

INTERNAL EXAMINATION.

1.—*Respiratory organs*—

(*a.*) Dimensions and shape of thorax.

(*b.*) Situation of diaphragm,

(*c.*) Colour, volume, shape, situation, consistency, density and absolute weight of lungs. Hydrostatic test.

2.—*Organs of circulation*—

(*a.*) Condition of the heart and its cavities (to be first noted before removal of lungs.)

(*b.*) Foramen ovale.

(*c.*) Ductus arteriosus, its shape and dimensions.

(*d.*) Ductus venosus.

(*e.*) State of the umbilical vessels.

3.—*Abdominal organs*—

(*a.*) Liver, size and weight.

(*b.*) Stomach and intestines. The presence or absence of food, air, meconium, medicines, &c.

(*c.*) Bladder and Kidneys.

4.—*Brain and spinal cord*—

The cranium should be examined for fractures and punctures.

5.—Evidence of alleged mother having been recently delivered.

6.—Approximate date of delivery.

General Instructions (Medical Evidence) Order No. 32

(Resident's Judicial Book Circular No. 1 of 1886.)

5th December 1885.

A case has recently occurred in which a miscarriage of justice very nearly resulted from carelessness in forwarding an article for the report of the Chemical Examiner.

In the———district two distinct cases of suspected poisoning occurred about the same time. Two bottles containing specimens of rice in which the poisons were supposed to have been administered were packed in the *same* box, and although the parcel was despatched in the rainy season, no precaution whatever was used to prevent the contents from becoming wet. The result was that when the box reached its destination, the labels on the bottles were illegible, and there was hardly any means of distinguishing between them. Arsenic was found in the contents of one bottle, but not in that of the other. A nice question consequently arose, *viz.*, with what case the rice containing the poison was connected.

Fortunately sufficient means of identifying the rice existed, and a failure of justice was averted, though only by the merest chance.

To prevent the recurrence of such confusion, the following instructions were added for the guidance of Deputy Commissioners and Civil Surgeons, to those contained in Judicial Commissioner's Circular No. 4 (H) Practice[a]:—

(1) Articles sent to the Chemical Examiner, appertaining to any one case, should be sent in a separate packet.

(2) Whatever articles be despatched, care should be taken to make the box containing it secure and waterproof, so as to prevent the possibility of labels being rendered illegible.

General Instructions (Medical Evidence) Order No. 33.

(Resident's Book Circular No. IV, Chapter VIII, Vol. I, Code of Non-Judicial Book Circulars.)

I would draw attention to Agra case No. 6, particulars of which are given among the following narratives. The case occurred while I was in charge of the Railway Police and enquired into it myself; the victims were travelling by road to their homes; what then made them come to the railway, which is some distance from the road? I have not a doubt in my own mind that they were brought there in a half-drugged state by the poisoner, and that his object was, when they had become insensible, to place them on the rails, so that they might be run over, and in that way obliterate all trace of his crime. Now, as bodies are frequently found on the line which are

a. Central Provinces Circular re-published in Resident's General Book Circular No. XIII of 1877—see Section III, Order No. 28.

never identified, it struck me as not improbable that this method of disposing of their victims may be resorted to by some poisoners. All these bodies are sent for examination, but as there is no doubt that they have been run over, and as being run over is sufficient to cause death, a close examination is not made. What I would suggest is that in every case of a person run over, unless it is known for certain that death was caused by being run over, there should be a thorough *post mortem* examination, and the Civil Surgeon should be very careful to determine whether there are any signs of poison. Particular care should be taken with unidentified bodies.

General Instructions (Prisons) Order No. 34.

(Resident's Judicial Book Circular No. 1 of 1879.)

On the representation of the Inspector General of Jails, and Judicial Commissioner, Hyderabad Assigned Districts, the Resident is pleased to direct that the following instructions on the subject of Official Visitors of Jails in Berar shall take the place of those contained in Chapter II of the Jail Manual, which is hereby cancelled :—

Official and other Visitors [a].

2. The following Officers are Official Visitors of Jails in the Hyderabad Assigned Districts :—

The Commissioner,
" Judicial Commissioner,
" Deputy Commissioner of the District,
" Director of Public Instruction,
" Sanitary Commissioner,
" Deputy Surgeon General, Indian Medical Department and Hyderabad Subsidiary Forces. [b]

3. Official Visitors have authority to call for and inspect the records and registers of any department of the Jail. They should enter their remarks in the Official Visitors' Book, and a copy of such remarks will be sent to the Inspector General of Jails by the Superintendent of the Jail, with any explanation he may wish to offer regarding them.

4. The Deputy Commissioner shall, when in the Station, visit the prison once in the week. He should see that all the provisions of the Prisons Act (XXVI of 1870) are observed; that all orders issued by competent authority for the guidance of the Jail Officials are carried out, and that the food supply is of good quality and of the authorised quantity.

a. See Sections 417 to 424 of the Berar Jail Manual.

b. This official is not referred to in the corresponding Section 417 of the Berar Jail Manual.

5. He shall once in each half-year examine all the prison registers and account books, and note their condition in the Official Visitors' Book.

6. When absent from the station, the Deputy Commissioner shall, if there is at head-quarters an Assistant Commissioner, being also a Magistrate of the 1st class, depute him in writing to perform his duties in regard to the weekly visit to the Jail, notifying such deputation to the Superintendent; such Assistant Commissioner shall then, for the time being, hold the position of an Official Visitor.

Provided that, if the Superintendent of the Jail is himself an Assistant Commissioner, no Officer junior to him in the Commission shall be deputed under this Section.

7. The Sanitary Commissioner shall visit each of the two larger Jails at least twice, and the other four district Jails once in the year. He shall record his opinion on their sanitary condition and the health of the prison population on the occasion of each visit, in the Official Visitors' Book. He shall also note, for the information of the Inspector General of Jails, any points in connection with the general health, diet, or clothing of the prisoners which may appear to him to call for remark.

8. The following Officers have the right of entry into the Jail without the express permission of the Superintendent :—

Any Magistrate belonging to the District,

The District Superintendent of Police and his Assistant,
„ Educational Inspector,
„ Deputy Educational Inspector of the District,
„ Superintending Engineer,
„ Executive Engineer and his Assistants.

9. No other persons, except officials of the Jail, may be admitted into a jail without a written order from one of the following officers :—

The Commissioner,
„ Judicial Commissioner,
„ Inspector General of Jails,
„ Deputy Commissioner of the District,
„ Superintendent of the Jail. *a.*

a. The Berar Jail Manual, Section 25 A, further provides that an official Visitor while within Jail precincts shall be escorted by a file of the Military and Police guard.

General Instruction (Prisons) Order No. 35.

(Judicial Commissioner's Circular No. XXXVI of 1879.)

It has been brought to my notice that on a recent occasion the execution of a condemned convict was carried out within the jail walls, between the inner and outer walls. It has generally but not invariably been the practice to have such executions outside the walls, but I cannot find any positive rules on the subject.

2. Sections 301 *a.* and 305, *b.* Criminal Procedure Code, must be held to have superseded Rule 247 *c.* of the Jail Manual; but although under the former the Officer in charge of the Jail is the proper person to see that the warrant issued to him is duly executed, yet it is, I think, certainly expedient that a Magistrate should be present to keep order and to see that the arrangements made for the execution are proper. The District Magistrate will depute some Magistrate of the first class for this duty. Usually the early morning should be the time selected for execution. The convicts in jail should not be made to attend, but the Medical Officer of the jail should be present throughout the execution.

3. In future, executions shall, as a rule, be carried out between the inner and outer walls of a jail. *d.*

4. These instructions *e.* are issued with the sanction of the Resident.

General Instructions (Prisons) Order No. 36.

(Judicial Commissioner's Circular No. XVII of 1881.)

It has been observed that convicts sentenced to terms of imprisonment are confined at the tahsils for periods varying in different districts from seven days to a month. There is every reason to fear that sentences thus undergone have but little punitive or deterrent effect. Having now received the orders of the Resident on the subject, the Judicial Commissioner requests that imprisonment at tahsils should be as much as possible avoided in future, and that it should be altogether prohibited at any tahsil which is within three days' march of a Sadar Jail.

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a. Sections 379 and 381.

b. Section 400.

c. This refers to a former Jail Manual. The Section of the present Jail Manual which deals with the matter is Section 305,

d. Section 306 A of the Jail Manual.

e. Some new instructions have also been issued with the sanction of the Resident, see Sections 306 A and 306 B of the Jail Manual.

General Instructions (Prisons) Order No. 37.

(Judicial Commissioner's Circular No. XXII of 1878.)

A question having lately arisen as to the right of a Deputy Commissioner to call for and inspect registers pertaining more particularly to the Medical Department of a jail, I have the honor, with the sanction of the Resident, to lay down the following rules for your future guidance :—

I.—The Deputy Commissioner, as the official visitor of the jail and responsible under the rules in force for seeing that standing orders are duly carried out, has full power to call for the Hospital or any other Jail Register if circumstances seem to him to require that he should do so.

II.—In regard to the Medical case book, or any such record of a purely professional character, there will be no necessity for any examination on the part of a Deputy Commissioner. Should that Officer consider it necessary to obtain information therefrom, he can of course refer to the Medical authority directly responsible for the maintenance of the record in question.

General Instructions (Prisons) Order No. 38.

(Judicial Commissioner's Circular No. XXI of 1878.)

The Resident has held that in cases of emergency such as, for instance, the prevalence of epidemic disease in the province, it is expedient that convicts and under-trial prisoners fresh from localities where cholera is known to prevail, should not at once be admitted to Jail, but should be detained for four days in quarantine at Police Stations or any other suitable place outside jail precincts that may be approved for the purpose, where a proper quarantine ward can be maintained.

2. The Resident has further laid down that such a measure must be of a temporary character only during the existence of the emergency, and must be sanctioned by judicial authority and be generally under the control of the Judicial Commissioner and of District Magistrates.

3. Magistrates will, as required by law in the case of convicts, direct their warrants to the Jailor of the Jail in the district where the conviction was obtained, and the convict must be taken in the terms of the warrant to the Jailor, and made over to that Officer at the gate of the Jail. As regards the four days quarantine this will be arranged by the Jail and Police authorities under orders which have been already issued [a] by the Inspecter General of Police in those Departments.

4. You are held responsible that the measure now sanctioned by the Resident is properly supervised and controlled, and that it is permitted *in cases of emergency alone.*

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a. Section 479 of the Jail Manual.

General Instructions (Prisons) Order No. 39.

(Judicial Commissioner's Circular No. IX of 1878.)

The attention of Deputy Commissioners is drawn to para 21 *a.* of the Jail Manual. The Judicial Commissioner is disposed to think that since it has been ordered that Superintendents of Jails should correspond direct with their Inspector General, Deputy Commissioners are under the impression that their responsibility in regard to the general welfare of these institutions has ceased. Such, however, is very far from being the case, and it is the duty of Deputy Commissioners to see that their weekly visits are not mere visits of forms. They should, especially, in the larger Jails at Akola and Amraoti, take an active interest in the well-being of their Jails. It would be well if they particularly enquire into the following points, not all at one time, but on different occasions :—

I. As to the health of the convicts, and the appearance of any particular disease in the jail.

II. The quality of rations issued, both as to grain and vegetables, and the mode of filling in the supply registers.

III. The conservancy arrangements, with drainage of the different wards.

IV. The water supply.

V. The filling in of labour tickets.

VI. The writing up of the registers.

VII. The classification of prisoners; and, in fact, each and every subject referred to in the Manual. A few questions put at random on different points will very soon elicit whether the jail Officers are doing their duty or not.

2. Should absence from the station prevent a Deputy Commissioner from visiting the Jail, he should, in writing, depute one of his assistants to visit it, with orders to send him the result of his inspection.

General Instructions (Prisons) Order No. 40.

(Judicial Commissioner's Circular No. III of 1878.)

It having been brought to my notice that on a recent occasion the Superintendent of one of the District Lockups having to leave the station on vaccination duty, charge of the Lockup there was made over to an Inspector of Police, who also was liable to be called away at any time on Police duty. I take this opportunity to point out to all Deputy Commissioners the expediency of always placing a Magistrate in charge of a Jail or Lockup whenever any occasion may arise necessitating the absence of the Superintendent.

a. See Section 43 of the Jail Manual.

General Instructions (Prisons) Order No. 41.

(Judicial Commissioner's Circular No. III of 1878.)

I have the honour under instructions from the Resident to request that you will be so good as to direct the Magisterial Officers to visit the Jails at least once "a week, but at irregular intervals."

General Instructions (Prisons) Order No. 42.

(Judicial Commissioner's Circular No. IX of 1880.)

It has been pointed out that rule 243 [a] of the Jail Manual is incomplete, in that it omits to show how children over the age of two years are to be dealt with when they have no relations or friends to take charge of them.

The Resident is of opinion that the instructions laid down in the Central Provinces on this point should be our guide in Berar, and directs that the rule be amended accordingly.

For the present, rule No. 243, therefore, the following will be substituted :—

No child above two years of age will, under any circumstances, be permitted to become an inmate of a jail with its parent. In all cases where a convict has such children dependent on him or her, the convicting Officer is to make enquiry regarding the relatives or friends of the convict, in order that the children of the latter may be provided for. Should such relatives or friends be utterly destitute, or should the convicting Officer fail to discover them, he shall select trustworthy persons to take charge of the children, and see that they are well fed and brought up to habits of industry ; a moderate sum being allowed for their maintenance, and being charged for in a contingent bill. But such charges must not be incurred, unless there is absolutely no friend or relation able or willing to take care of the children.

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a. Sections 203 and 249 of the Jail Manual now refer to the matter. They are reproduced below :—

"203. Except as provided for in Section 249, no child may accompany its parents into Jail or remain with them there."

"249. If at the time of admission of a female prisoner she is nursing her child, or if a child be born to a female prisoner after her admission, the child may remain with its mother until it is two years of age. After which it must be made over to its father or nearest relative, or if no relative can be found, the Deputy Commissioner will arrange for its maintenance (Vide Section 203).

General Instructions (Prisons) Order No. 43.

(Judicial Commissioner's Book Circular No. X of 1878.)

Should a Barrister or Pleader require to interview a client in jail, it will be necessary [a] in future to produce an order from the Court trying the case certifying that he is entitled, as the legal adviser, to visit his client, whose name should be mentioned.

Will you be good enough to grant such orders when applied for.

General Instructions (Prisons) Order No. 44.

(Resident's Judicial Book Circular No. XXII of 1894.)

The following instructions are laid down for dieting under-trial prisoners at stations away from the head-quarters of districts where there are Magistrates' courts and at police stations elsewhere :—

1. At stations away from head-quarters, where there are Magistrate's Courts, prisoners under trial will be dieted according to the scale laid down in the Jail Manual for non-labouring prisoners, which is reproduced below :—

All days except Sundays and Wednesdays.	Sundays and Wednesdays.	Daily.	Daily.	Daily.	Daily.	Daily.	Daily except when dried mangoes are given.	Daily.	Daily.	Daily.
Jowari flour, 1st sort.	Wheat. flour, 2nd sort.	Dal.	Gram.	Vegetables.	Oil	Salt.	Tamarind.	Chillies.	Condiments.	Firewood.
Oz.	Oz.	Oz.	Oz.	Oz.	Oz.	Oz.	Oz.	Oz.	Oz.	Oz.
18	18	4	2	6	½	½	½	1/16	¼	12

An under-trial prisoner may be allowed to supplement this diet at his own cost by any additions considered unobjectionable by the Officer in charge of the lock-up.

The daily ration will be divided into a morning and an evening meal. The division observed in the district jail should be followed.

2. As regards the method of supply, the Magistrate will select a respectable dealer from whom all articles will be obtained. The police officer of the

[a] See Section 184-A. of the Jail Manual.

adjoining police station will be responsible for dieting prisoners in the lock-up according to the scale laid down. He will obtain the articles of diet from the dealer selected by the Magistrate, giving him daily a written requisition for so many morning and evening meals: the names of the prisoners for whom the meals are required should be entered in the requisition.

The dealer, at stated periods, will present to the Magistrate his accounts for articles supplied, supporting it by the requisitions received from the police as vouchers. The accounts should be checked in the Magistrate's office by these vouchers before payment.

3. At police stations, at places where there are no Magistrates' courts, it is seldom that a prisoner has to be detained more than 24 hours. At such places the present system, under which the prisoner is allowed two annas per diem for his diet, may be allowed to continue.

General Instructions (Unclaimed Property) Order No. 45.

(Resident's Judicial Book Circular No. XI of 1881 publishing Rules for the disposal of Unclaimed and La-waris property sanctioned by the Government of India in letter No. 155 J. J., dated the 6th July, 1881.)

In supersession of Book Circular No. II [a] of 1877, and all other orders on the subject of property referred to therein, the following rules are issued by the Resident with the sanction of His Excellency the Governor General in Council.

Property to be dealt with by the Magistracy and sent in by the Police is usually of three kinds :—

Property to be dealt with by a Magistrate.

A.—Articles transmitted to the Magistrate, under Section 127 [b] of the Code of Criminal Procedure, with the Police report in cases sent up for trial.

Property to be dealt with by a Magistrate.

B.—Property seized by the Police as stolen property, or on suspicion under Section 415 [c] of the Code of Criminal Procedure.

Unclaimed property to be disposed of under the orders of the Magistrate of the District.

C.—Moveable property taken charge of by the Police, under Sections 25 and 27 of Act V [d] of 1861.

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a. Apparently in supersession of the Judicial Commissioner's rules (paragraph 2 of that Circular.)

b. Now read Section 170, para 2.

c. Now read Sections 523, para 1.

d. Police Act, extended to the Hyderabad Assigned District, see Part I, page 4.

I. With regard to property of the first kind, the Police Department, or such other officer, as the Court in its discretion shall see fit to entrust it to, will retain charge of it pending the disposal of the case. When the case is decided, the property, if not returned to the owner, will be made over to the District Nazir for safe custody, if the Magistrate who tried the case is located at the head-quarters, and in other cases, to the Tahsildar of the Taluk in which it was taken possession of.

II. Property of the second kind will remain at the Police station until the Magistrate makes an order under Section 415 *a.* of the Criminal Procedure Code.

III. Property of the third kind shall at once be sent with an inventory thereof to the Tahsildar of the Taluk in which it was taken possession of.

IV. On receiving property under rule III, the Tahsildar will enter it in his register *b.* and send on the inventory which accompanied it to the Deputy Commissioner.

If the property is of a perishable nature, or if it appear to the Deputy Commissioner that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall credit the proceeds to deposits. All other property, except that referred to in rule V, which should be forwarded to Deputy Commissioners, at head-quarters, shall be kept for six months.

V. In the case of each kind of property above mentioned, if such property consists of bullion, coin or jewels, and is of some value, say of Rs. 200 and upwards, it should be sent to head-quarters, where, under the orders of the Deputy Commissioner, it will be made over to the District Nazir. Should the value of the property amount to Rs. 1,000 or upwards, the Deputy Commissioner should not make it over to the District Nazir, but to the Treasurer, by whom the bullion at its estimated value in cash, the coin as a regular deposit, and the jewel as an extraordinary deposit, shall be entered in a special register, which should be countersigned every month by the Deputy Commissioner.

VI. The Tahsildar, as well as the Police, so long as the property remains in their possession under the above rules, shall be held responsible for its safe custody. Similarly, the Nazir or the Treasurer, as the case may be, will be responsible for the safe custody of the property in his possession.

VII. The Deputy Commissioner shall, as soon as possible after the receipt of the property either at tahsil cutcherries or at head-quarters, under rule V, cause a proclamation to be issued specifying the articles of each kind, and requiring any person who may have a claim thereto, or to the proceeds thereof, to appear before the Tahsildar of the taluk, and establish his claim within six months from the date of such proclamation.

a. Now read Section 523, para 1.

b. For the form of the register, see Part IV of this Manual.

VIII. If claims are preferred, the Tahsildar of the Taluk shall hear them and submit his proceedings and opinion to the Deputy Commissioner, who shall dispose of them according to their merits, referring any doubtful case to the Commissioner for orders.

IX. If no person within the period of six months establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of Government, and shall be sold under the orders of the Deputy Commissioner; or if it has already been sold, the proceeds shall be at the disposal of Government, and shall be credited to Law and Justice.

X. All claims to monies credited to Government shall be heard in the Akola and Amraoti Districts by the Treasury Officers, and in the other districts by Assistant Commissioners in charge of the taluks from which the property was received. The proceedings in each case shall be forwarded to the Deputy Commissioner, who, in the case of claims received favourably for the applicants, shall report through the Judicial Commissioner for the orders of the Resident.

XI. All property referred to under these rules shall, as a rule, be sold at the taluk cutcherry, but Deputy Commissioners may order any property to be sold elsewhere, whenever such a course may appear to them to be clearly conclusive to the realization of the best obtainable prices.

XII. Sales shall be fixed on bazar days during the hours of public business.

XIII. Fifteen days' clear notice shall always be given before sale, and a copy of the notification specifying the time and place of sale, and the property to be sold shall be put up at the tahsil cutcherry.

XIV. A half-yearly statement in the form prescribed [a] by the Judicial Commissioner shall be submitted by the Tahsildar to the Deputy Commissioner of their respective districts, showing value of property in hand at the end of the previous half-year, the value of the property received during the half-year, total value, value of property returned to owners, value of property credited to Government, and the balance in hand.

General Instructions (Unclaimed Property) Order No. 46.

(Hyderabad Assigned Districts High Court Criminal Circular No. 1 of 1893.)

The Inspector-General of Police being desirous of making a collection of implements and articles used by criminals for the commission of offences such as coining, counterfeiting, house-breaking, &c., to be placed in a museum for purposes of police instruction, the following directions are issued to all Magistrates.

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a. For the form see form prescribed by Judicial Commissioner's Circular No. 21, dated 22nd October 1877 and printed in Part IV of this Manual.

2. Chapter XLIII of the Criminal Procedure Code, Sections 517—525 deals with the disposal of property produced in criminal cases.

3. Under Section 517 a discretion is given to all Magistrates to pass such orders as they think fit for the disposal of property, and in the case of implements used for the commission of offences it is usual to pass an order for the confiscation and destruction of such property.

4. In future if the Court Inspector or other Police Officer duly authorized by the Court Inspector shall make application for such property to be made over to him for the purpose of being placed in the museum, the Court shall in its discretion pass orders complying with the application, instead of ordering the destruction of the property. A receipt for such delivery of the property signed by the Police Officer and countersigned by the District Superintendent of Police should be placed on the record.

5. It should be distinctly understood that this applies to articles used or intended for the commission of offences, and not for articles referred to in Section 523 the ownership of which may be claimed, which should be dealt with according to the provisions of Sections 523—524.

General Instructions (Miscellaneous) Order No. 47.

(Judicial Commissioner's Circular No. XXI of 1875.)

With reference to the reports called for from you in my No. 811 dated 14th April 1875, I have the honor to inform you that the Resident has been pleased to authorize Deputy Commissioners, as chief executive Officers of their respective districts, to offer and grant rewards up to Rupees 100 without reference to higher authority.

2. These rewards should only be granted to persons who have, in a public spirited manner and in the interests of the public, aided in the repression of crime, or in the capture, or bringing to justice of evil doers.

3. Rewards may be granted by Deputy Commissioners on the recommendation of Assistant Commissioners, or on their own motion.

General Instructions (Miscellaneous) Order No. 48.

(Resident's Judicial Book Circular No. IV of 1889.)

In supersession of previous orders* in regard to the relations of District Superintendents of Police to District Magistrates, the following instructions on the subject are issued.

*This office letter No. 567, dated the 28th August 1876, to the Commissioner, Hyderabad Assigned Districts.

This office letter No. 2389 R., dated the 16th September, 1887 to the Commissioner, Hyderabad Assigned Districts.

Resident's Judicial Book Circular No. XII[a], of 1887.

1. The administration of the Police throughout the local jurisdiction of the District Magistrate is vested in the District Superintendent of Police under the general control and direction of the Magistrate. The Dsitrict Magistrate has no authority to interfere in the internal organization and discipline of the Police force; but even in such matters the District Superintendent is expected to pay due regard to the District Magistrates wishes and suggestions. The District Superintendent is in effect an Assistant to the Magistrate in the Police Department and entirely subordinate to him with respect to the general superintendence of the Police of the District.

2. The District Superintendent is the head of the Police force employed in the District. He is, therefore, responsible to the District Magistrate for the efficient performance of the duties devolving upon the force. It is his duty to see that all orders of the District Magistrate or other competent authority are promptly and correctly carried out. It is of course open to him to represent any objections he may perceive to the course he is directed to follow; but the responsibility for the consequences of insisting on it will rest with the District Magistrate.

3. The District Magistrate will convey his instructions to his District Superintendents in the manner most convenient for the despatch of public business. He should invariably have a fixed hour for seeing his District Superintendent when they are in the same neighbourhood and for discussing with him the reports received, the progress and prospects of pending cases, and for the management of the District Police in all its branches. The Magistrate, being entirely responsible for the peace of his District, should be as well acquainted with the work of Station Officers and Inspectors as the District Superintendent himself. No official correspondence should be carried on between the Magistrate and his District Superintendent except in the case of special reports on special subjects.

4. All reports or remarks of Subordinate Magistrates commenting on the conduct of the Police or suggesting departmental punishment shall be submitted in the first instance to the Magistrate of the District, who shall pass thereon such orders as he deems proper.

5. The Resident strongly deprecates any unnecessary correspondence, and trusts that both the Magistracy and the Police will work harmoniously on the basis indicated in this Circular.

a. This is a misprint for XIII of 1887.

General Instructions (Miscellaneous) Order No. 49.

(Judicial Commissioner's Circular No. VII of 1878).

A case has been brought to my notice in which a charge of an offence cognizable under the Penal Code was brought against a Police Officer and allowed by a Deputy Commissioner to be disposed of departmentally by the Superintendent of Police instead of being investigated in the manner prescribed by law by a Magistrate having jurisdiction.

2. It ought not, I think, to have been necessary for me to have to point out that the above course was highly irregular and should not have been sanctioned by the Deputy Commissioner, but it is evident that some instructions are required and I beg therefore that in future you will see that all charges cognizable by law made against policemen are investigated by the Magistracy instead of being left for disposal departmentally by Police Officers.

General Instructions (Miscellaneous) Order No. 50.

(Commissioner's Judicial Circular No. 29 of 1864.)

Commissioner requests that Officers will record in their own handwriting, on separate paper, any remarks that they may have to make regarding the conduct of the Police in connection with the cases sent up by them.

General Instructions (Miscellaneous) Order No. 51.

(Commissioner's Judicial Circular No. 21 of 1865.)

When a Magistrate, other than the Magistrate of the District, considers it necessary to pass censure on the Police regarding their proceedings, he will submit his remarks to the Magistrate of the District, who will, if he concurs, forward them to the Superintendent of Police.

2. Any mere technical errors can be pointed out to the Police direct.

General Instructions (Miscellaneous) Order No. 52.

(Judicial Commissioner's Circular No. XI of 1878.)

A case has been brought to my notice in which the Patel and Patwaree of a village were prosecuted under Section 177 of the Indian Penal Code for having furnished incorrect returns although it was quite clear that the accused had neither known, nor had reason to believe, that the returns were incorrect. If they had been guilty of any thing, they had been guilty of carelessness and nothing more.

2. It is necessary to remember that whether a person be tried under Section 177, or section 218 of the Indian Penal Code, the prosecution must prove under the first Section that the information given must *be known* to be false by the person giving it before he is liable to conviction, while under the latter Section, the intention of the accused is an essential ingredient of the offence.

3. I have now the honor, with the concurrence of the Resident, to draw the attention of the Magistracy to the subject, and to request them to be careful to see that public servants are not subjected to criminal trials unless a criminal intent has been clearly made out: all other cases of neglect and the like should be left to the Revenue authorities to dispose of in their executive capacity.

General Instructions (Miscellaneous) Order No. 53.

(Judicial Commissioner's Circular No. XIX of 1876.)

A question has recently been raised as to whether the Police can in cognizable cases require Medical authorities to use force, if necessary, in examining women, and if not, whether the Magistrate can do so.

The following extract from a circular issued by the Judicial Commissioner, Central Provinces, prescribes a safe course for adoption in such cases, and is with the approval of the Resident circulated for the guidance of the Police and Magistracy in Berar.

"When a case arises requiring medical opinion formed on examination of a living woman's person it seems better that ordinarily the Police should have the duty of forwarding the subject to the Civil Surgeon, to the Magistrate having jurisdiction in the case for two reasons:—

"(I) unnecessary subjection of women's persons or suspicion of such unnecessary subjection on the part of the Police will be avoided.

"(II) The Civil Surgeon will presumably not be obstructed in his examination (as sometimes he now is) by objection on the part of the subject, when such subject is forwarded for examination by the Magistrate inquiring into or trying the case."

General Instructions (Miscellaneous) Order No. 54.

(Resident's Judicial Book Circular No. IV of 1884 republishing Punjab Chief Court Circular No. 5-1066, dated 18th April, 1884.)

A case having recently come under the notice of the Court in which an Appellate Judge pronounced a sentence which was before him on appeal to be quite inadequate and yet contented himself with merely dismissing the appeal,

it is therefore desirable to point out that, though Appellate Courts are no longer able to enhance sentences themselves, the power of Sessions Judges and District Magistrates to refer inadequate sentences to the "High Court" *a.* for enhancement has not been altered.

2. When a sentence comes before a Subordinate Court on appeal which is manifestly inadequate, the Judge should, if a Sessions Judge or District Magistrate, report the case for revision, and, if a Subordinate Magistrate, bring the case to the notice of the District Magistrate, with a view to it being reported.

General Instructions (Miscellaneous) Order No. 55.

(Government of India Home Department Letter No. 18 Public, dated 31st July, 1891, republished in Resident's Book Circular No. III, Vol. II, Chapter IX, Code of Non-Judicial Circulars.)

I am directed to forward a copy of the revised rules relating to the grant of shooting passes to British Soldiers, which have been issued by His Excellency the Commander-in-Chief in India, for the information and guidance of Commanding Officers, and, in inviting attention to the orders conveyed in the communications marginally noted, to request that District authorities may be instructed to take the necessary steps to cause these rules to be explained to villagers in the neighbourhood of cantonments, and to warn them against interfering with soldiers and using violence to them. The villagers should be told to make their complaints in all cases in which soldiers infringe the rules to the Magistrate empowered to receive them instead of taking the law into their own hands.

Circular Nos. $\frac{30}{1012\text{-}1028}$, dated 31st July 1883.

Circular Nos. $\frac{50}{2349\text{-}58}$, dated 14th October 1887.

Rules relating to the Grant of Shooting Passes to British Soldiers.

(Paras. 749 to 751-C, Army Regulations, India, Volume II.)

Passes to be given only to trustworthy men.

Passes for shooting purposes are only to be granted to steady, well-conducted men who are known to be competent to handle a gun.

Strength of shooting party.

2. Not less than three men should go out shooting together.

A knowledge of colloquial indispensable.

3. At least one of the party should have sufficient acquaintance with the language to be able to converse with the inhabitants.

Shooting party to keep together.

4. Men out shooting are to keep together as much as possible and not to separate into parties of less than three.

a. The words quoted have been substituted for the words "Chief Court."

Native women.

5. On no account is any member of a shooting party to address or enter into conversation with native women.

Villages &c., also enclosures to be avoided.

6. Soldiers are prohibited from entering any village, house, temple, mosque or enclosure, or from shooting within 500 yards of them.

Crops to be avoided and dogs and protected birds and animals not to be molested.

7. They are forbidden to trespass upon, or shoot over, crops, to molest dogs or any of the animals and birds referred to in paragraphs 11 and 12.

Shooting at night prohibited.

8. Shooting under any circumstances at night is forbidden.

Shooting with ball prohibited except in certain localities.

9. Shooting with ball is strictly prohibited except in forests or rakhs or in thinly-populated tracts at a distance from cantonments.

Forbidden ground to be ascertained from civil authorities.

10. Officers Commanding in stations will communicate with the Civil authorities, in order to ascertain in what tracts of country shooting should be forbidden either on account of the sacredness of the localities or for other reasons.

Protected game to be ascertained from Civil authorities.

11. The Civil authorities should also be asked to give a list of such animals and birds as are looked upon as sacred by the inhabitants.

List of forbidden grounds and protected game to be hung up in barrack rooms.

12. A list should then be hung up in each barrack room giving the names of the localities where shooting is forbidden and of the birds and animals whose slaughter is prohibited.

Procedure to be followed when passes for over three days are granted.

13. When shooting passes extending over three days are granted to non-commissioned officers or men, the Commanding Officer will send to the Magistrate of the district, or in the case of soldiers obtaining passes to districts other than that in which the regiment they belong to is quartered for the time being, then to the Magistrate of the district to which the men are about to proceed, a notice stating the rank and names of the party, and as nearly as possible the part of the district to which they are going.

Passes to be granted only for proper shooting localities.

14. Care should be taken that passes are only given for localities where shooting can properly be pursued.

Rules to be read to men receiving passes.

15. Paragraphs 1 to 9 will be read to every man to whom a shooting pass is granted, and it will be ascertained that he is aware of the localities that he is prohibited from visiting and of the animals and birds whose killing is forbidden.

Breaches of rules to be punished.

16. Any non-commissioned Officer or soldier found shooting or disobeying these rules will be severely punished and deprived of the privilege of shooting during the remainder of his Indian service. In the event of an affray with natives arising from disregard of the rules or of injury to person or property being caused by the reckless or inadvertent use of fire-arms by soldiers, all shooting passes will, if the actual offenders can not be identified, be prohibited for one year in the corps or, at the discretion of the General Officer Commanding, in the district to which they belong, The prohibition with a stort statement of the circumstances, will in each case be published in district orders and reported for the information of the Commander-in-Chief and the Government of India.

Passes not to extend over fourteen days.

17. Shooting passes to non-commissioned Officers and men are not to be given for more than fourteen days at a time.

By whom they may be given.

18. They may be given by Officers Commanding the corps to which the men belong, or, in the case of the men having proceeded out of the district, by the Officer Commanding the corps to which they may be attached for the time being (vide paragraph 1685.—A, Army Regulations, India, Vol. 11).

Rules for close season not to be infringed.

19. Officers granting shooting passes will take care that all rules in force regarding the close season of the district concerned are explained to the men, who must be cautioned not to infringe them.

Procedure to be observed to avoid issue of passes for sickly or other undesirable localities.

20. Before granting passes to shoot at outstations, Commanding Officers will ascertain that there is no local objection and no unusual sickness in the district.

General Instructions (Miscellaneous) Order No. 56.

(Extract from the Proceedings of the Government of India in the Home, Revenue and Agricultural Department, No. $\frac{45}{1755\text{-}70}$, dated 24th September 1879, republished in Resident's Book Circular No. III, Vol. II, Chapter IX, Code of Non-Judicial Circulars.)

A case has recently attracted the notice of the Government of India, in which an Englishman with his servants insisted (in spite of the remonstrances of the owners) upon crossing, for purposes of sport, a field, on which were standing crops. An altercation with the villagers ensued, in the course of which two natives received serious gunshot wounds.

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2. The Governor General in Council is of opinion that every endeavour should be made to check the practice of shooting over standing and ripe crops; a practice which, if carried on without the consent of the owners of the crops, cannot fail to give rise to disturbances and affrays. In the Military Department, orders were some years ago issued by His Excellency the Commander-in-Chief, which have for their object the prevention of affrays between soldiers, engaged in sport, and villagers. The Governor General in Council deems it expedient that measures should be taken with a similar object in the Civil Department. His Excellency in Council accordingly requests that instructions may be issued by Local Governments and Administrations to District Officers to take every opportunity of warning Englishmen and others against entering on standing crops for sporting purposes, unless they first obtain the permission of the owners so to do.

General Instructions (Miscellaneous) Order No. 57.

(Government of India, Home Department, Letter No. 50-2358, dated 14th October, 1887, republished in Resident's Book Circular No. III, Vol. II, Chapter IX, Code of Non-Judicial Circulars.)

The attention of the Government of India has recently been drawn to the unsatisfactory termination of certain trials resulting from affrays which have taken place between European Soldiers and Native villagers. These affrays have usually originated in disputes between the villagers and soldiers when the latter have been out on shooting expeditions, passes for which are granted under the Regulations contained in Home Department letter* No. 30 1012-1028, dated 31st July 1883. Renewed instructions have recently been issued by the Military authorities for the enforcement of absolute, obedience to these Regulations, but the Government of India thinks it also essential that no effort should be spared by the Civil authorities to bring home punishment to all, whether soldiers or villagers, who commit a breach of the law on such occasions.

* Not printed.

In considering the cases recently before him, the Governor General in Council was much struck by the fact that the issues involved were obscured by the absence of such reliable evidence as would have been elicited by a full and exhaustive inquiry made on the spot immediately after the occurrence. To such an investigation His Excellency in Council attaches the utmost importance, and I am therefore desired to request that instructions may be issued that, on the occurrence of a serious affray between European soldiers and native villagers, the District Magistrate shall invariably either himself proceed to the place, or at once depute a European Magistrate or the District Superintendent of Police, in order to investigate the matter on the spot at the earliest possible time after the occurrence.

General Instructions (Miscellaneous) Order No. 58.

(Extract from the Proceedings of the Government of India, Home Department—Police-No. $\frac{5}{350\text{-}60}$, dated November 1881, published in Resident's Judicial Book Circular No. 1 of 1882.)

It is found on an examination of the replies furnished by the several Local Governments and Administrations that considerable differences of practice prevail in the several provinces in respect of the imposition of handcuffs on accused but unconvicted persons in the custody of the police. The rules appear also to be in some instances unnecessarily harsh, and open to abuse by the inferior grades of the police. The Governor General in Council does not propose to lay down any precise direction in supersession of any rules now locally in force, but desires that all Local Governments and Administrations will see that it is clearly provided that handcuffs shall only be imposed on unconvicted persons when from the heinous nature of the crime or the character or behaviour of the accused a fair presumption arises that such restraint is necessary to prevent escape or violence. His Excellency in Council considers that the use of handcuffs ordinarily and unnecessarily by inferior police officers should be discouraged.

General Instructions (Miscellaneous) Order No. 59.

(Judicial Circular No 7 of 1865 reprinted in Commissioner's Book Circular No. 1, Vol. II, Chapter IX, Code of Non-Judicial Circular.)

1. The Act [a] allows only the Magistrate of the District to grant licenses to carry arms ; and the licenses must be in the prescribed form. The licenses can be revoked whenever it is considered advisable to do so.

2. A register of all licenses granted will be kept in the Deputy Commissioner's office.

3. Great care must be taken that licenses are granted to none but respectable men. Licenses should not be granted to Rahtores. The only exception that can be allowed is when a Rahtore is an old servant of a sowcar. A license is under no circumstances to be given to a Meena, Arab, or Rohilla.

4. All applications for licenses made to a Tahsildar will be forwarded to the Deputy Commissioner with the Tahsildar's opinion as to the propriety of granting them.

5. Before a license is given to the followers of any sowcar or other respectable man he must become security for the good behaviour of each of such followers, and shall execute security bonds in the Form prescribed in the Schedule V of the Criminal Procedure Code.

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a. Arms Act (XXXI of 1860). This Act has been repealed since Part I was printed. See Notification No. 1875 I., dated 1st June 1894, but the rules are reprinted as they have not been formally cancelled and will still be in good measure applicable.

6. A Police Officer meeting a man carrying arms without a license shall disarm him, and take him and his arms to the nearest station or outpost, where the arms will be retained and the man released. A person carrying arms without a license can also be disarmed by an officer exercising any of the powers of a Magistrate.

General Instructions (Miscellaneous) Order No. 60.

(Commissioner's Book Circular No. I, Vol. II, Chapter IX, Code of Non-Judicial Circulars.)

The following instructions are issued for general information and guidance :—

I. In granting gun licenses under Act XXXI [a] of 1860 and Act VI [a] of 1866, Deputy Commissioners should be guided by the rules published under Judicial Circular No. 7 [b] of 1865 (printed on page 85 of the Berar Manual) as far as they go.

II. Licenses should be granted freely to cultivators for the protection of their crops, and Deputy Commissioners may use their discretion in attaching a condition to such licenses that the holder must kill, during the crop season, a definite number of pigs or Nilgai. (Every Deputy Commissioner is requested to make known in his district that the holder of a license to use firearms for the protection of crops may shoot antelope, if he chooses to do so, in his own fields and in the fields of his neighbours, if they do not object.)

III. Licenses may also be granted to native shikaries, but in these cases the condition of killing one or more wild animals of certain species to be noted by the Deputy Commissioner should be invariably enforced.

IV. There is little need in the Hyderabad Assigned Districts for licenses for self-protection, and Deputy Commissioners should exercise particular care in grating them. No rule of general application can be laid down in respect to the grant of licenses for purposes of display ; each case must be dealt with on its merits by the Deputy Commissioner concerned.

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a. These Acts have been repealed by Act XI of 1878 which has been applied to the Hyderabad Assigned Districts by Notification No. 1875 J, dated 1st June 1894.

b. For this Circular, see the last preceding Order.

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General Instructions (Miscellaneous) Order No. 61.

(Government of India, Finance and Commerce (Separate Revenue—Opium-smuggling,) Resolution No. 2712, dated 23rd May, 1887, published in Resident's Book Circular No. II, Vol. I, Chapter XI, Code of Non-Judicial Circulars.)

In supersession of orders and with a view to reduce the work involved to local Officers in reporting cases of opium-smuggling, the following tabular statement is prescribed for adoption in future :—

(For the form, see part IV of this Manual.)

2. Petty cases of opium-smuggling in which convictions have been recorded should be reported "half yearly" to this department in the form of the above statement.

3. Important cases (*i. e.*, those in which the quantity of opium seized exceeds 40lbs. in weight, or in which any new information regarding organised and systematic smuggling is disclosed,) should be submitted in the prescribed tabular form without delay, together with such special report as the circumstances may call for, for the information of the Government of India.

General Instructions (Miscellaneous) Order No. 62.

(Resident's Book Circular No. XVI, Vol. IV, Chapter I, Code of Non-Judicial Circulars.)

Rules for enquiring into, and reporting on, serious accidents on Indian Railways.

GENERAL.

The following rules are prescribed by the Governor General in Council for enquiring into, and reporting on, serious accidents on Railways, whether open for public traffic or under construction :—

1. Serious accidents are accidents attended with loss of human life, or serious injury to person or property ; or accidents of a description usually attended with such loss or injury.

2. In the case of any Railway passing through Native States, the Government of India will, from time to time, direct what official shall, for the purposes of these Rules, be regarded as the Magistrate of the District in respect of the portions of the railway situate in each such State.

3. Throughout these Rules, the words "District Superintendent of Police" of the district in which the occurrence takes place shall be substituted for the words "Railway Police Superintendent" in respect of Railways whereon a Railway Police Superintendentship has not been established. The word "Manager" shall include the Agent of a Guaranteed or other Railway Company, or other Officer in charge, and the Chairman of the Corporation in the case of the Calcutta Municipal Railway, and the Vice-Chairman of the Calcutta Port Commissioners in the case of Railways belonging to that body, and also the Chief Engineer or Engineer-in-Chief or other Officer in charge of any Railway.

The Officer authorized by Government to investigate and report on accidents is called the "Government Inspector," and his address and official designation will be notified to Managers from time to time by Local Governments or Administrations or by the Government of India.

SECTION 1,

Duties of Managers and Railway Officers.

4. On the occurrence of any serious railway accident, it shall be the duty of the nearest Station Master, or, where there is no Sation Master, the Officer in charge of the section of the Railway on which the accident occurs, to give immediate notice thereof in writing, or by telegraph when possible,—

(*a*) to the nearest Magistrate in the district in which the accident occurred ;

(*b*) to the Railway Police Superintendent ;

(*c*) to the Officer in charge of the Police station in the jurisdiction of which the accident occurred ;

(*d*) and to the senior Policeman present at his station.

In the case of Railways belonging to the Calcutta Municipal Corporation or to the Calcutta Port Commissioners, the officer referred to in this rule as "the officer in charge of the section of the Railway" will be the Engineer in immediate charge of the line.

5. It shall be the duty of the Manager to give notice of the accident—

(*a.*) without delay to the Government Inspector, who has been authorized by Government to investigate and report on such accidents ;

(*b.*) to the Secretary to the Local Government in the Judicial Department within forty-eight hours after the occurrence, in order that the Local Government may, if necessary, watch over the investigation.

6. The Manager shall, in cases of serious personal injury, afford medical aid to the sufferers, and see that they are properly and carefully attended to till removed to their homes or handed over to the care of their relatives or friends.

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7. The Manager shall cause departmental enquiry to be held promptly for the thorough investigation of the causes of every serious accident, and shall, if he considers it expedient, invite the Superintendent of Railway Police to be present at the enquiry if possible: in his unavoidable absence an Officer of Police should be present. Also, he shall communicate the conclusion at which he has arrived as the result of the enquiries to the Magistrate mentioned in Rule 4, and, if on open line, to the Government Inspector, with a statement of the persons, if any, whom the Railway authorities intend to prosecute, unless the matter should form the subject of a magisterial enquiry under Rule 8.

8. It shall be the duty of the Manager, or of the Officer or Officers to whom the duty is delegated by him, to bring to justice, wherever sufficient evidence is forthcoming, all Railway subordinates guilty of crime or of breaches of the Indian Railway Act, or of the General Rules, calculated to cause serious accident ; and to request the Superintendent of Railway Police to make a report of all cases in which there appears to be ground for suspecting Railway subordinates of such misconduct. Also, he shall request the Superintendent of Railway Police to prosecute all persons whom it may be decided should be prosecuted.

9. The Manager and all heads of Deparments shall facilitate the movements of the Medical Officers, the Police, the Magistrate, the Government Inspector and others concerned in reaching promptly the scene of the accident. And they shall assist these authorities in conducting inquiries either personally or by deputing some responsible and intelligent Officer or Officers as their representatives to aid in obtaining evidence and securing the attendance of the Railway subordinates.

10. In cases in which it is the duty of the Railway Officers to arrest any offender under Sections 48 and 49 of Act IV. of 1879, *a.* the Manager or Officer or Officers nominated by him as responsible in the locality shall instruct the Railway Police Superintendent or the Senior Police Officer or Policeman present, or, in the event of there being no member of the Police Force present, a Railway servant, to at once arrest the offender, or, when such offender is himself a Railway Officer whose removal would cause danger or grave inconvenience that precautions are taken to prevent his escape, pending the arrival of a substitute.

11. He or they shall arrange for the attendance as long as needful at the Court or place of enquiry of any Officer or servant of the Railway, upon the requisition of the Magistrate or other Civil Officer.

12. The Manager shall maintain at each Railway station, or, in the case of lines under construction, in each divisional office, a list of Magistrates or other Officers (such list to be furnished by the Magistrate having jurisdiction over the place where the station is situate) to whom reports of accidents should be made ; and he shall furnish Magistrates with a list of Railway Officers to whom any summons may be sent for service on subordinate Railway Servants.

a. This Act has been repealed by Act IX of 1890, extended to the Hyderabad Assigned Districts by Notification No. 1332 I., dated 23rd March, 1891. See Part I, page 21, Sections 131 and 132 of Act IX of 1890 correspond with Sections 48 and 49 of Act IV of 1879.

13. In the case of judicial inquiries, he shall report the result to the Government Inspector, and forward copy of the decision of the Court.

14. He shall issue such detailed instructions as will give effect to the foregoing rules, and furnish the Government Inspector with copy of all such detailed instructions as issued.

Section II.

Duties of the Railway and District Police.

15. An investigation may be made by the Railway Police in the case of any railway accident.

16. Where there is no Railway Police, the duties imposed by these rules on Railway Police, or the Railway Police Superintendent, must be discharged by the District Police, or the District Police Superintendent, in addition to their duties as such.

17. In the case of serious accidents, the Railway Police Superintendent, if any, or the District Superintendent of Police, shall at once advise the Local Administration, and proceed without delay to the scene of the accident. If either Officer be himself unable so to proceed, he shall depute a subordinate, who, in the case of the District Police, shall be an Assistant Superintendent of Police where there is one, or, where there is no such Officer, an Inspector. The Officer unable to proceed shall also at once inform his departmental superior and the nearest Magistrate in the district.

18. Such accident shall forthwith be investigated by the Railway Police, and if the Police Officer is of opinion that sufficient grounds exist for a judicial investigation, he will bind all parties to appear before a Magistrate on a date to be fixed by that Officer. If the investigation be made by the Railway Police, immediate information shall be given to the District Police, either direct or through the Magistrate of the district. The result of the Police investigation prescribed by this rule shall be reported to the Manager of the Railway and to the Magistrate of the district.

19. When the investigation is made by the Railway Police, and the assistance of the officers of the District Police is called for, the latter shall afford all necessary assistance, and shall, if occasion arise, carry the investigation beyond the limits of the Railway premises. But the Railway Police Superintendent is primarily entrusted with the duty of investigation within such limits. Subject to any provisions elsewhere contained in these Rules, the further prosecution of the case on the conclusion of the preliminary local Police investigation shall rest with the Railway Police.

Section III.

Duties of Civil Officers.

20. It shall be in the discretion of the Magistrate of the district or of the Sub-divisional Magistrate, on receiving information of the occurrence of a serious railway accident within the meaning of Rule 1, either:—

(a) himself to proceed to the scene of such accident and make any enquiry;

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(*b*) to depute a subordinate Magistrate to make enquiry ; or

(*c*) to direct investigation to be made by the Government Railway or District Police, as the case may be ;

(*d*) to report to the Local Government serious accidents involving considerable loss of human life or indicating defective administration.

21. The Magistrate or other Officer shall summon any servant of the Railway, and all other persons whose presence he may think necessary, and, after taking the evidence and completing this enquiry, shall, if he consider there are sufficient grounds for judicial investigation, take the requisite steps to bring to trial any person he may consider criminally liable for the accident.

22. The Manager or the Magistrate of the District, or the District Superintendent of Police, may require the Civil Surgeon of the District or any District Medical Officer to proceed to the scene of any Railway accident attended with personal injury, for the purpose of rendering medical aid and of making, before the investigating authorities, any professional statements that may be required ; and it shall be the duty of such Civil or Police Surgeon or Medical Officer to proceed accordingly.

23. In cases where technical points are involved, the Magistrate or other Officer should be careful to call for and take the opinion of professional persons.

24. The result of this preliminary local enquiry will invariably be communicated by the Magistrate to the Manager of the Railway and to the Government Inspector.

25. Should the Magistrate have delayed judicial action until receipt of the Railway departmental report, he will then decide whether to discharge the persons accused or to proceed with the case.

26. If the Manager of the Railway do not prosecute the persons considered liable by the Civil Officer, the Magistrate will arrange for their prosecution.

27. If, in the course of the judicial enquiry, the Magistrate wishes for the assistance of the Government Inspector or Manager of the Railway, or for the attendance of any officer of the Railway, to explain or give evidence upon any matter relating to Railway supervision, management or working, he will issue a requisition to such officers to attend the Court.

28. On the conclusion of the judicial enquiry, the Magistrate will, if necessary, report the result for the information of the Local Government ; and he will send a copy of his decision to the Manager of the Railway.

29. Magistrates through whose jurisdiction a Railway passes shall maintain a list of Railway Officers (such list to be furnished by the Manager) to whom summons may be sent for service on subordinate Railway servants, and shall furnish the Manager with a list of Magistrates or other Officers to whom reports of accidents should be made.

Section IV.

Government Inspector's Duties.

30. On receiving notice of a serious accident to a train arising from defects of road or works or machinery or from obstructions, or in any case on requisition from the Officer charged with the enquiry, the Government Inspector shall proceed himself, or by deputy, to the scene of the accident, shall note the facts, watch the proceedings of the departmental or magisterial enquiry, and make such inquiries and investigations as he may think fit, calling upon the Manager or officer in charge of the line for any assistance needed, and shall form his own conclusions.

31. He shall submit his report, with any notes he may desire to record, to the Government concerned, forwarding copy to the Manager of the Railway or to the Magistrate having jurisdiction in British or in Native Territory, as the case may be.

32. He shall assist the Magistrate so far as he can in person or by deputy in the judicial enquiry whenever called upon to do so.

33. In important cases, where a remedy or change of system appears necessary, the Government or Administration concerned should be informed what steps have been, or are proposed to be, taken by the Railway to prevent a recurrence of similar accidents, and whether, in his opinion, further action in the matter is desirable.

General Instructions (Miscellaneous) Order No. 63.

(Resident's Judicial Book Circular No. XXI of 1882.)

The subjoined Resolution of the Government of India is re-published for general information and guidance.

It relates to—

First—Rules, regulations, and notifications having the force of law issued by executive authorities under the provisions of some Act of the Legislature and affecting the outside public:

Secondly—Rules and notifications affecting the outside public issued, not under any Act or Regulation, but as executive orders.

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And it provides that such rules, regulations or notifications shall, unless for any special reason such prior publication be inexpedient or impracticable, be published before issue with a view to ascertain whether any valid objections can be taken thereto.

Publication is to be made in

(*a*) The *Hyderabad Residency Orders*.

(*b*) One or more local papers, whether English or Vernacular, which circulate among the classes of persons whom the proposed rules are likely to affect.

(*c*) In such other mode as may in each case seem suitable.

2. Desiring to give the fullest effect to the above orders, the Resident requests :—

First—That you will carefully comply with them before issuing any rules of the kind contemplated which it may be within your competence to issue.

Second—That in the case of rules requiring *his* sanction, you will either before submitting them cause them to be published and describe the result of such publication ; *or* in submitting them, make suggestions as to the manner in which they should be published.

3. I am to add that these orders will not usually apply to rules, &c., (see for instance, the Punjab Municipal Act), for the publication of which special provision has been made ; but that even in the case of such rules the spirit of these orders should be followed : then effort should be made to render publication complete and effective, and not merely to comply with the obligatory provisions of the Act which directs it.

Extract from the Proceedings of the Government of India in the Home Department No. $\frac{49}{1791\text{-}1807}$ *(Public), dated Simla, the 8th November 1882.*

Resolution.—In the Circular letter Local Governments and Administrations were addressed on the subject of the possibility of giving greater publicity to measures which may from time to time be under the consideration of the legislature before they are passed into law, and certain suggestions were made with a view to effect this object. In addition, however, to legislative measures, properly so called, there is another important class of legislation which frequently affects the interests of the public to a greater or less extent, *viz.*, that which takes the form of rules, regulations or notifications having the force of law, and issued by the executive authorities by virtue of powers conferred upon them under the provisions of some Act of the legislature. In regard to these rules it appears to the Governor General in Council doubtful whether sufficient efforts are in all cases made at present to elicit an expression of public opinion before they are brought into force, and some measure seems to be required whereby greater publicity may be given to the drafts of such rules.

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2. In order to attain this end, His Excellency in Council considers that the ordinary procedure to be followed should be that any rules, regulations or notifications which affect the outside public should, before being issued by Local Governments or Administrations, or in cases in which the previous approval or sanction of the Governor General in Council is necessary, before submission to the Government of India, be published with a view to ascertain whether any valid objections can be taken thereto. Such publication might be effected in the local official gazettes and in one or two local newspapers (if any exist), English or Vernacular, which circulate among the classes of personswhom the proposed rules are likely to affect. A similar course might, in the opinion of the Government of India, be adopted with advantage in the case of many rules or notifications affecting the outside public which it is proposed to issue not under any Act or Regulation, but as executive orders. The practice which prevails in England under the Public Health Act, 1875 (38 and 39 Vic, Cap. 55) is described in Section 184 of that Act, a copy of which is appended to this resolution. There may be some classes of rules which it is inexpedient or impracticable to publish before issue, but these will probably be found not to be numerous.

3. When any rules, regulations or notifications of the classes referred to in this resolution are submitted for the sanction of the Governor General in Council, it should invariably be stated whether they have been published, in accordance with the instructions now issued. If they have been so published the result of such publication should be described ; and if they have not been published, the reasons for non-publication should be fully explained.

Section 184 of 38 and 39 Vic., Cap. 55.

184. Bye-laws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such bye-laws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such bye-laws relate one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed bye-laws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the rate-payers of the district to which such bye-laws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such rate-payer, furnish him with a copy of such proposed bye-laws or any part thereof, on payment of six pence for every hundred words contained in such copy.

A bye-law required to be confirmed by the Local Government Board shall not require confirmation, allowance or approval by any other authority.

General Instructions (Miscellaneous) Order No. 64.

(Government of India, Home Department, letter No. $\frac{13 \text{ Pub.}}{709}$*, dated 20th May, 1893, published in Resident's Judicial Book Circular No. VI of 1893.)*

An instance has recently occurred in which a Notification having the force of law and affecting the outside public was issued without the previous publication required by the Resolution of the Home Department, No. 49-1791-1807, [a] dated the 8th November, 1882. The circumstances under which this Notification was issued were such as to lead the Government of India to suppose that the Resolution of 1882 must have been lost sight of at the time. I am accordingly directed to invite attention to instructions laid down in that Resolution with a view to their observance in future.

2. The Resolution, it will be observed, prescribes that previous publication should be the ordinary procedure in the case of rules, regulations and notifications having the force of law and affecting the outside public, and also in the case of certain executive orders of a similar nature ; but that such publication may be dispensed with in exceptional cases at the discretion of the authority issuing the rules or orders. It will be for Local Governments and Administrations to decide, in accordance with these instructions, in what classes of rules, notifications or orders it is inexpedient or impracticable or unnecessary to publish the draft for general information before final issue ; but the general rule should not be departed from without good reason. In the case of rules or orders requiring the sanction of the Government of India in which previous publication may have been dispensed with, the reasons for non-publication should be fully explained when the draft is submitted for sanction.

General Instructions (Miscellaneons) Order No. 65.

(Government of India, Home Department, Letter No. $\frac{16\text{-Judicial}}{965}$*, dated 5th August, 1893, published in Resident's Judicial Book Circular No. VIII of 1893.)*

Certain cases have recently been before the Government of India in which the action and decisions of Officers acting in a judicial capacity have been criticised by the executive authorities in published official papers or in official reports available for issue to the public. As such published criticisms of judicial proceedings can serve no useful purpose and are calculated to disturb the harmonious relations which ought to exist between the executive and judicial authorities, the Governor General in Council desires that instructions may be issued in the Hyderabad Assigned Districts to the effect that administrative officers of whatever rank should abstain from publishing officially reflections upon the decisions and judicial acts of Magistrates and Courts of Law, and from making reflections likely to be so published.

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a. This Resolution has been reprinted in this Manual, see the last preceding Order.

General Instructions (Miscellaneous) Order No. 66.

(Government of India, Home Department (Judicial) Letter No. 1214, dated 28th August, 1889, published in Resident's Judicial Book Circular No. VII of 1889.)

The duty of advising Local Governments and Administrations direct is not imposed on the Advocate General, Bengal, and the Solicitor to Government, except in matters arising within the limits of the Presidency of Fort William in Bengal ; and in cases in which such direct references are made the law officers claim special remuneration for their advice. As such references involve needless expense, I am directed to say that, although Local Governments and Administrations should generally be content with the advice of their own Legal Remembrancers or other local advisers, it is open to them to consult the Advocate-General and the Solicitor to Government without charge, provided that the reference is made through the Government of India, and to request that in cases which may seem to require the advice of the law officers the procedure of asking the Government of India to obtain it may be adopted.

General Instructions (Miscellaneous) Order No. 67.

(Extract from the Proceedings of the Government of India, Home Department — (Judicial) No. $\frac{20}{1403\text{-}13}$, dated 14th October 1885, republished in Resident's Judicial Book Circular No. XIII of 1885.)

In Home Department Circular letter No. 7-587-95, dated the 8th May 1885, it was pointed out that the procedure at present followed in connection with petitions for mercy addressed either to His Excellency the Viceroy personally, or to the Governor General in Council, by or on behalf of convicts under sentence of death, is in certain respects inconvenient, and an expression of the views of Local Governments and Administrations was invited on certain suggestions which had been made in order to remove the inconvenience thus felt, and generally to place matters on a more satisfactory footing. These suggestions were :—

(1) that when a petition for mercy addressed to the Government of India does not set forth any facts which would seem *a priori* to justify interference, the Local Government concerned should at once be informed that, if the case has already been considered by it and the sentence maintained, the petitioners may be informed that the Government of India also declines to interfere ;

(2) that Local Governments should only be requested to postpone execution of sentence, pending report to the Government of India, in exceptional cases, where strong *prima facie* grounds for interference are advanced in the petition ;

(3) that in all cases in which a sentence of death has been confirmed by the High Court or corresponding tribunal, intimation should, as soon as practicable after confirmation of the sentence, be given by the jail authorities to the prisoner, and, if possible, to those acting on his behalf, that no petition will be

entertained unless received in sufficient time for due consideration before the date fixed for the execution of the sentence; that all petitions addressed to the Government of India must be submitted through the Local Government, and that any memorial to the Local Government should be submitted without delay; and

(4) that in modification of the orders marginally* noted, Local Governments should be authorized, on their own responsibility, to dispose of all petitions to the Supreme Government against capital sentences, which cannot reach the Governor General in Council, and be considered by him before the date fixed for the execution, and which do not set forth any considerations which would, in the opinion of the Local Government be likely to cause the Governor General in Council to take a different view of the case from that taken by the Local Government. In all other cases it was suggested that such petitions should be forwarded in the usual way for the orders of the Government of India, the execution being, if necessary, stayed by the Local Government pending reply only in cases in which reasonable ground for doubt existed as to the view which the Government of India might take of the facts.

* Home Department letter to the Government of Madras, No. 244, dated the 20th February 1878, communicated to other Local Governments and Administrations under endorsement Nos. 4-245-253, of the same date, directing that if a prisoner under sentence of death desires to submit a petition to the Governor General in Council, or to His Excellency the Viceroy, after his prayer for remission of sentence has been considered and rejected by the Local Government, such petition should not be forwarded by the Local Government unless some new facts or considerations in favour of granting the application may have come to light.

2. The Governor General in Council having now carefully reconsidered the matter in the light of the replies received from Local Governments and Administrations to the Circular of the 8th May last, is of opinion that the first, second, and fourth of the suggestions summarised in the foregoing paragraph may with advantage be adopted, and His Excellency in Council is accordingly pleased to direct that the procedure at present in force shall be modified accordingly. It is not considered desirable to adopt the third suggestion in view of the objections which have been taken by Local Governments thereto.

3. In the reply received from the Bombay Government, an opinion is expressed that the intention of the Legislature, as embodied in Chapter XXIX of the Code of Criminal Procedure, is that the privilege of petitioning the Supreme Government and the Local Government should be alternative and not cumulative, that convicts under sentence of death should accordingly be informed that they are at liberty to choose whether they will petition the Governor General in Council or the Local Government, and that in the event of their electing to petition the Local Government, and of that Government declining to interfere, no further petition to the Government of India should be allowed. The Governor General in Council is, however, advised that no sufficient reasons have been shown in support of this interpretation of the law which is opposed to that hitherto adopted. It has always been held that the power conferred by Chapter XXIX of the Criminal Procedure Code on the

Governor General in Council and the Local Government is a concurrent power, and His Excellency in Council sees no reason to doubt the correctness of this view.

General Instructions (Miscellaneous) Order No. 68.

(Hyderabad Assigned Districts High Court Criminal Circular No. V of 1891.)

1. An officer or soldier required to attend a court in his official capacity should appear in uniform, with sword or side arms. Attendance in an official capacity includes attendance

(*a.*) As witness, when evidence has to be given of matters which came under the cognisance of the officer or soldier in his military capacity.

(*b.*) By an officer for the purpose of watching a case on behalf of a soldier or soldiers under his command.

2. An officer or soldier required to attend a court otherwise than in his official capacity may appear either in plain clothes or uniform.

3. An officer or soldier shall not wear his sword or side-arms if he appears in the character of an accused person, or under military arrest, or if the presiding officer of the court thinks it necessary to require the surrender of his arms, in which case a statement of the reasons for making the order shall be recorded by the presiding officer, and, if the military authorities so request, forwarded for the information of His Excellency the Commander-in-Chief.

4. Fire-arms shall under no circumstances be taken into court.

General Instructions (Miscellaneous) Order No. 69.

(Resident's Book Circular No. XXI, Vol. II, Chapter I, Code of Non-Judicial Book Circular, republishing Government of India, Home Department (Public), letter No. 30-1685 Pub., dated 5th September, 1890.)

1. It is a standing order that, without obtaining the authorization of the Government to which he is immediately subordinate, no Officer of Government is permitted to have recourse to the Courts for the vindication of his public acts, or of his character as a public functionary, from defamatory attacks. In giving authority to institute proceedings, the Local Government concerned will decide whether the circumstances of the case are such that the Government should bear the cost of the proceedings, Civil or Criminal, or leave the Officer to institute the prosecution or suit at his own expense; and in the latter case it will also determine, in the event of the matter being decided by the Courts in the Officer's favour, whether he should be recouped by Government the whole or any part of the costs of the action.

2. I am to explain that the ruling above laid down does not affect an Officer's right to defend his private dealings or behaviour in any way that he may be advised ; but his official reputation is in the charge of the Government which he serves, and it is for that Government to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient.

General Instructions (Miscellaneous) Order No. 70.

(Panjab Chief Court Circular, republished in Judicial Commissioner's Circular No. XXIII of 1880.)

The question having been raised as to whether accused persons tried summarily for warrant cases under Chapter XVIII[a] of the Criminal Procedure Code and not convicted are to be shown in statements as "discharged" or "acquitted," the Chief Court considers it necessary to direct the attention of Judicial Officers exercising summary powers to the provisions of Section 226 [b] of the Code.

2. This Section enacts that in summary trials the procedure for warrant cases shall be followed in respect of warrant cases, with certain exceptions which concern only the manner of record.

3. Accordingly, the distinction between an acquittal and a discharge, shown in Sections 215[c] and 220,[d] holds good in all warrant cases tried summarily, the only difference being that under the ordinary procedure the charge must be prepared in writing, and under the summary procedure must be made verbally. A discharge in a summary trial no more bars the revival of a prosecution for the same offence than it does in a case conducted under the rules of ordinary procedure.

4. The final order or judgment in warrant cases tried summarily, when the accused is not convicted, should invariably show whether the accused person has been discharged or acquitted, the test being whether, after hearing the evidence for the prosecution, the Court has called upon the prisoner to plead to a definite charge or not, and the accused in such cases should be shown in the periodical statements as discharged or acquitted, according to the final order of the Magistrate.

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a. Now read Chapter XXI.

b. Now read Section 262.

c. Now read Section 253, para 1.

d. Now read Section 258.

General Instructions (Miscellaneous) Order No. 71.

(Extract from Government of India in the Home, Revenue and Agricultural Department, Resolution No. $\frac{15}{1105\text{-}17}$, dated the 26th September 1879.)

Extract—The Judicial Authorities should submit all cases in which women are found guilty of murdering their infant children to the Local Governments and Administrations concerned with a view to the consideration of the question whether any commutation or reduction of the sentence should be allowed under Sections 54 and 55 of the Indian Penal Code, or under Section 322 [a] of the Code of Criminal Procedure.

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a. Section 401, paras 1 and 3 and Section 402 of Act X of 1882 correspond with Section 322 of Act X of 1872.

PART III.—CIRCULAR ORDERS.

SECTION IV.—OFFICE ROUTINE.

Office Routine (Registration of Crime) Order No. 1.

(Resident's Judicial Book Circular No. XIII of 1879.)

The large number of cases expunged from the Crime Registers by order of a Magistrate in Berar has lately formed the subject of special inquiry, the Commissioner having selected two sample districts, *viz.*, Amraoti, where the percentage of cases is lowest, and Buldana, where it is highest, and suggested to the Judicial Commissioner that Deputy Commissioners should be called on, with the aid of their District Superintendents of Police, to make out statements showing all cases expunged during the last quarter, with the cause of expunction in each case.

These statements have been examined by the Judicial Commissioner, the Commissioner and the Resident. They point clearly to the conclusion, as stated by Mr. Jones, "that the power of striking cases off the Register has been greatly abused in the Buldana, and presumably in other districts," and that the Inspector General of Police "was not justified in attributing the large number of cases expunged to the exceptional purity of Berar procedure in the matter of registration."

2. The Commissioner puts the whole matter very forcibly in the following remarks addressed to the Inspector General of Police, which are hereby published for the information and guidance of all Deputy Commissioners:—

"You will see from notes made in the margin of the Statement that I am disposed to go much further than the Judicial Commissioner in restricting Magistrates and Police from striking off cases. In the practice of the Amraoti District there is very little to criticise, but that of Buldana seems to have been radically wrong. The Deputy Commissioner evidently thinks it quite enough to record that there was no evidence that the offence had been committed, to which the obvious reply is that there is the statement of the complainant, that this statement alone is held to justify registration of a case, and that the mere absence of further affirmative proof will not justify the removal of such cases. The principle should, I think, be clearly laid down that, until the complainant's statement has been *rebutted* by such evidence as will make it morally certain that no crime was committed, a case must remain on the register.

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This rebuttal may be made :—

(1) by showing (and this is, perhaps, the most common case of all) that the facts charged did not constitute an offence ;

(2) that they constituted an offence other than that registered, in which case the original offence would be removed, and a new offence entered ;

(3) that facts have come to light which render it highly improbable that complainant's statement should be true.

Cases falling under the first and second of the above categories are numerous, but with respect to them there is no great tendency on the part of Police or Magistrate to error. The errors which the Statement reveals arise almost entirely under the third, and are due to the tendency of officers to read that clause as if it ran—

"that no evidence in support of complainant's statement has been elicited."

"The statement received from Buldana shows clearly enough why the percentage of cases removed from Register is so high in Berar compared with other provinces."

3. The Officiating Inspector General of Police, in replying to the above remarks, expresses an apprehension that the strict working of the rule whereby every cognizable offence reported, even though the complaint, report, or information appears to be false, must be brought on the Crime Register, "may perhaps cause our returns of crime to contrast less favourably with those of other provinces." "But this," he rightly adds, "must be considered a lesser evil than the practice of expunging, on insufficient grounds as not having occurred, cases which have once been registered."

The Resident believes that the orders in force in Berar with regard to the registration of crime are in accordance with the law, and need not be re-examined at present. If any alteration should be called for, the Judicial Commissioner will doubtless make the necessary representation. What we are now concerned with is the manner in which many cases have been expunged from the Registers without sufficient cause, and to such an extent that the Government of India have called for a special report on the high percentage shown under this head in Berar returns as compared with those of other provinces.

4. The Resident desires to offer his thanks to the Commissioner for his present investigation of the subject, and to commend Mr. Jones' remarks above quoted to the attention of all District Magistrates.

GSL

Section IV.—Office Routine.

Office Routine (Registration of Crime) Order No. 2.

(Resident's Judicial Book Circular No, VI of 1883.)

For some years past considerable variations have been apparent between the different districts of Berar in the numbers of offences expunged from the Police registers. The correspondence arising from this fact has also shown that different Officers are guided by different principles in both recommending and in permitting such expunction. It seems advisable therefore to issue uniform rules of procedure to be followed in all such cases, in continuation of the more general principles embodied in the Resident's Circular No. XIII [a] of 28th October, 1879.

2. The procedure shall be in future as follows :—When a Station House Officer or other Police Officer sees reason to submit an application for the removal of a crime from the register, he should forward the same with his report to the District Superintendent. If that Officer supports the application, he should note his ground of doing so in a short abstract, and forward the same, together with the record of the case, to the Deputy Commissioner of the district, whose orders in the matter will be final.

3. Subordinate Magistrates should not, ordinarily, or except in very special cases, or in those which never have been referred to the Police in the first instance, make any initiatory recommendation on the subject in their judgments. This habit has been found in practice to diminish the responsibility attaching to the District Superintendents and the District Magistrates. The number of the Courts and the different views taken by many Magistrates (including Tahsildars) almost necessarily prevent any uniform principle being followed.

4. The mere fact that a complainant drops a case is no reason whatever for allowing an offence to be struck off a register, unless other reasons exist for believing it not to have been committed at all. If cases really of simple assault have been taken up by the Police as if they were cases of grievous hurt, they should bear the consequences of that error.

5. Nor is the mere fact of a loss of property or injury being trifling any justification for this measure, unless it be of that very rare sort of which no person of ordinary sense would complain.

6. The Resident considers that these instructions will throw no greater burden on Deputy Commissioners or District Superintendents than falls on them in other Provinces. And if the record accompanies the latter Officer's recommendation, the cases will be very rare in which the former Officer cannot make up his mind after very brief reference and consideration.

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a. For this Circular, see the last preceding Order.

Office Routine (Registration of Crime) Order No. 3.

(Judicial Commissioner's Circular No. III of 1885.)

The Inspector General of Police having asked that the procedure to be adopted in cases taken up direct by the Magistrates without the intervention of the Police might be authoritatively laid down when in the disposal of such cases it is found by the Magistrate that—

(1) the case is false from a mis-statement of fact, or law, and

(2) a false charge of an offence is intentionally made,

the Resident has held in his Secretary's letter No. 1231, dated 18th May 1885, to the address of the Commissioner, that in such cases the trying Magistrate should send the slip, *vide* Police Circular No. III of 1884, to the Deputy Commissioner with the proceedings, and the Deputy Commissioner will pass it on with his orders to the District Superintendent of Police.

2. In other cases, that is, where cases come before the Magistrate through the Police, the slip may be sent direct to the Superintendent of Police by the trying Magistrate as at present.

3. All Magistrates are therefore enjoined to observe this procedure.

Office Routine (Registration of Crime) Order No. 4.

(Judicial Commissioner's Circular No. IX of 1874.)

I find that in some Districts in the Province several persons arrested at the same time and sent up to the same Magistrate for petty nuisances are entered in one Police charge sheet and are tried by the Magistrate in one case, but as each nuisance committed must be a distinct offence in which there can be no joinder of defendants, Magistrates must show in their returns each case of nuisance distinct by itself. This procedure has, on my recommendation, been sanctioned by the Resident for the future, and I have the honour to request that you will instruct all Magistrates in your district that two or more persons committing separate and independent nuisances cannot be tried under one charge.

2. To the Magistracy the separate trial of each individual will not entail any additional labour, because under Chapter XX of the Criminal Procedure Code[a] each accused must be asked what he has to say against being convicted, the answers will be almost always alike and must be recorded whether each offender is tried jointly with others or separately.

a. Chapter XVI of Act X of 1872 corresponds with Chapter XX of Act X of 1882.

3. With a view of reducing as much as possible all writing and forms to be submitted by the Police, the Resident has been pleased to accord his sanction under Section 173 of the Criminal Procedure Code to the measure proposed by the Officiating Inspector General of Police of entering in one charge sheet all persons arrested in one morning in such a way that each person should have a separate number, and the witnesses against each accused be shown separately. A copy of the form [a] of the charge sheet proposed by Captain Lane and approved of by the Resident is enclosed for your information.

Office Routine (Magistrate's Court) Order No. 5.

(*Judicial Commissioner's Circular No. II of 1883.*)

In issuing orders for local investigation by Police Officers under Section 202, Criminal Procedure Code, Magistrates who are authorized to do so will, as a rule, address such orders in the following form :—

"Forwarded to the————————with a view to a local investigation under Section 202, Criminal Procedure Code, being made by a Police Officer."

In the case of Magistrates at head-quarters such communication will go to the District Superintendent of Police, while Tahsildars and Magistrates at out-stations should send them to the Chief Constable in whose jurisdiction the offence is stated to have been committed.

Office Routine (Magistrate's Court) Order No. 6.

(*Judicial Commissioner's Circular No. V of 1883.*)

At the request of the Inspector General of Police, Hyderabad Assigned Districts, it is hereby directed that intimation shall always be given to the Court Inspector of the District Magistrate's Court, for communication to the District Superintendent of Police, of all modifications made by a Court of Appeal, Revision or Reference in an order passed by a Court of original criminal jurisdiction.

2. As copies of all such orders are sent to District Magistrates, the direction above given can be carried out without difficulty.

a, For the form, see Part IV of this Manual.

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Office Routine (Magistrate's Court) Order No. 7.

(Judicial Commissioner's Circular No. V of 1879.)

The following Circular issued by the Deputy Commissioner, Amraoti District, to all his subordinate Magistrates, is circulated to all Magistrates of the Hyderabad Assigned Districts, in order that the practice therein prescribed may be invariably observed by them :—

"With a view to enabling the Police to more readily trace cases of previous convictions Magistrates are requested to invariably note on the 'Police slip' the number of the case on their file to which the slip refers, thus :—

"*Case No. 18 of 1879.*"

"This note should be made in the last column of the slip above the record of the finding or sentence, as the case may be."

Office Routine (Sessions Court) Order No. 8.

(Rules for the Production and Detention of Prisoners Committed for Trial to the Court of Sessions.)

1. Magistrates committing accused persons for trial will issue a warrant in form C of the old Code of Criminal Procedure addressed to the Superintendent of the nearest Central Jail.

2. Superintendents of District Jails receiving prisoners with warrants in form C will immediately make arrangements for the despatch of such prisoners to the nearest Central Jail. Such despatch will be made under the general orders of the Inspector General of Jails and Police, but no special order for despatch will be required in each particular case.

3. Superintendents of District Jails despatching committed prisoners to a Central Jail will invariably forward with them the warrant in form C.

4. The warrant in form C is sufficient authority for the detention of committed prisoners in the District Jail to which they are first sent, in the Central Jail to which they are despatched and will also authorize the Police to detain them in custody during despatch and during the pendency of the case. This warrant will remain in force until the prisoner is acquitted or convicted by the Sessions Court, or the prisoner is released on bail by a competent authority.

5. In the event of a prisoner's commitment-warrant being lost or left behind, or any difficulty occurring, reference should be made to the nearest Magistrate of the first class, who will then exercise the powers in regard to the

detention of committed prisoner described in Section 220, Criminal Procedure Code.

6. The Sessions Judge has no power to order the detention of committed prisoners, so there is no use in making reference to him, and Magistrates should not forward prisoners to him but leave them to be produced before him under these rules.

7. Whenever a Magistrate in the Districts of Ellichpur or Yeotmal commits a person for trial, or holds to bail a person for trial, by the Court of Sessions, he will inform the District Magistrate, Amraoti, through the District Magistrate to whom he is himself subordinate; and whenever a Magistrate in the Districts of Basim or Buldana commits a person for trial, or holds to bail a person for trial, by the Court of Sessions, he will inform the District Magistrate, Akola, through the District Magistrate to whom he is himself subordinate.

8. The District Magistrates, Amraoti and Akola, will be responsible for the production of all prisoners for trial, and for the detention of all prisoners during trial, irrespective of the District for which they may have been committed to the same extent as they would be responsible if the commitment had been made in their own District.

9. Before the date fixed for the commencement of sessions at Amraoti or Akola, as the case may be, the Sessions Judge will instruct the District Magistrate as to the probable date and hour at which the production before him of the committed prisoners awaiting trial will be necessary. And the District Magistrate will inform the District Superintendent of Police and Superintendent of the Jail accordingly and provide for the requirements of the Sessions Judge being duly complied with.

10. The District Superintendent of Police at Amraoti will, under the orders of the Inspector General of Police, arrange for the supply of sufficient guards to conduct prisoners to and from the Sessions Court and Central Jail during the continuance of the sessions at Amraoti, and for the guarding of prisoners during trial and for the maintenance of order in and near the Court-house during the continuance of the Amraoti sessions. He will also depute an officer not lower in rank than a Court Inspector to be present and to supervise general arrangements; provided that all orders issued by the Sessions Judge shall be in writing. The District Superintendent of Police, Akola, will make similar arrangements during the continuance of the sessions at Akola.

11. The Sessions Judge has already notified to the District Magistrates and to the Inspector General of Police and Jails the dates fixed for the commencement of sessions at Amraoti and Akola. He will similarly notify any change in dates for the commencement of sessions. District Magistrate is expected to inform the subordinate Magistrates of the dates fixed for the commencement of sessions and the Inspector General of Police and Jails will inform District Superintendents of Police and Superintendents of Jails.

12. The Sessions Judge will, by endorsement on the warrant in Form C, certify the result of the trial to the Superintendent, Central Jail, Amraoti, or Akola, as the case may be. During the continuance of sessions and till such certificate is received the Jailor will day by day make over to the police such prisoners as the Inspector appointed under rule 10 may require for production in Court, and receive them back when no longer required in Court. The warrant in Form C will be handed to the Police Officer in charge of the guard sent by the Inspector along with each prisoner and will be returned to the Jailor when the prisoner is brought back to the jail. The Inspector General of Police will arrange as to the mode in which the Inspector's requirements in this respect should be communicated to the Jailor and whether receipt should be given by the one to the other.

Office Routine (Sessions Court) Order No. 9.

(Commissioner's Judicial Circular No. 26 of 1864 Lyall's Manual, page 106.)

I have the honor to request that when valuable property of small bulk is sent up with cases to the Sessions Court, it may invariably be put in a sealed packet.

A list of the property signed by the Magistrate should be one of the papers in the case.

Office Routine (Sessions Court) Order No. 10.

(Judicial Commissioner's Circular No. VII of 1888.)

All Magistrates and other Officers on whom devolves the duty of sending to any Judicial Court articles in evidence should send them either under a registered and insured cover, or when this is impracticable, should send them in the charge of an official of the Court.

Office Routine (Sessions Court) Order No. 11.

(Bombay High Court Circular No. 944 of 1866, Lyall's Manual, page 113.)

I am directed by the Honourable the Chief Justice and the Judges of Her Majesty's High Court of Judicature to transmit to you the following rules which have been framed with the view of securing the attendance of witnesses at the trial of Europeans and others committed by Mofussil Magistrates to the Criminal Sessions of the High Court, and which are in substitution of the rules contained in Circular No. 1116 of 1864.

2. It shall be the duty of Committing Magistrates at the time of commitment to take recognizances from prosecutors and witnesses for the prosecution whose attendance may be necessary at the trial, binding them to be present at the High Court on the first day of the particular Sessions to which the case is committed.

3. Witnesses named by the accused for the defence shall, under Section 227 [a] of the Code of Criminal Procedure, be summoned by the Magistrate to attend at the High Court in the same way on the first day of the Sessions to which the accused is committed.

4. It shall further be the duty of the Magistrate to forward to the Clerk of the Crown, with the record of his proceedings, a list of the witnesses for the prosecution from whom recognizances have been taken, and also of the witnesses for the defence for whom summonses have been issued, with a note of the date on which such witnesses have been required to be in attendance at the High Court.

5. Should the Magistrate in his discretion consent to summon other witnesses on behalf of the accused at any time subsequent to the commitment, he should transmit to the Clerk of the Crown a supplemental list without delay.

6. It shall further be the duty of the Magistrate, upon receiving from the Clerk of the Crown a letter stating the day on which the Criminal Sessions are to be held, and requesting him to cause the witnesses to be served with notice to attend on the day named, to cause the witnesses to be served with such a notice in sufficient time to ensure their attendance on that day, and to take any other proceedings that may be necessary for the purpose of ensuring their attendance.

Office Routine (Holidays) Order No. 12.

(Resident's Book Circular No. VIII, Vol. IV, Chapter 1, Code of Non-Judicial Circulars.)

The fixing of the holidays of the year is a matter which has annually occasioned much trouble. I am now directed to forward for your information and guidance a statement which will, it is hoped, make the matter quite clear for the future.

2. *General Holidays.*—A general holiday is one which is given either because the Government desires that its offices should be closed and that its servants should enjoy a holiday, or because the mass of the people are engaged in some festivals, and are therefore unable to attend our offices. In Berar, where the Hindus form the mass of the population, and of the officials in our offices, Hindu holidays must necessarily be general holidays.

a. Corresponding Section of Act X of 1882 is Section 216.

3. *Holidays for special classes.*—This term means :—

(*a*) with respect to the people at large, that no person of the class to which the holiday is given shall, if it can be avoided, be required to attend any court or office ;

(*b*) with respect to Government employés, that all who belong to the class to which the holiday is given will enjoy a holiday.

But courts and offices will not be closed on class holidays, except where the work of the court or office cannot be conveniently carried on, because the presiding Officer, or an important portion of his establishment, will be absent.

4. Treasuries will, of course, be shut on general holidays. If a treasury has to be shut on any special holiday, special notice should be given.

5. All offices which form part of the Deputy Commissioner's office may be closed on Christian holidays when the Deputy Commissioner himself will be absent.

6. This Book Circular will not affect any special rules in force in any department.

7. This Book Circular will not excuse the attendance of any witness or other person whose attendance on a holiday may be required by any court ; and it will of course be understood that Magistrates must be prepared to take up any urgent work that may require attention on holidays.

8. On the 1st December each year the Commissioner should, after consulting the Judicial Commissioner, and taking this Book Circular as his guide, submit to this office for publication a statement showing the dates on which the holidays of the following calendar year will fall :—

Nature of holidays.	Names of holidays.	No. of days allowed.	Remarks.
General holidays ...	Queen's Birthday ...	1	
	New-year's Day ..	1	
	Til Sankrant	1	
	Shivratri	1	
	Holi	2	
	Ramnavami	1	
	Rakshbandhan	1	
	Janma Ashtami	1	
	Ganesh Chaturthi ..	1	
	Dasarah	2	
	Deepwali	2	
	Pola	1	
	Sundays	52	
		67	

Section IV.—Office Routine.

Nature of holidays.	Names of holidays.	No. of days allowed	Remarks.
Holidays for special classes :—			
(*a*.) Christian holidays	Good Friday	1	
	Christmas and New-year ...	*7	* From 24th to 31st December, both days inclusive, and does not include the intervening Sunday.
	Easter Monday	1	
		9	
(*b*.) Mahomedan holidays	Moharram	3	
	Shab-i-barat	1	
	Bara Wafat	1	
	Id-ul-fitr	1	
	Id-uz-zoha	1	
		7	
(*c*.) Parsi holidays.	Jamshid Naoroz	1	
	Aban Jashan	1	
	Adar Jashan	1	
	Farwardin Jashan ...	1	
	Gatha Gaohambars ...	3	
	Naoroz	1	
	Khurdad Sal	1	
	Atash Behram Salgireh ...	1	
		10	

In addition to the above—

(*a*) All civil courts will be closed from 15th May to 15th June.

(*b*) The day on which a solar eclipse occurs and the day after a lunar eclipse may be allowed as general holidays, due notice being given at the discretion of heads of departments.

(*c*) Provided that the state of business in the various courts and offices will permit, and that due notice is given, the last Saturday in each month may be taken as a holiday.

GSL

Section IV.—Office Routine.

Office Routine (Holidays) Order No. 13.

(Resident's Book Circular No. IX, Vol. IV, Chapter I, Code of Non-Judicial Book Circulars, republishing Government of India, Finance and Commerce Department [Account and Finance—Miscellaneous] Letter No. 607, dated 30th April, 1883.)

While the Governor General in Council does not consider it expedient to direct that the 11th day of *Magh* shall be observed as a general holiday, or that a holiday of three days shall every year be specially granted to the members of the Brahmo Somaj, I am directed to say that Local Governments will be moved to direct Revenue and Magisterial Officers to allow Brahmo officials to absent themselves from their duties on the 11th day of *Magh* in each year when possible, and, as far as may be practicable, to fix cases in which Brahmo suitors or witnesses are concerned so that they need not come up for hearing on that day, or on the day immediately preceding or following it.

The High Courts will also be moved to issue similar orders in regard to civil courts and to criminal courts subordinate to them.

Office Routine (Petition-Writers) Order No. 14.

(Resident's Book Circular No. VII, Vol. IV, Chapter I, Code of Non-Judicial Book Circulars.)

I. No one shall be allowed to practise the writing of petitions for hire in any Court, or on the premises, or in the compound of any Court, without permission from the presiding Officer of the Court. In the case of Courts (other than Small Cause Courts) which are subordinate to the Deputy Commissioner of a district, the permission shall be given by the Deputy Commissioner.

II Persons so practising without permission may be removed from the precincts of the Court.

III. Persons wishing to practise as petition-writers within the precincts of a Court must present a petition (on the stamp prescribed for petitions) to the presiding Officer of the Court, or, where the Deputy Commissioner's permission as above is necessary, to the Deputy Commissioner.

IV. Permission shall not be given unless the applicant shows :—

(1) That he is of respectable character.

(2) That he can draw up a clear straight-forward petition, plaint, or statement of appeal.

V. Permission, when given, shall be endorsed on the application with the following conditions to which it shall be subject :—

(1) That the petition-writer shall sign each petition or paper drawn up by him.

(2) That he shall comply with the order of any Court as to the amending or redrafting of a petition or other paper drawn up by him.

(3) That he shall continue to be of good behaviour.

VI. Any permission so given may be revoked by the Officer who granted it on proof of misbehaviour on the part of the petition-writer.

VII. A register of authorized petition-writers shall be kept, and it shall be the duty of the Nazir, or (where there is no Nazir) of such other official as the presiding Officer shall appoint for the purpose, to see that the precincts of the court are kept free of all unregistered writers.

VIII. These rules shall apply to all petition-writers whether in Revenue, Criminal, or Civil Courts.

IX. Nothing in these rules authorizes any Court to refuse to take a petition, plaint, or other paper merely on the ground that it is not written by an authorized petition-writer. Persons seeking the aid of the Courts are free to get their petitions written how and where they please.

Office Routine (Search and Inspection) Order No. 15.

(Judicial Commissioner's Circular No. XII of 1881.)

INSPECTION OF RECORD BEFORE APPEAL.

As it is desirable that facilities should be given for the inspection of the record by pleaders, who, owing to the distance of the Courts of Appeal in which they practise from the Court whose judgment is appealed against, or from the place where the proceedings of the latter Court are despatched for custody, are unable to see the record without the delay and expense of a journey, the Officiating Judicial Commissioner directs that when a civil or criminal appeal is about to be filed by any pleader of an Appellate Court, and the proceedings in the case are not in the Appellate Court, or in any Court situated in the place where the Appellate Court ordinarily sits, the said proceedings shall be sent for by the Appellate Court, and held ready for inspection by the said pleader in its old record room, under the standing rules, provided that :—

NOTE.—Pleaders are not yet restricted to any particular Court in Berar.

(1.) A certificate is put in by the said pleader to the effect that he is about to file an appeal in the Court addressed, under instructions from a person affected by the judgment of a subordinate Court; that the inspection of the record is necessary in order to enable him to prepare the memorandum or petition of appeal; and that he is unable, without great inconvenience or delay, to get record from the place where it is.

(2.) The cost of forwarding the record by parcel post is paid in by the applicant either at once or before inspection is allowed.

2. If the proceedings are in a Court situated in the place where the Appellate Court ordinarily sits, but not having been passed on to the record-room, are not available for examination under the standing rules for the inspection of records, the judge of the court to which the proceedings belong may at his discretion allow an examination of the proceedings to be made by a pleader, as above upon a certificate in like terms to those set out in rule (1) being filed by the pleader.

3. The foregoing instructions do not, of course, affect the ordinary law of limitation as to the time within which memoranda or petitions of appeal must be filed; but in future the insertion by pleaders of incorrect statements in such memoranda or petitions of appeal will not be allowed to pass unnoticed, unless it appears that there was not time for the inspection of the record before the latest date allowed for filing the appeal. The Courts should at once report to the Judicial Commissioner any case in which incorrect statements are made by a pleader who had, or might have had, access to the records.

4. Application for revision are not governed by the same rules of limitation as appeals, and the extension to them of these provisions does not seem necessary.

Office Routine (Search and Inspection) Order No. 16.

(Resident's Judicial Book Circular No. XIII of 1880.)

Rule I.—Records of decided cases shall be open to the inspection of the public, subject to the general control of the head of the office.

Record of decided cases.

The Judicial Commissioner for the records of his own Court; the Deputy Commissioner for the records of his own, and of all District Courts the decided cases of which are sent monthly to the district record room, after such cases have been despatched to District head-quarters; and the Judge of a Small Cause Court for the record of such Court: shall be deemed to be the head of the office. Should inspection of any record in an outlying Court be applied for before it has been despatched to head-quarters, then inspection of the same may be permitted under the control of the Judge of that Court.

Rule II.—Records of pending cases shall be open to the inspection of the parties, or their pleaders or agents alone, subject to the general control of the Judge of the Court in which the case is pending.

Records of pending cases.

There shall be no liberty of inspection on the day fixed for the hearing of the case without the special permission of the presiding Judge.

Rule III.—The inspection of records shall be made at such time, in such place, and in the presence of such official as the head of the office, in the case of records of decided cases, and the presiding Judge, in the case of records of pending cases, may direct.

Time and place of inspection.

Rule IV.—Application for inspection of records shall be made in writing on plain paper, and shall distinctly specify the record inspection of which is desired.

Application for inspection.

The application shall be accompanied by the prescribed fee.

Fees.

Rule V.—The following fees shall be paid for inspection, *viz.*:—

	Rs.	a.	p.
For the first hour or part of an hour	1	0	0
For each subsequent hour or part of an hour ...	0	8	0

If more time than is covered by the fee paid with the application be occupied in the inspection, the balance shall be paid at the close of the inspection.

Rule VI.—A separate application shall be made, and a separate fee paid for each record inspection of which is desired, unless the records are so closely connected that, in the opinion of the head of the office or presiding Judge, they may be regarded as one, in which case one application and one fee will suffice.

Separate application and separate fee for each record.

Rule VII.—If any record for inspection of which an order has been given is incomplete or absent from the record room, or for any sufficient cause not available for inspection, the head of the office or presiding Judge shall direct refund of the fee, and shall pass such order regarding future inspection as he may think right.

Refund of fees.

Rule VIII.—It will be the duty of the official supervising the examination of a record to see that no alterations are made in it, or papers abstracted, and to return it, when the search is over, in its original condition. He will permit none but the applicant himself, or the applicant accompanied by a

Copying of documents prohibited.

pleader, to search the record. He will not allow searchers to use pen and ink at all, or to take copies or detailed extracts or anything beyond pencil memoranda sufficient to enable identification of a paper, if copy should afterwards be applied for. It will also be his duty to assist searchers in their examination of the record, and to read out papers if required. The search must ordinarily be completed and the record returned within office hours of the day on which the record was taken out for examination.

Appropriation of fees.

Rule IX.—Fees realized under these rules shall be appropriated, as far as is necessary, to the entertainment of any establishment required for the purposes of inspection, and the balance, if any, shall be credited at the close of each quarter to the Record Office Fund.

Establishment.

Rule X.—Deputy Commissioners and Judges of Small Cause Courts may, with the sanction of the Judicial Commissioner, appoint any establishment necessary for the inspection of records, provided the cost does not exceed the income derived from inspection fees.

Crediting of fees.

Rule XI.—Fees received in the Courts of a place where there is a Government treasury, shall be paid daily into the treasury, and fees received in all other courts shall be so paid in monthly, the intermediate custody being provided for by the presiding Officer of the Court.

Accounts.

Rule XII.—A quarterly account of income and expenditure shall be submitted in the prescribed form [a] to the Judicial Commissioner by Deputy Commissioners and Judges of Small Cause Courts, with the quarterly civil statements.

Office Routine (Search and Inspection) Order No. 17.

(Hyderabad Assigned Districts High Court Criminal Circular No. II of 1893.)

The following instructions are issued with the sanction of the Resident at Hyberadad in supersession of Resident's Judicial Book Circular No. III of 1888 regarding the inspection of and access to, the records of the Criminal files of the Court of Session :—

1. Ordinarily records of Criminal cases in the Court of the Sessions Judge will be sent to such Officers only as have to deal with them in the exercise of their judicial functions. But in the event of any such record being required to be sent out of the custody of the Court for inspection by the Local Government, or the Commissioner of the Province, the requisitions of those authorities will be complied with.

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a. For the form, see Part IV of this Manual.

2. If any such record is required to be sent out of the custody of the Court for inspection by any authority other than those named in the last preceding paragraph, the orders of the Judicial Commissioner will be taken on the requisition, on application through the Sessions Judge, or if the Sessions Judge sees no objection, he may himself comply with the requisition without reference.

3. If the Magistrate of a District makes application to the Sessions Judge, for a copy of any of the proceedings before the Court of Sessions, the Judge shall permit a copy to be made by any person whom the Magistrate may depute for the purpose. Such copies are granted only for the information of Magistrates who are not at liberty to enter into any discussion with the Judge upon the merits of the case.

4. The Sessions Judge should give every facility to Magistrates and District Superintendents of Police who may desire to inspect the records of cases in his Court, and for the preparation of copies by clerks sent by the District Magistrate, provided that care is taken that records are not removed from the Judge's office.

Office Routine (Copyists and Copies) Order No. 18.

(*Resident's Judicial Book Circular No. XI of 1879.*)

The accompanying letter from the Government of India in the Financial Department is circulated for information with the following instructions.

2. Section 464 *a.* of Act X of 1872, as amended by Section 41 of Act XI of 1874, provides that "the judgment or order shall be explained to the accused person or persons affected by it, and on his application, a copy thereof shall be given to him without delay, free of cost, and in his own language if practicable, if not, in the language of the court." The freedom from cost here referred to is to be understood as meaning freedom from all expense in preparing the copy, but not as including immunity from Stamp duty.

3. But Notification No. 7317 of the Government of India in the Financial Department, dated the 18th December 1874, remits the Court fees leviable on copies of "the judgment or order given by a Criminal Court under Section 464*a*., Code of Criminal Procedure, to the accused person or persons affected by such judgment or order, provided that such person is in jail, or that the Court for some special reason sees fit to give the copy free of cost."

4. Reading, therefore, the Section and Notification together, it appears that every accused person is entitled, on application, to a copy of the judgment or order affecting him free of all cost on account of preparing the copy; but that it is only when the accused person applying is in jail that he is ordinarily

a. Section 371, para 1, of Act X of 1882.

entitled to the further indulgence of obtaining the copy without paying the court fee leviable upon it. In the case, however, of accused who are not in jail the Court has full discretion to grant a copy without payment of the court fee if it see special reason for so doing; and the Officiating Judicial Commissioner takes this opportunity of reminding all Magistrates and Sessions Judges that it rests with them to see that accused persons who are unable to pay the Court fee are not precluded from obtaining copies.

Copy of a letter No. 1190, dated 16th June 1879, from the Under-Secretary to the Government of India, Financial Department, to the Chief Commissioner.

In reply to your letter No. 1423-70, dated 24th March 1879, I am directed to explain that the words "free of cost" used in the second paragraph of Section 464 *a.* of Act X of 1872, as amended by Act XI of 1874, Section 41, mean only free of *copying* charges and the like; and not free of Stamp duty. There is, therefore, no inconsistency between the Code of Criminal Procedure and the Notification No. 7317, dated 18th December 1874.

2. I am to add that similar construction has always been put on the other provisions of Act X of 1872, which provide for the grant of copies free of cost or free of expenses, as also on the similar provisions of the law which preceded it.

Office Routine (Copyist's and Copies) Order No. 19.

(Hyderabad Assigned Districts High Court Criminal Circular No. 1 of 1893.)

RULES FOR ORGANIZING AND REGULATING COPYING ESTABLISHMENTS IN THE CRIMINAL COURTS OF THE HYDERABAD ASSIGNED DISTRICTS.

1. An application for a copy must ordinarily be made by the applicant himself, or by his duly authorized agent; but a prisoner in jail, whether civil or criminal, may apply for a copy through the Superintendent of the Jail or through a friend. If the application be made by a person representing himself to be a friend of the prisoner, on the prisoner's behalf, the application will be sent to the Superintendent of the Jail to be attested by the prisoner; and if it be so attested will thereafter be treated as the prisoner's own application.

* NOTE.—If there be no jail, then the application should be made through the Officer in whose charge the prisoner is confined.

2. Petitions for copies of interlocutory orders, judgments, and the like should ordinarily be presented to the Clerk of the Court, or in his absence the Deputy Clerk of the Court in charge of the office, who will initial and date the petition and pass it to the head copyist for preparation of the required copy, referring the petitioner also to the head copyist for calculation of the copying fees to be paid. The application shall be presented in Form I. *b.*

a. Section 371, para 1, of Act X of 1882.

b. For the form, see Part IV of this Manual.

Should the application be one which cannot legally be sanctioned, the Clerk of Court must submit it for orders, when the Deputy Commissioner may refuse it, recording his reasons on the application, which shall then be filed; all these applications whether sanctioned or refused will be at once entered in Register No. XX, [a] prescribed in Judicial Commissioner's Circular No. XI-A [b] of 1880, by the head copyist.

3. When an application has been admitted, the applicant should be informed of a date to be noted on the application in (Form I), [a] generally at a distance not exceeding two days, exclusive of holidays, on which he must attend to get information of the estimate of folios and stamps. After entry of the application in the register prescribed in rule 13, the head copyist will make over the applications to the record-keeper, who will take out the required records and give them to the head copyist as early before the date fixed for the applicant's attendance as practicable. The head copyist will then at once prepare the estimate in the form on the reverse of Form I, [a] and on the date fixed inform the applicant that stamps and folios of the value required must be given in within the next succeeding three days. If the applicant fails to attend on the day fixed for intimation of the estimate, or fails to give in the folios and stamps required within three days, exclusive of holidays, of the date of intimation, his application shall be liable to rejection. If, on the other hand, the necessary folios and stamps are duly filed, the head copyist will distribute the work among the copyists, who shall each keep a register (in Form IV) [a] of the applications and records they receive for copy. This register will show day by day what work each copyist has done, and whether he has done it in regular and systematic manner.

4. If the applicant does not appear within one month of the preparation of his copy or of the withdrawal of his application, the folios and stamps filed under the Indian Stamp Act (I of 1879), as well as the adhesive court fee stamps, shall be cancelled and spoiled. If the applicant appears within three months of the date of the preparation of his copy, he shall receive a certificate for a refund of the value of the folios or impressed stamps or court fee stamps as the case may be, less a deduction of one anna per rupee or fraction of the rupee on the aggregate value of the stamps; and such certificate of refund shall be payable at the district treasury at any time within three months of the date on which it was given. If the applicant does not appear within three months of the preparation of the copy, the copy shall be destroyed, and a note to this effect made on the application for copy under the signature of the Clerk of the Court.

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a. For the form, see Part IV of this Manual.

b. For this Circular, see Order No. of this Section.

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5. Copying fees will be levied in the following way. The amount will be calculated in accordance with the Resident's Judicial Book Circular No. IX [a]. of 1879. Impressed sheets or folios have been prepared of the value noted in the margin. After judging how may folios the copy will cover, the copyist must calculate the number of folios of each value that will be wanted, in order that the total value of the folios required for the copy may correspond with the amount of copying fees to be levied. He must inform the petitioner accordingly, and tell him to buy the required folios from the head copyist.

2 annas.	1 rupee.
3 do.	2 rupees.
4 do.	3 do.
5 do.	4 do.
6 do.	5 do.
8 do.	

N. B.—In judging the number of folios likely to be required, the copyist should allow a certain margin, both to admit of the copy being written in a large and legible hand, and because plain paper must not be used nor demanded from the petitioner. Unused folios can always be cancelled. When the copyist has no clue to the number of folios which will be required, he will demand an advance of Re. 1 and require the petitioner to attend within a fixed time. If the petitioner fails to attend, the copy is not to be extended beyond the number of folios paid for.

6. The impressed sheets or folios will be sold by the head copyist (or when there is only one, the copyist) attached to the Court. The folios will be supplied to him from the treasury or tahsil treasury. In the first instance he will receive by way of an advance such a supply as the Deputy Commissioner of the district may consider sufficient. He should be required to furnish security to the value of the impressed sheets or folios supplied to him from the treasury. For subsequent supplies he shall pay cash and no discount will be allowed on purchases. He will be responsible for keeping in hand a stock sufficient to meet current requirements. The head copyist will keep up a daily book, form V, [b]. in which he will enter all sales of stamps issued to him for sale, entering from time to time all fresh stamps received, and bringing down the balance at the close of each working day. The Deputy Commissioner will decide at what hours in the day these stamps can be purchased by applicants for copies.

7. Copies, which by law or notification are to be given free of charge, must be made on plain paper. The Clerk of the Court will enface them with the words "copy exempt from charge" and his signature.

In the case of copies granted free of charge, the date of receipt by the head copyist of the records, from which copy is required, and not the date of the application, shall be treated as the date of compliance with the estimate.

8. An applicant for an urgent copy shall be entitled, if his application be presented in the forenoon of the day, to have his copy furnished to him if possible before the close of the same day. If the application be presented after midday, the copy shall be furnished at latest in the forenoon of the following day. For all such copies the charges shall be double the rates prescribed in Resident's Judicial Book Circular IX [c]. of 1879.

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a. For this, see the next following Order.
b. For the form, see Part IV of this Manual.
c. For this, see the next following Order.

9. Before delivering the copy to the petitioner, the Clerk of the Court will levy the court fees due and affix them to the first page of the copy. If the copy under Article 22 of Schedule of Act I of 1879 requires an impressed stamp, this will be attached to the first sheet of the copy, and the Clerk of the Court will write thereon the words which he would otherwise have written on the last sheet of the copy under rule 15.

10. All copies, whether exempt from fee or not, will be made by the salaried copyists entertained for the purpose. The establishment sanctioned is given in the appendix to this circular, and no additional copyist may be entertained without the previous sanction of the Resident. But the mere fact of the receipts being in excess of the grants does not warrant proposals being submitted from time to time for increased expenditure on establishments.

11. No separate copying establishment will be maintained for subordinate Courts at the head-quarter station of a district. The Deputy Commissioner may either apportion copyists, at his discretion, to any or all of the Courts not having separate establishments, or may retain the whole establishment allotted in the appendix to the head-quarter station under his own immediate orders. In the latter case petitioners appearing in the subordinate Courts at head-quarters should be referred to the Clerk of the Deputy Commissioner's Court, while courts away from head-quarters, not having copying establishments of their own, should receive, initial, and date petitions for copies presented to them, and shall proceed as follows:—

(*a*) When the document has already been despatched to the record office, they should note this on the petition for copy and send the petition to the office in which the document is recorded.

(*b*) When the document is ready to be sent, and is awaiting despatch to the record office, they should note this fact on the petition and send the petition and document together to the office in which the document is to be recorded.

(*c*) When the document is part of a pending case, they shall proceed as in (*b*), keeping a memorandum of the contents of the document in the case to which it belongs, and sending it to the nearest Court having a copying establishment, with a request that the original may be returned, and the copy given to the petitioner.

Any applications so received shall be executed by the Court receiving them as if originally presented in that Court.

12. The copying establishment shall be under a head copyist subject to the general control of the Clerk of the Court. The number of copyists should be fixed on the general principle that each copyist copies not less than 1,500 English and the same number of vernacular words a day. The duties

of the head copyist will be to examine and distribute papers and to maintain the register of applications for copies (Form II) [a]. prescribed by these rules. Deputy Commissioners will see that in addition to these duties he is employed on copying work to such an extent as will keep his time fully occupied.

13. The head copyist shall keep up two registers of sanctioned copies in Form II, [a]. one for the civil and one for the criminal Court. For copies supplied free of charge, the register shall be kept in Form III. [a]. Applications for copies should be entered in the register (Form II) [a]. as soon as sanction is given. Columns 1, 2, 3, should be filled up at once, and the entries in the remaining columns should be made up to date as required. All entries in respect of which columns 13, 15, 17, and 19 are not filled up by the last day of the month should be carried forward to the next month's list. The practice of making no entry in register II [a]. until after a copy has been actually granted is incorrect.

14. At the foot of every copy must be entered under the copyist's signature :—

(*a*) The date on which the copy was applied for.

(*b*) The date on which it was ready.

(*c*) The date on which the applicant was called to receive the copy, and

(*d*) The date on which it was delivered.

These entries must be followed by two entries under the signature of the Clerk of the Court as follows :—

(*a*) Copy compared.

(*b*) Amount of court and copying fees realized.

When comparing the copy with the original, the Clerk of the Court will roughly check the number of words in the copy by counting the words in two or three of the lines, and multiplying by the number of lines. If he suspects that copying fees have been levied in excess or deficit of the amount due under the Resident's Judicial Book Circular No. IX [b]. of 1879, he will count the total number of words and will report to the Deputy Commissioner any copyist found disobeying the rules.

NOTE.—In the Akola and Amraoti districts, where the copying work is heavy, the comparing of the copies with the original papers may be delegated to the head copyist by a written order of the Deputy Commissioner, but the check prescribed by rule 18 must be applied by the Clerk of Court.

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a. For the form, see Part IV of this Manual.
b. See the next following Order.

15. No copy will be issued without being attested to be a true copy, and being stamped with the seal of the court at the foot of the copy. On every copy shall be noted, for the purposes of Section 12 of the Limitation Act, the time requisite for obtaining the copy.

Miscellaneous Rules.

16. Deputy Commissioners will arrange that the rules that apply at the head-quarters shall also apply at tahsils where copies are granted. The duty of selling impressed paper in tahsils will be made over to the Tahsildar.

17. It will be the duty of the Clerk of the Court to compare the register of copies with the orders for the grant of copies, to see that no unnecessary delay takes place in the delivery of copies. He will occasionally test for himself the correctness of the calculation of the copying fees, and see that the court fee stamps affixed to the copies have been correctly cancelled

18. When copy files are made over to the record-keeper, his signature shall be obtained in column 19 of the register referred to in rule 2. This may be done weekly or fortnightly as the Deputy Commissioner may direct.

19. Copy files shall be destroyed after expiration of one year calculated as in rule XII of the Resident's Judicial Book Circular No. XV [a]. of 1881. The fact of their destruction shall be noted in File A, [b]. which will be filed in the record-room at the end of the year to which it belongs.

20. For the purpose of seeing that these rules are properly carried out, and for the supervision of the copying department generally, the Deputy Commissioner should depute one of his assistants. This Officer should make periodical inspections of the registers and records in the hands of the copyists, and report monthly the result of his inspections to the Deputy Commissioner in a book to be kept for the purpose.

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a. See Part II of this Manual, page 169.

b. For the form, see Part IV of this Manual.

APPENDIX.—*Statement showing the sanctioned establishments of copyists for courts in Berar.*

COURTS.	SANCTIONED ESTABLISHMENT.						
	English.			Vernacular.			Total of columns 4 and 7.
	Number.	Rate per month.	Total per annum.	Number.	Rate per month.	Total per annum.	
1	2	3	4	5	6	7	8
Judicial Commissioner's Court	1 1	35 30	780	1	15	180	960
	2	...	780	1	...	180	960
Civil and Sessions Court, Hyderabad Assigned Districts.	1 1 2	25 20 15	900	1 1	15 10	180 120	1,200
	4	...	900	2	...	300	1,200
Akola District.							
Head-quarter station	1 1 2	25 20 15	900	8	10	960	1,860
Khamgaon Civil Court	1 1	15 10	300	1	8	96	396
Khamgaon Tehsil Court	...	...	...	1	6	72	72
Akote Tehsili and Special Magistrates' Courts.	...	...	...	2	7	168	168
Ballapur Tehsili and Special Magistrates' Courts	...	...	...	1	5	60	60
Jalgaon Tehsil Court	...	...	...	2	5	120	120
Shegaon Special Magistrate's Court ...	...	...	...	1	6	72	72
Telhara Civil Court	1 1	24 18	504	2 5	12 10	888	1,392
	8	...	1,704	23	...	2,436	4,140
Ellichpur District.							
Head-quarter station	1 1 3	25 20 15	1,080	2	12	288	1,368
Ellichpur Tehsil Court	...	...	...	2	7	168	168
Daryapur Tehsil Court	...	...	...	2	7	168	168
	5	...	1,080	6	...	624	1,704
Basim District.							
Head-quarter station	1 1 2 2	20 15 12 10	948	1 2 1	12 10 8	480	1,428
Carried over ...							

APPENDIX.—*Statement showing the sanctioned establishments of copyists for Courts in Berar.*—CONTINUED.

COURTS.	SANCTIONED ESTABLISHMENT.						
	English.			Vernacular.			Total of columns 4 and 7.
	Number.	Rate per month.	Total per annum.	Number.	Rate per month.	Total per annum.	
1	2	3	4	5	6	7	8
Brought forward ...							
Basim District.—Continued.							
Pusad Tehsil Court	...	...	...	1	10	120	120
Mungrul Tehsil Court	...	...	...	1	10	120	120
	6	...	948	6	...	720	1,668
Amraoti District.							
Head-quarter station	1	25	2280	5	10	600	2,880
	3	20					
	7	15					
Amraoti Small Cause Court	1	20	600	1	10	120	720
	2	15					
Budnera Small Cause Court	2	15	360	1	10	120	480
Extra Assistant Commissioner's Court, Morsi.	1	15	180	2	10	240	420
	17	...	3,420	9	...	1,080	4,500
Buldana District.							
Head-quarter station	1	20	420	1	15	420	840
	1	15		2	10		
Mulkapur	1	15	180	2	10	240	420
Do. Tehsil...	...	...	...	1	10	120	120
Chikhli Tehsil	...	..	...	1	10	120	120
Mehkar Civil Court	...	...	...	1	10	120	120
	3	...	600	8	...	1,000	1,620
Wun District.							
Head-quarter station	1	20	600	7	12	1,092	1,692
	2	15		1	7		
Kelapur Court	1	10	120	1	7	84	204
Darwah Tehsil	...	...	...	1	7	84	84
Wun Tehsil	...	...	...	1	7	84	84
	4	...	720	11	...	1,344	2,064
Grand total for province ...	49	...	10,152	66	...	7,704	17,856

Section IV.—Office Routine.

Office Routine (Copyists and Copies) Order No. 20.

(Resident's Judicial Book Circular No. IX of 1879.)

The sanctioned scale of copying fees will henceforth stand as below :—

English Copies.

	Rs.	A.	P.
200 words and under	0	5	0
Every additional 100 words or less	0	3	0

Vernacular Copies.

200 words and under	0	4	0
Every additional 100 words or less	0	2	0

Fees for copies of field maps, boundary maps, tubular work, &c., will be regulated at the discretion of the presiding Officer.

Office Routine (Accounts) Order No. 21.

(Judicial Commissioner's Circular No. XXX of 1879.)

With a view to some check being exercised over receipts brought to credit under Law and Justice, so far as they appertain to the Judicial Department, I have deemed it desirable to request that you will be good enough to arrange for the submission to you, monthly, commencing from the 1st April, 1879, of statements in the form [a] appended.

2. It is important to note that the prescribed return should be a compilation of statements received from *every Court* in your district, and it will be convenient to embody all in your own return; but the collective return must be based on the records or accounts of each Court, and not on those of the Treasury.

3. In future these returns should be submitted regularly on the 15th of each month.

Office Routine (Accounts) Order No. 22.

(Judicial Commissioner's Circular No. XXVIII of 1879).

In accordance with the Resident's Book Circular No. IV., dated 20th January 1879, the Judicial Commissioner has, with the Resident's approval,

a. For the form, see Part IV of this Manual.

decided that the following are the maximum amounts which may remain in the hands of security-giving officials of the Judicial Department :—

Criminal and Civil Courts.

Nazirs of the Deputy Commissioners' Courts, Akola and Amraoti, each			... Rs. 1,500
Do.	do.	Buldana	... „ 1,200
Do.	do.	Basim and Ellichpur, each	... „ 1,000
Do.	do.	Wun	... „ 800
Do.	Extra Assistant Commissioner's Court, Argaon [a]		... „ 1,000
Do.	do.	do. Malkapur	... „ 500
Do.	do.	do. Murtazapur [b]	... „ 250
Do.	do.	do. Ellichpur [c]	... „ 300
Do.	Small Cause Court, Akola		... „ 600
Do.	do.	Khamgaon	... „ 700
Do.	do.	Amraoti	... „ 800
Naib Nazirs in each Deputy Commissioner's Court.			None—they should not be independent of their Nazirs.

Office Routine (Accounts) Order No. 23.

(*Judicial Commissioner's Circular No. XV of 1877.*)

Under Section 308 [d] of the Criminal Procedure Code, Criminal Courts have power to order the whole or any part of a fine imposed under any law in force for the time being to be paid in compensation to parties who may be held entitled to it, and to make payments from the money realized and in possession of the Court.

2. But as under rule 5 of Circular No. 23 E of 1875, with the exception of items therein specified, all cash receipts must be sent to the Government Treasury, and as payments from fines realized, and sent to the Government Treasury can, according to existing rule, be made only by the Treasury under the orders of the Court, it has been represented to me that the trouble and inconvenience resulting to parties from payments being made from the Treasury are very great. The procedure to be got through before payment can be made being as follows :—

a. This Court has been abolished and a Court has been established at Telhara.

b. This Court has been abolished and a Court has been established at Badnera.

c. This Court has been abolished and a Court has since been established at Daryapur.

d. Section 545 of Act X of 1882.

On an application from the Court through the Magistrate of the District for the payment of the money, the Treasury Officer prepares a Refund Receipt, and sends it to the Tahsildar for the signature of the party concerned. The Tahsildar having obtained the signature, returns the receipt to the Treasury Officer, on receipt of which the Treasury Officer passes an order for payment. The complainant is thus obliged to go twice to the Tahsil Kutcherri from his village, often for very small sums not exceeding one rupee.

3. In order to simplify the procedure, and to save trouble and inconvenience to parties, I have the honour, with the sanction of the Resident, to request that in cases where fines have been realized and sent to the Government Treasury, payments may be made on account of awards under Section 308, [a] Criminal Procedure Code, by the Courts themselves in future, from money held as a permanent advance, provided that the funds in the possession of the Court are sufficient to meet the payment.

4. When a disbursement is made under the procedure now sanctioned, the Criminal Court will take the payee's receipt on the order (as per form [b] annexed) for payment at the treasury which is usually granted in like cases, and the amount of this receipt will be repaid to the Court on presentation at the treasury.

Office Routine (Accounts) Order No. 24.

(Judicial Commissioner's Circular No. 1543-1545 of 1869.

Lyall's Manual page 107.)

When a person who has committed an offence in a district not under this administration is apprehended in Berar and is transmitted by you to the district where the offence is triable, the expenses attending the transmission of the accused will be billed for and realized from the district to which the accused has been consigned. In like manner you will also pay all expenses attending the transmission of Berar offenders who may be apprehended in other provinces, charging the same in your contingent bills.

Office Routine (Library and Furniture) Order No. 25.

(Judicial Commissioner's Circular No II of 1881.)

The subjoined scale of furniture and office requisites to be supplied to the Courts of Special Magistrates in the Hyderabad Assigned Districts, having received the Resident's approval and sanction, is circulated for the information and future guidance of the Deputy Commissioners.

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a. Section 545 of Act X 1882.

b. For the form, see Part IV of this Manual.

2. With the previous sanction of the Judicial Commissioner, the Deputy Commissioners may purchase all or any of the articles mentioned in the following scale, subject to the conditions mentioned below :—

(1.) That the articles to be supplied are in accordance with the prescribed scale, and in the case of renewals, that those last supplied are rendered unserviceable from actual wear ;

(2.) that the cost as laid down in the scale is not exceeded ;

(3.) and that budget provision exists to meet the expenditure.

3. This Circular is issued with retrospective effect from the 1st April 1880.

Scale of Furniture and Office Requisites for Courts of Special Magistrates.

		Rs.	a.	p.
1	Table with drawer	15	0	0
2	Chairs, at Rs. 5 each	10	0	0
1	Seal	8	0	0
1	Breast belt and badge	5	0	0
1	Box for dafters with lock and key	15	0	0
2	Inkstands, at 8 annas each	1	0	0
1	Ruler	0	8	0
1	Penknife	0	12	0
1	Pair of Scissors	0	8	0
1	Punch for stamps	5	0	0
1	Carpet or Jajam	6	0	0
	Total	66	12	0

Office Routine (Library and Furniture) Order No. 26.

(Judicial Commissioner's Circular No. XX of 1878.)

I have the honour to annex a list *a.* of the Acts with which every Civil Court of ordinary jurisdiction and every Magistrate's Court should be provided.

a. The list was afterwards amended in 1880 by the addition of three Acts, see Circular No. IV of 1880. It is out of date and is therefore omitted.

2. Every such Court should be provided with at least two * copies of the Acts. In the case of Courts presided over by English Judges or Magistrates, one copy of each Act should be in English, and one in the vernacular. In the case of Courts presided over by Native Judges or Magistrates, both copies should be in the Vernacular. The copies should be special to the several Courts, distinct from, and additional to, the *Gazette* and other copies ordinarily appertaining to the Clerk of Court and English office libraries in District offices.

* The supply of copies of other laws is descretional.

Office Routine (Library and Furniture) Order No. 27.

(Resident's Judicial Book Circular No. XIV of 1882 publishing Government of India, Legislative Department, letter No. 765, dated 6th July, 1882.)

Applications for extra copies of Acts of the Governor General's Council required for the public service having frequently been made by local Officers direct to this department, or to the Superintendent of Government printing, Calcutta, by whom they are transferred to this Department, I am directed to request that you will make it generally known among officials in the Hyderabad Assigned Districts that requisitions of this kind should be submitted to yourself. If you are unable to meet any requisition from your own stock, it may then be forwarded to the Legislative Department.

2. Those applicants alone who are not entitled to receive copies of the Acts free of charge should apply to the Superintendent of Government printing; and Government officials requiring copies for the public service do not fall within this category.

3. The rule prescribed in this Circular should also be applied to applications for copies of other publications issued by the Legislative Department, *e. g.* the "Collection of Statutes relating to India," the "Index to the Enactments relating to India," &c.

Office Routine (Library and Furniture) Order No. 28.

(Hyderabad Assigned District High Court Criminal Circular No. IV of 1893.)

I. Heads of offices should be careful to see that a correct list of all the judicial books in their libraries is maintained, and the names of new books acquired added to it immediately on receipt.

II. Each book must have a number labelled upon it corresponding to a number in the catalogue, and as fresh additions are made to the library, they should be labelled and numbered in like manner. Each book should also be marked on several leaves with the office stamp.

III. The Clerk of Court or some officer specially nominated is to have charge of the library and will be responsible for any books that may be lost.

IV. The books composing the Court library will, if practicable, be collected together in a separate room assigned for the purpose, and kept in almirahs (secured with a good lock) to which only the official in charge should have access.

V. When any officer requires a book from the library, he will send a receipt for it on a slip of paper, which will be returned to him when the book is returned to the library.

VI. When a change of presiding Officers takes place, the new Officer will satisfy himself on taking charge that the books entered in the list of the Court are complete.

VII. The Indian Law Reports should be regularly bound as the volumes are completed and Deputy Commissioners are particularly requested to see that this is done carefully and correctly, as great inconvenience is caused when the numbers are not bound in proper sequence and with reasonable skill.

VIII. The Acts of the Legislature supplied to the Court are to be carefully filed and bound and added to the library. In at least one set the alterations made from time to time by new laws should be promptly and accurately noted.

IX. Every Deputy Commissioner shall submit on the 10th January of each year to the Judicial Commissioner a report on the state of the libraries attached to the Courts in his district, stating whether the catalogues have been written up to date, what, if any, books are missing, what steps are being taken to replace them, whether the books are all in good condition, the extent to which Law Reports and other publications supplied in parts have been bound up &c. The Judicial Commissioner will then issue such orders as may be necessary on the report.

Office Routine (Library and Furniture) Order No. 29.

(Hyderabad Assigned Districts High Court Criminal Circular No. V of 1890.)

In the appendices A and B hereto attached the number of High Court Circulars, Criminal and Civil, in English, that in future will issue from the Secretariat as approved by the Resident is laid down. Appendix C details the centres to which such circulars as they issue, with their vernacular translations, shall be sent by the Secretariat for distribution, and the object of the present Circular, issued with the sanction and approval of the Resident, is—

(1) to regulate distribution of circulars consigned to Deputy Commissioners,

(2) to frame directions for the custody and care of circulars in Deputy Commissioners and subordinate offices.

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2. The Secretary's office agrees to cover each future issue of circulars with a challan or invoice in triplicate in form below :—

For office of issue.					Office of receipt.	
No. of challan for year and date of issue.	Circular or circulars issued.	No. sent in		Total.	Date of receipt.	Signature of Deputy Commissioner.
		English.	Vernacular.			
1	2	3	4	5	6	7
						Nos. specified in columns 3, 4, and 5 correctly received. Signature. *Deputy Commissioner.*

As indicated, columns 1 to 5 will be filled up in the Secretary's office under the signature of such despatcher as the Secretary may arrange for; columns 6 and 7 in the office of the Deputy Commissioner, who will append his signature in column 7 as an acknowledgment that the consignment as detailed in columns 3, 4, and 5 has been correctly received.

It is obligatory on the despatching and receiving officers to see that the totals in columns 3 and 4 agree with the sanctioned total of supply in memo, Appendix C.

3. On receipt of a consignment, it shall be the duty of some clerk in the Deputy Commissioner's office, who should be nominated by name and made responsible for the duty, to count the contents and ascertain that the full authorized number has been received. If so satisfied, one challan shall be at once retransmitted to the Secretary's office, and on the backs of the other two the responsible clerk shall enter the mode of distribution *within the district*, and after distribution has been made, he shall sign and date the same. One of these two challans shall then be sent to the Judicial Commissioner; the other retained in a special file in the Deputy Commissioner's office.

In the event of the number advised being found deficient, the Secretary's office should be at once communicated with direct, and on receipt of the deficiency only should columns 6 and 7 of the challan be filled up and the challan re-transmitted ; the date of receipt in column 7 being the date of receipt of the last transmission completing the consignment. The backs of the challans to be sent to the Judicial Commissioner and retained by the Deputy Commissioner should show thus :

Distributed to—	No.
Libraries	
Deputy Commissioner	
Self and office	
To Officers—	
Name each, ...	
No.—Tahsildars	
No.—Naib Tahsildars	
No.—Honorary Magistrates	
Surplus (if any)	
Total ...	

Signature of clerk and date.

The Judicial Commissioner will understand, on receiving his copy of challan, that the date on the back certifies that by that date the responsible clerk had seen to and made the distribution necessary for district requirements. The surplus circulars, if any, to be stored in the district record-room.

4. The responsible clerk shall keep a book in which the distribution at head-quarters is to be acknowledged by those residing there; the library and record-room keeper to acknowledge with the rest; while the outlying Courts and offices, the despatch should be covered by a lithograped form.

Circular or Circulars transmitted.	Correctly received.
Signature of responsible clerk and date.	Signature of Officer and date.

which receipts on return should be carefully separately filed.

PART III.—CIRCULAR ORDERS.

Section IV.—Office Routine.

5. By the 15th of January and the 15th of July in each year the Deputy Commissioner shall require each outlying Court or office who has been supplied with circulars to certify thus :—

I certify that up to date (15th January or 15th July, as the case may be) on the criminal side I have been supplied with circulars consecutively up to No. of dated On the civil side to No. of dated Those of complete years with indices have been bound, and those for current year are properly cared for. I certify also that I have perused all circulars in my possession.

Signature of Officer and date.

This certificate, to save trouble, might be supplied lithographed.

By the close of January and the close of July in each year, the Deputy Commissioner will *personally* examine these returns and check them with the challan file in his office ; he will ascertain that the circular files in head-quarter offices (including his own and the library and store-room stocks,) are complete and in proper preservation ; that those of complete years have been bound ; and having done so, he will certify to the Judicial Commissioner (for which a lithographed form might also be used) :—

I certify that I have made the inspection required by para. 5 of High Court Circular No V of 1890, and that the district circular files are complete and in order, or as the case may be.

6. On a permanent vacancy occurring in any office, whether outlying or at head-quarters, it shall be the duty of the Clerk of the Court of the Deputy Commissioner's office to recall the book circulars supplied to such office ; to hand them over to the clerk responsible for the distribution of circulars, who shall transmit them as surplus to the record-room till such time as they may again be required. For each such re-issue a receipt in ordinary distribution form should be taken.

7. As opportunity may offer the Civil and Sessions Judge shall inspect district and outlying offices to ascertain that the provisions of this circular are attended to, and to report to the Judicial Commissioner if they are not.

8. Deputy Commissioners will observe that they are each supplied with one extra copy of circulars *to their office* for purpose of circulation to all Officers in the district on the date of issue, to be acknowledged by those Officers' signatures as a guarantee that the Officers in question have been shown the circular and have had an opportunity of reading it. The head clerk of the English office will be held responsible that this circular is sent out without undue delay ; that it is seen by every Officer at the time in the district ; and that on its return it is carefully put away in an appropriate separate file, which at the end of each complete year should be bound and passed into the record-room as surplusage.

APPENDIX A.

Memo. of English High Court Circulars, Criminal Side, required.

	Library.	Personal.		Tahsildars.	Honorary Magistrates.	Total.	Surplus.	Grand total.	Remarks.
		Officers.	Offices.						
1	2	3	4	5	6	7	8	9	10
Commissioner	1	1	3	...	...	5			
Judicial Commissioner ...	1	1	3	...	...	5			
Civil and Sessions Judge ...	1	1	3	...	...	5			
Inspector-General of Police ...	1	9	2	...	...	12			
Deputy Commissioners ...	6	6	24	...	...	36			
Small Cause Courts ...	5	5	5	...	...	15			
Outlying Courts	6	6	6	...	...	18			
Jail Superintendents ...	...	6	...	...	...	6			
Assistant Commissioners, Extra Assistant Commissioners, and Attachés per district allowing for a maximum :—									
Akola	...	6	6	5	5	22			
Amraoti	...	6	6	4	4	20			
Ellichpur	...	4	4	3	4	15			
Buldana	...	4	4	3	4	15			
Basim	...	4	4	3	3	14			
Wun	...	4	4	4	1	13			
TOTAL ...	21	63	74	22	21	201	10	211	

APPENDIX B.

Memo. of English High Court Circulars, Civil Side, required.

	Library.	Personal.		Tahsildars.	Naib Tahsildars.	Honorary Magistrates.	Total.	Surplus.	Grand total.	Remarks.
		Officers.	Offices.							
1	2	3	4	5	6	7	8	9	10	11
Commissioner	1	1	3	...	...	...	5			
Judicial Commissioner ...	1	1	3	...	...	...	5			
Civil and Sessions Judge ..	1	1	3	...	...	...	5			
Deputy Commissioners ...	6	6	24	...	...	...	36			
Small Cause Courts ...	5	5	5	...	...	...	15			
Outlying Courts ...	6	6	6	...	...	...	18			
Assistant Commissioners, Extra Assistant Commissioners, and Attachés per district allowing for a maximum :—										
Akola	...	6	6	5	3	5	25			
Amraoti	...	6	6	4	2	4	22			
Ellichpur... ...	...	4	4	3	...	4	15			
Buldana	...	4	4	3	...	4	15			
Basim	...	4	4	3	1	3	15			
Wun	...	4	4	4	2	1	15			
TOTAL ...	20	48	72	22	8	21	191	10	201	

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APPENDIX C.

Distribution List of English and Vernacular Circulars.

	English.		Total.	Vernacular same as English.	Grand total.
	Criminal memo. A.	Civil memo. B.			
Commissioner	5	5	10	10	20
Judicial Commissioner	15	15	30	30	60
Civil and Sessions Judge	5	5	10	10	20
Inspector-General of Police ...	12	...	12	12	24
Jail Superintendents	6	...	6	6	12
Deputy Commissioners—					
Akola	37	40	77	77	154
Amraoti	35	37	72	72	144
Ellichpur	24	24	48	48	96
Buldana	27	27	54	54	108
Basim	23	24	47	47	94
Wun	22	24	46	46	92
TOTAL ...	211	201	412	412	824

Office Routine (Miscellaneous) Order No. 30.

(Resident's Judicial Book Circular No. VII of 1886.)

The Officiating Resident finds it necessary to request that in future, when recommendations for the investment of Tahsildars, [a] Extra Assistant Commissioners [a] and Attachés [a] with criminal powers are submitted to the Resident, it may invariably be noted whether the officer recommended has exercised powers before of the same or of a lower class, and that the number and date of the notification conferring such powers may be quoted where they have been before conferred. If the Officer has not exercised criminal powers before, the facts should be mentioned.

In making recommendations for 2nd class Magisterial powers, it should be specially stated whether the special power to pass sentences of whipping as required by Section 32, Criminal Procedure Code, is included in the recommendation or not.

Office Routine (Miscellaneous) Order No. 31.

(Resident's Judicial Book Circular No. IV of 1888.)

Rules regarding the manner in which requisitions from the Appellate Courts for files in Criminal cases should be complied with.

(1) Before files are despatched in Criminal cases, they should be carefully examined with the challan, and all the files of connected cases to which reference is made in the Judgments of the Original and Appellate Courts should also be sent up, as well as any special files and papers called for. In Criminal cases care should be taken to see that the Police reports (first and intermediate) accompany the files.

(2) Where an extract from the settlement record is not with the files, it should be prepared and put up before despatch.

(3) Requisitions for files should, as a rule, be complied with within a fortnight of the receipt of the precept or docket calling for such files, except where compliance is desired by return of post.

(4) Notices issued by the Court in Criminal cases should be served and returned with promptitude.

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[a] As to powers exercised by Officers without special appointment, see Notification No. 336, dated 28th October, 1890 (Part II, Local Rules, page 156), and Notification No 265, dated 30th August, 1892 (Part II, Local Rules, page 152), and note that Notification No. 141, dated 13th October, 1881, has been cancelled, and that Resident's Judicial Book Circular No. XIV of 1881 has become obsolete.

Office Routine (Miscellaneous) Order No. 32.

(Judicial Commissioner's Circular No. XXIV of 1877.)

1. Attention should be paid to reducing the weight of official covers sent by post whenever this can conveniently be done. For instance, a whole bundle of papers should not be sent when a part will suffice.

2. A cover, of which the weight exceeds ten tolas, should be sent by Packet Post and not by letter post.

3. An official cover should never be sent by Parcel Post unless the contents are so valuable that if sent by Letter Post it would be registered.

4. Whenever an official cover is received in any office which appears to have been needlessly sent by Letter Post, instead of by Packet Post, the receiving Officer should invariably remind the despatching Officer, if subordinate to him, of the instructions herein contained

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Office Routine (Miscellaneous) Order No. 33.

(Circular Memorandun No. 6, dated 2nd January 1894.)

The Postal authorities having brought to notice that official correspondence is frequently enclosed in covers that are too loose and too long, the attention of all officers under this administration is invited to the directions given below, and they are further requested to see that a closer supervision is generally exercised in the matter.

The contents of a cover should, as far as possible, be always of the same size as the cover itself. The enclosure of a small packet in a large cover, besides involving wastage as regards both stationery and postage, renders the packet liable to damage in transit.

Office Routine (Miscellaneous) Order No. 34.

(Judicial Commissioner's Circular No. III of 1877)

From reports recevied, there appears to be some diversity of practice in regard to receiving criminal appeal petitions when they are signed by a Pleader or Barrister for or on behalf of an appellant who is in jail or custody and not by such appellant himself. As there should be an uniform practice throughout the province, under instructions from the Resident it is directed that petitions of appeal of the nature referred to be exempted from stamp duty in all the Appellate Courts.

2. Should such exemptions be found to lead to abuse, the matter should be reported to this office.

Office Routine (Miscellaneous) Order No. 35.

(Resident's Book Circular No. V, Volume IV, Chapter I, Code of Non-Judicial Circulars.)

The Resident has been asked to decide the question whether a Court is bound to punch a petition which, after reading sufficiently to ascertain its contents, it returns to the petitioner with a verbal direction to present it in some other Court. Section 30 of the Court Fees Act says :—

"No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled. Such Officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation, &c."

Under this Section it has been held that every petition presented must be punched ; but, as the Commissioner justly observes, the order applies only to petitions *received*, and a petition so returned is not received.

An Officer to whom a petition is thus wrongly presented may either—

(*a*) put an order on it that it has been wrongly presented and file it ;

(*b*) put an order on it referring it to the proper Court and then transmit it to such Court ;

(*c*) return it without any order endorsed to the petitioner, with a verbal instruction as to the Court to which it should be presented.

The third course is manifestly one which all Officers should be able to adopt ; and as it is not forbidden by law, the Resident has no hesitation in laying down for guidance the following rule, which he understands is in force in the Central Provinces :—

"Every stamp paper on which writing is engrossed, filed in Court, and which is not liable to be returned to the person presenting it, should be punched as soon as filed."

Office Routine (Miscellaneous) Order No. 36.

(Government of India Finance and Commerce Department, Resolution No. 3047, dated 5th September 1883, republished in Resident's Judicial Book Circular No. V. of 1884.)

It was directed in Financial Resolution No. 1763, dated 24th July 1873, that the record-keeper of every Court shall, when a case is decided and the record consigned to his custody, punch a second hole in each label distinct from

the first which is prescribed by Section 30 of the Court Fees Act, and note the date of doing so at the same time.

These directions apply only to adhesive labels used under the Court Fees Act. Impressed stamps used for denoting Court Fees need not be cancelled or punched otherwise than as required by Section 30 of the Court Fees Act.

Office Routine (Miscellaneous) Order No. 37.

(Extract taken from the Berar Stamp Manual.)

A.—Documents received by a Public Officer.

(1) First Cancellation.

1. On the presentation in any Court or office of a document * written on an impressed court fee stamp, it shall be the duty of the officer referred to in rule 3 below, after satisfying himself that the stamp is a genuine one, and that the document presented is fully stamped, to punch out the centre of the impressed portion of the stamp. The cancellation of the stamp is then complete.

He shall also collect and destroy daily, by burning, all the pieces so punched out by him during the day.

* The words "presentation of a document" do not include the case of the presentation of a stamp on which refund or renewal is claimed.

† It should be carefully noted that ascertainment of the sufficiency of the stamp should precede cancellation. Cancellation indicates that the cancelling officer is satisfied of the sufficiency of the stamp. It is to be borne in mind also that the document must be "properly" stamped in other respects.

2. On the presentation in any Court or office of a plaint, petition or other document bearing a court fee label or labels, it shall be the duty of the officer referred to in rule 3 below, after satisfying himself that the label or labels are genuine and have not been previously used, and that the document presented is fully stamped, to

(*a*) punch out the centre of each label, leaving the amount designated on the label untouched ;

(*b*) note on the right hand top corner of the document in ink the value of the label or labels which it bears, and initial such note.

He shall also collect and destroy daily, by burning, all the pieces punched out by him during the day under this rule.

3. The duty of cancelling court fee stamps in the manner prescribed in rules 1 and 2 shall be entrusted to the reader of the court or to any official appointed thereto by the head of the office, excepting that this duty shall not be assigned to any person who is charged with the sale of court fee stamps.

(2) Second Cancellation.

4. It shall be the duty of the record-keeper of the court or office—

(*a*) to examine every document which comes into his custody in order to ascertain, firstly, whether the centres of all stamps have been punched out as required by rules 1 and 2; and secondly, whether the value of the label or labels, if any, which it bears, corresponds with their value as noted in the receiving Court or office under rule 2; and

(*b*) punch a hole in the centre of the right half of each label, at the same time noting the date of his doing so on the label.

He shall collect and destroy daily, by burning, all the pieces so punched out by him during the day.

(3) Checks on the observance of the Cancellation Rules.

5. It shall also be the duty of the record-keeper of the Court or office to report to the Clerk of Court or other officer to whom he may be immediately subordinate every case in which he finds (1) that a stamp has not been defaced in the manner prescribed by rules 1 and 2, or (2) that the value of the label or labels on any document does not correspond with their value as noted in the receiving Court or office.

6. It shall be the duty of the Clerk of Court or other officer receiving a report made under rule 5 to submit the case for the orders of the Deputy Commissioner or other head of the office.

7. In every district office it shall be the duty of the Clerk of Court once a month to satisfy himself by inspection of the records lodged in the record-room during the previous month that rules 1, 2, 4, and 5 are being carried out.

8. In every district office it shall be the duty of the Deputy Commissioner or of an Assistant deputed thereto by the Deputy Commissioner, to make a general inspection of the record-room not less than once in every six months and satisfy himself that the orders contained in the above rules are being carried out.

9. An inspection book shall be kept in the record-room of every district office in the form given in Appendix No. 18,[A] and a note shall be made therein of all inspections made under rules 7 and 8.

When the inspection is made by the Clerk of Court or an assistant, the book shall be sent to the Deputy Commissioner for his information and orders.

10. The head of every Court or office not being a district office shall arrange for the periodical inspection of the records of his Court or office as nearly as may be in the manner prescribed by rules 7 and 8.

11. Before any document is finally removed from any record-room for destruction, any label or labels which it bears shall be first removed from it by the record-keeper and burnt under the orders of the Clerk of the Court or other chief ministerial officer of the Court or office.

It shall be the duty of the Clerk of Court or such other officer to make a general examination of old records about to be removed from the record-room and satisfy himself that there are no labels among them.

B.—Documents furnished by a Public Officer.

12. Every court fee label attached to any certificate, copy or other document issued from any Court or office shall, before issue of such certificate, &c., be cancelled by the punching of a hole in the centre of the left half of the label. This cancellation shall be effected by the Clerk of Court or such other officer as the Court or head of the office may nominate to this duty.

The date of issue and signature of the Clerk of Court or such other officer shall, at the same time, be written across the label so as to extend to the paper on either side of it.

The punched out pieces of all labels cancelled under this rule shall be collected and burnt daily.

C.—Punching Instrument.

13. A hand clip shall be the instrument ordinarily used for punching and the punch used in each record-room shall be of a different size or pattern from that used in the Courts or offices whose records are deposited in it.

Punches making a round hole are to be used in Courts and triangular shaped punches in record-rooms.

Office Routine (Reports, Registers and Returns) Order No. 38.

(Judicial Commissioner's Circular No. II-A. of 1880)

The Imperial Judicial Statements which are at present used and submitted with the Annual Administration Reports having been revised by the High Court at Calcutta, the alterations recommended by that Court have been approved of by the Government of India in their Resolution No. 3-91-102, dated the 27th January 1880. The several changes which have been introduced in

a. For the form, see Part IV of this Manual.

these statements have necessitated certain alterations and modifications in the existing forms of our Judicial Registers and periodical statements. I have, therefore, the honor to forward a set of revised forms [a] of registers [b] and periodical statements [b] as per annexed list [c] for adoption in future by the Criminal and Civil Courts of the Hyderabad Assigned Districts, in supersession of those hitherto in force [d].

3. With a view to secure the correct and uniform preparation of the periodical statements, foot notes have been given on the forms themselves, and the instructions therein contained should be strictly observed. As regards the registers, they will explain themselves, and where any instructions appear to be necessary for filling them up, the same will be found as notes on some of the forms. If these Registers are carefully filled in, they will afford all the information required to complete the revised Judicial Statements which are hereafter to be submitted with the Annual Administration Reports. [e].

5. As regards the Nazir's Registers [f] only the numbers on the forms have been altered, while the Registers themselves remain in force as they are at present.

6. The following instructions are issued for the preparation of the revised Judicial Statements. Instructions in regard to the preparation of Judicial Statement No. 1 will follow separately :—

(A) Judicial Statement No. II. (Criminal) treats of the offences by Chapters only under the Indian Penal Code and also of the offences under special and local laws. In order to prepare this statement correctly, the numerous chapters therein specified should be written across a special register (to be kept in each Magistrate's Court) containing all the columns of Judicial Statement No. II, and leaving a certain number of blank pages to fill in offences under each chapter according to the requirements of each district in bound books for each year, so that the totals for the quarter or year, as the case may be, can be made up and entered in this statement.

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a. The forms of periodicals prescribed by this Circular were modified so as to bring them into harmony with the new Code of Criminal Procedure, 1882, by Government of India, Home Department (*Judicial*) Resolution No. 18-1074-85, dated 9th August, 1884. The modified forms were adopted for Berar, vide Judicial Commissioner's letter, dated the 4th November, 1884, circulated to all the Deputy Commissioners and Judges of the Small Cause Courts.

b. For the forms, see Part IV of this Manual.

c. The list revised by the Resolution and letter quoted in note *a* is printed as Appendix to this Circular.

d. Reference to Judicial Commissioner's Circulars that were superseded by this Circular and para 2 are omitted.

e. Para 4 is omitted as it related to civil registers.

f. Prescribed by Judicial Commissioner's Circular No. 23 E. of 1875, for which see the next Order. For the forms of registers, see Part IV.

(B) Judicial Statement No. III (Criminal) treats of the miscellaneous proceedings under the Criminal Procedure Code only, and the chapters therein specified may also be similarly written across the special register above referred to having the columns specified in this statement *a*.

(C) Judicial Statement No. IV (Criminal) can be easily prepared from Provincial Statement No. XV *b*. or from Register No. IV, and the figures entered in columns 2 to 9 should agree, as far as practicable, with corresponding columns of Judicial Statements Nos. II and III.

(D) Judicial Statement No. V (Criminal).—The total of columns 2 to 9 "and 11" *c*. of this statement must correspond with the detail of punishment given in columns 12 to 28, that is to say, if a person be sentenced to imprisonment as well as to fine and whipping, he will be shown in either of the columns 5 or 6, as the case may be, and also in columns 8 and 9; and he will then again be shown in the detail of punishment under the headings "Fine," "Imprisonment," and "Whipped." The information required in this statement may be obtained from Register No. IV, column 26.

(E) Judicial Statement No. VI (Criminal).—The information required in this statement may be obtained from Register No. VII, columns 12 and 13 *d*.

(L) Judicial Statement No. XIII (Civil and Criminal) is inapplicable to the District Courts. *e*.

11 Where the figures given in any return differ from those given in any return previously submitted, explanation should always be given to avoid the necessity for a reference in the matter. Much correspondence will also be obviated if, before submission, figures entered in the annual statements are compared with those in the printed Administration Report for the previous year.

12. The punctual despatch of correct statements is an important duty, the neglect of which will not be overlooked by the Judicial Commissioner in the comparative estimate of the qualities of Judicial Officers *f*.

14. The periodical Statements have now been brought into accordance with each other as far as possible; and if due attention is given during the course of the year to the collecting of materials for the annual statements, delay will not occur in the preparation of these returns in a correct form.

15. The statements now prescribed are meant to show separately the work of each Court, and not the work of each Officer who may have presided during the year in the same Court. Officers' names need not, therefore, be given.

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a. The last clause of this para has been omitted as it referred to Provincial Judicial Statement No. XIV which was discontinued by Resident's' Judicial Book Circular No. V of 1882.

b. Now see Provincial Judicial Statement No. VI printed in Part IV.

c. Words quoted have been inserted by Judicial Commissioner's letter, dated 22nd August, 1881.

d. Sub-paras (F) to (K) are omitted as they related to civil returns.

e. Paras 7, 8, 9, and 10 are not reprinted as they were not required by Criminal Courts.

f. Para 13 is omitted as it was since superseded.

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16. A case is not said to be received or disposed of by transfer except when it is passed from one Court to another by an order. The date of the transfer of a case by one Court is ordinarily to be taken as the date of its receipt on transfer by another; any instances of unusual delay should be noticed in the explanations. *a.*

18. The information hitherto recorded in regard to offences committed by Banjaras and the number of cases dealt with against them, as well as the information regarding the Vakils practising in the several Courts of the districts, may be embodied in the district annual reports.

19. In conclusion, I beg that no alterations of any kind may be made in the revised statements without my permission being previously obtained.

List of Registers to be maintained in the different Courts.

No.	Description of Register.	Remarks.
	Criminal Registers.	
I.	Register of cognizable offences ..	To be kept in the District Magistrates' Courts only.
II.	Do. non-cognizable offences.	Ditto
III.	Do. complaints made direct to Magistrates ...	To be kept in each Magistrate's Court.
IV.	Do. criminal cases filed and disposed of ...	Ditto
V. *b.*	Do. fines	Ditto
VI.	Do. warrants for committa of convicts to jail ...	Ditto
VII.	Do. criminal appeals filed and disposed of ...	To be kept in the District Magistrates' Courts only.

a. Para 17 is omitted as it was not required by Criminal Courts.

b. A register in regard to the realization of fines is also kept by Court Inspectors at head-quarters, *vide* para 94 (page 19) and register No. 45-A (page 16 Appendix) of the Police Order and by Constables attached to Courts away from head-quarters.

List of Registers to be maintained in the different Courts.—(continued.)

No.	Description of Register.	Remarks.
VIII.	Register of record book of criminal cases	To be kept in district record-room by record-keeper.
XIV.	Do. court and process fees realized	To be kept in each Magistrate's Court.
XVI-B.	Do. court in Revenue and Criminal Courts ...	Ditto.
XVIII.	Do. stamp duties and penalties	Ditto.
XX.	Do. applications for copies of documents ...	To be kept in each Magistrate's Court, save at head-quarters.
	Nazir's Registers	
XXIX-A.[a]	Register of criminal processes in non-cognizable cases ...	To be kept by Nazir of each Court.
XXX-B.	Do, property in criminal cases &c. received by Nazir.	Ditto.
XXXVII-I.	General cash account	Ditto.
XXXVIII-J.	Chalan of money to be credited to Government	Ditto.
XXXIX-K.	Do. of money to be held in deposit ...	Ditto.
XL.	Register of unclaimed and other property	To be kept in Tehsil Kutcheries.
XLI.	Do. intestate property ...	Ditto.

a. Register of Criminal Processes is kept by Court Inspectors at head-quarters and by Court constables elsewhere.

PART III.—CIRCULAR ORDERS.

Section IV.—Office Routine.

List of revised periodical Statements—*Judicial* and *Provincial* (*Criminal*).

Serial No.	Description of Statements.	Remarks.
	Judicial Statements.	
I	Statement showing the number of judicial divisions and the number of Officers exercising appellate or original jurisdiction	Civil and Criminal.
II	Statement of offences reported and of persons tried, convicted and acquitted of each class of offence in the Province	Criminal.
III	Statement of miscellaneous proceedings under the Criminal Procedure Code	Do.
IV	Statement showing the general result of criminal trials in the tribunals of various classes in the Province ...	Do.
IV A.[a]	Statement showing the general result of the trial of European British subjects	Do.
V	Statement showing the punishment inflicted by the various Criminal tribunals in the Province	Do.
V *A* Part I.	Statement showing whippings inflicted under Sections 2 and 3, Act VI of 1864, in lieu of other punishments ...	Do.
V *A* Part II.	Statement showing whippings inflicted in addition to other punishments Section 3 and 4, Act VI of 1864 ...	Do.
V *A* Part III.	Statement showing whippings inflicted under Section 5, Act VI of 1864 on juveniles for offences other than those specified in Parts I and II	Do.
V *A* Part IV.	Statement showing relative number of times whipping was awarded as compared with other punishments ...	Do.
VI	Statement showing the result of appeal and revision in criminal cases in the Province	Do.
XIII	Statement showing use of Juries and Assessors in the Criminal Courts in the Province	Do.

a. This Statement was added by Government of India, Home Department (Judicial), letter No. 12-597, dated 14th May, 1884, circulated by the Judicial Commissioner with his endorsement, dated 13th June, 1884.

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Section IV.—Office Routine.

List of revised periodical Statements—*Judicial* and *Provincial* (*Criminal*). —(Concluded.)

Serial No.	Description of Statements.	Remarks.
	Provincial Statements.	
I	Statement of offences reported and of persons tried, convicted and acquitted of each offence	Criminal.
II	Statement of miscellaneous proceedings under the Criminal Procedure Code	Do.
III	Statement showing the general result of Criminal trials in tribunals of various classes	Do.
IV	Statement showing the punishments inflicted by the various Criminal tribunals in the exercise of original jurisdiction	Do.
V	Statement showing the result of appeal and revision in Criminal cases	Do.
V-A. *a.*	Statement showing the result of appeal in Criminal cases..	Do.
VI	Statement showing the general result of criminal cases disposed of by each Officer	Do.
VII	Statement showing in detail further particulars and distribution of criminal work in the several districts, the general result of criminal trials in the tribunals of various classes	Do.
VIII	Statement of Criminal cases filed and disposed of by Deputy Commissioners under Section 30, Criminal Procedure Code	Do.
IX	Statement showing the average detention of witnesses in Criminal cases	Do.
X	Statement showing the amount of fines imposed and realized	Do.
XI	Statement of Sessions cases filed and disposed of by the Sessions Judge, not applicable to District Courts ...	Do.
XII	Calendar of Criminal cases disposed of by District and 1st Class Magistrates	Do.

a. Added by Hyderabad Assigned Districts High Court Circular No. 1 of 1894.

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Office Routine (Reports, Registers and Returns) Order No. 39.

(Judicial Commissioner's Circular No 23 E. of 1875.)

I cannot find that any rules have ever been laid down for the maintenance of Accounts and Registers of monies and other property passing through hands of Deputy Commissioners and Judges of Small Cause Courts by their Nazirs attached to the different Courts in the Province. The consequence is that there is a want of uniformity of system as well as of regularity of accounts, and of effective control. To remedy this state of things, the following instructions are, with the approval of the Resident, issued for future guidance.

2. The following are the Registers which will have to be kept up by each Nazir for Magistrates' Courts :—

1. Register of Criminal Processes issued.—Form A. *a.*
2. Register of property passing into, or through, the Nazir's hands, under the orders of the Magistrate.—Form B. *b. c.*
3. General Cash Account,—Form J. *d.*

3. At the Sadar stations the Nazir will be responsible for keeping up the Registers for all the Courts at the head-quarters of the district, except where there happens to be a Small Cause Court. With this Court the district Nazir will have nothing to do.

Tahsildars will detail a special Karkoon, who will be answerable for the maintenance at Tahsils of these Registers as is now done.

4. In regard to the money transactions of the different Courts, which are unconnected with contingencies and salaries, the following instructions are issued with a view to the same appearing in the Government accounts :—

I. Criminal Courts.

5. With the exception of money forming evidence while enquiries or trials are pending, and paid at the conclusion of the case under 418 *e* Criminal Procedure Code, to persons entitled to it, all cash receipts should be sent daily to the Government Treasury with challans in Forms *f.* K or L annexed (which

a. Re-numbered by Judicial Commissioner's Circular No. XI-A of 1880. Now see Register No. XXIX-A in Part IV.

b. Re-numbered by Judicial Commissioner's Circular No. XI-A of 1880, Register No. XXX-(B) ; for this see Part IV.

c. Sub-para II is omitted as it referred to Civil Registers.

d. Register No. XXXVII (I) as re-numbered by Judicial Commissioner's Circular No. XI-A of 1880. For the form see Part IV.

e. Now read Section 517.

f. Forms Nos. XXXVIII (J) and XXXIX (K) as re-numbered by Judicial Commissioner's Circular No. XI-A of 1880. For the forms, see Part IV.

will be kept for use in bound volumes by Courts at localities where there is a Treasury or Sub-treasury, and by Courts at a distance from a Treasury or Sub-treasury (such as Argaon or Karinjah *a*.) as often as convenient and needful, in order to the cash balance in the Nazir's hands remaining at a properly low figure, which should never, under any circumstances, be allowed to exceed the amount for which the Nazir has furnished security. *b*.

Office Routine (Reports, Registers and Returns) Order No. 40.

(Commissioner's Book Circular No. I, Chapter II, Vol. II, Code of Non-Judicial Circulars.)

Two districts have recently each submitted bills for nearly 500 new blank books, which were ordered apparently as a matter of course at the beginning of the current year. As these books were intended for judicial as well as for revenue registers, it is possible that the large expense incurred in making them up was unavoidable. I refer to it in order to show that the subject of this Circular, *viz.*, the necessity for economising paper in registers, is one of real importance.

2. The waste of stationery which takes place in registers may be illustrated by the following extract from a circular recently issued by the Chief Commissioner of the Central Provinces :—

"From one district the Chief Commissioner has learnt that the following amount of paper has been recovered :—

Whence received.	Number of leaves or half sheets.	Quantity in quires and sheets.
1. District Record Office..	19,493	406 2
2. Tahsil A. ...	1,632	34 0
3. „ B. ...	2,391	49 19
4. „ C. ...	1,618	33 17
	25,134	523 14

"And that it will be used before any new stationery is issued."

3. The following instructions are now issued :—

1.—Books designed to register the facts of one year only should as much as possible be avoided. It does not follow that when a new register must be

a. These Courts have since been abolished and Courts opened instead at Telhara and Budnera.

b. The rest of the Circular is not printed.

opened, a new *book* must be opened, and there are numerous cases in which the value and utility of a register are increased when the facts of several years are brought together. The police register, in which the criminal history of individual villages is recorded, is a case in point.

II.—Registers should not be extravagant in point of size, and before any book which must be annually closed is made up, careful estimate should be made of the number of sheets which it should contain.

III.—When any book, whether annual or not is closed, all the blank leaves at the end should be carefully removed, and the last page attested by the initials of the head of the office.

It should be the duty of the record-keeper at the Sadar to treat in this manner all registers sent in to the record-room; and Tahsildars should be held responsible that closed registers are similarly treated before any are consigned to Tahsili record-rooms.

4. The last of the foregoing rules applies to vernacular registers only. The other two are applicable to English registers as well.

Office Routine (Reports, Registers and Returns) Order No. 41.

(*Hyderabad Assigned Districts High Court Criminal Circular No. II of 1892.*)

In order to secure uniformity and conciseness in the preparation of annual Report on Criminal Justice, the following instructions are issued for the direction of all Officers by whom such reports are submitted, and should be strictly followed in the submission of the reports for the current and subsequent years :—

I. All reports should be submitted on half margin paper and be written only on one side of the paper.

II. Paragraphs should be numbered, and one or more separate paragraphs allotted to each annual statement.

III. The report should be concise, and should not be a mere repetition of the figures contained in the statement submitted with it, but should be the means of affording information not to be gathered from the figures themselves. Explanations should be given as far as possible of any remarkable or unusual features in the statistics, and any interesting facts bearing on the administration of justice in the district should be noted.

2. It is not necessary to determine the shape of the report itself, which should be left to the discretion of the Magistrate, but in order to save trouble, it is advisable to prescribe certain forms of abstract statements which should be incorporated in the body of the report, and these will be found in the appendix No. II, *a*. These should be commented on if necessary in the report.

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a. For the appendix, see Part IV.

The following subjects should, however, invariably be noticed :—

Criminal.

(1). Increase or decrease of crime.
(2). Security for good behaviour.
(3). Trial and punishment of habituals.
(4). Criminal tribes, if any, in district.
(5). Detention of witnesses.
(6). Arrangement, weeding and destruction of records.
(7). Inspection of Courts and cases.

3. Deputy Commissioners need only furnish the following annual Imperial returns commencing from the current year. The remainder will be prepared in the office with a view to reduce work in district offices :—

Judicial Statement No. I [a]. (Civil and Criminal).
Do. No. IV-A [a]. (Criminal).
Do. No. V-A [a]. (Criminal).

4. The Provincial statements will be submitted as in previous years [b]. :—

(*b*) No. V (Criminal). A column should be added to the statement to show the average duration.

5. The new forms in appendix II have been much simplified and their number lessened, and it is hoped that no difficulty will now be felt in preparing them accurately.

6. The Criminal Report should be despatched from Deputy Commissioners' office on the 15th February. The Imperial and Provincial statements should reach this office positively on the 1st February.

Office Routine (Reports, Registers and Returns) Order No. 42.

(Hyderabad Assigned Districts High Court Criminal Circular No. I of 1894.)

Two new statements (forms annexed [c].) are added to the provincial series of the annual returns with numbers as shown in the margin. These have been designed to show the general result of appeals separately in Civil and Criminal cases against the name of each Officer against whose decision appeals were preferred, and should be submitted as appendices to the Judicial Reports for the year 1893.

Provincial Statement No. V-A (Criminal.) *d.*

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a. For the Form, see Part IV.
b. The words "with the following exceptions" and sub-paras. (*a*) and (*c*) are omitted as they related to civil statements.
c. See Part IV of this Manual.
d. The other statement being a civil statement is omitted.

PART III.—CIRCULAR ORDERS.

Section IV.—Office Routine.

Office Routine (Reports, Registers and Returns) Order No. 43.

(Judicial Commissioner's Circular No. X of 1874)

With reference to correspondence which recently passed between myself and the Inspector General of Police, it has been determined for the sake of information, as also for the purpose of avoiding confusion and trouble when annual statements are being prepared, that a quarterly comparison of the district criminal returns with those kept by District Superintendents of Police, should in future be regularly made before their submission to this office.

Office Routine (Reports, Registers and Returns) Order No. 44.

(Judicial Commissioner's Circular No. II of 1875)

On a careful inspection of the monthly criminal statement [a] recently introduced under the orders of the Resident, I have observed that diversity of practice exists in the preparation of the statement in question.

2. In column 3 headed "designation," I find that in some districts the usual designations of Officers, *viz.* the Deputy Commissioner, Assistant Commissioner, Tahsildar, &c. have been entered, while in the other districts the designation prescribed by Section 19 [b] of the Criminal Procedure Code such as Magistrate of the first class, second class, &c. has been shown.

3. With a view to secure uniformity throughout the Province, I request that the usual designation of Officers above alluded to as also the one prescribed by the Criminal Procedure Code, may both be adopted in filling up column 3 of the statement in question.

Office Routine (Reports, Registers and Returns) Order No. 45.

(Judicial Commissioner's Circular No. II of 1888.)

From inquiries recently made it appears that diversity of practice prevails in filling the Provincial Statement No. IX. [c] Some Courts return complainants in summons cases as witnesses, while others omit them, and the same is found to be the practice in regard to complainants in warrant cases. With a view, therefore, of securing uniformity of practice and adherence to proper legal procedure, the Judicial Commissioner has to point out that in both sum-

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a. Provincial (Judicial) Statement No. VI (Criminal).

b. The corresponding Section of Act X of 1882 is Section 6.

c. For the form, see Part IV.

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mons and warrant cases the complainant is a witness for the prosecution on behalf of the Crown if he appears or is examined as such at the trial, and should be returned as such for the future in Provincial Judicial Statement No. IX.

Office Routine (Reports, Registers and Returns) Order. No. 46.

(Letter No. 966, dated 30th July, 1885, from the Registrar, High Court, Appellate Side, Bombay, published in Resident's Judicial Book Circular No. VI of 1885.)

In reference to the Government of India's Notification No. 178-J., *a.* dated 23rd September 1874, Foreign Department, published in the *Gazette of India*, Part I., dated 26th September 1874, which confers on the Bombay High Court, Original and Appellate, Criminal Jurisdiction over European British subjects in the Hyderabad Assigned Districts, the Honorable the Chief Justice and Judges direct me to say that, in order to enable them to exercise their revisional powers, they will feel obliged if you will be so good as to arrange for the transmission to this Court of periodical returns, in the accompanying form *b.* of all cases against European British subjects disposed of by the Criminal Courts in the Hyderabad Assigned Districts.

2. The returns might be forwarded direct to this Court by the Sessions Judges and Districts Magistrates at the end of each month in which any such case had been disposed of.

Office Routine (Reports, Registers and Returns) Order No. 47.

(Resident's Judicial Book Circular No. V of 1877.)

With a view to enabling District Magistrates to exercise efficient supervision over the work of the Magistrates of the 2nd and 3rd class subordinate to them, and to be in a position to at once take measures to rectify any injury that may be caused by illegal procedure on the part of these officers, the Resident is pleased to direct that Subordinate Magistrates of the classes specified shall submit daily to the District Magistrate a calendar *c.* showing the particulars of the cases disposed of by them during the day immediately preceding that on which the calendar is prepared.

The submission of monthly calendars by these Magistrates can, if found convenient, be dispensed with under this arrangement.

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a. See Part II of this Manual, page 253.

b. For the form, see Part IV of this Manual.

c. For the form, see Part IV of this Manual.

Section IV.—Office Routine.

Office Routine (Reports, Registers and Returns) Order No. 48.

(Judicial Commissioner's Circular No. XVI of 1875.)

A question has been asked whether cases to be decided under Chapter V of the Cattle Trespass Act should be brought on to the criminal calendars of Magistrates. Such cases should be dealt with as being triable under special Laws and should be brought into the criminal calendars.

Office Routine (Reports, Registers and Returns) Order No. 49.

(Resident's Judicial Book Circular No. XXII of 1887.)

Section 5 of Act XXV *a.* of 1867 (an Act for the regulation of printing presses and newspapers, &c.,) requires the publisher of every newspaper or periodical containing public news or comments on public news to sign a declaration before a Magistrate, but no provision is made in the Act prescribing the submission of copies of such newspapers to the Local Government.

It is very desirable that the Resident should have authentic information regarding the starting of new periodicals and newspapers, in order that copies may be subscribed for should this be considered necessary. To effect this purpose, therefore, all Magistrates in the Hyderabad Assigned Districts are requested to furnish the Resident with a monthly return of all declarations signed before them under Section 5 of the Act quoted above.

Office Routine (Reports, Registers and Returns) Order No. 50.

(Government of India, Home Department—Judicial—letter No. $\frac{49}{1320}$ dated 17th August, 1868, Lyall's Manual, page 100.)

The attention of the Governor General in Council having been recently drawn to a case in which a European, who is still in the employment of Government, was charged with having committed rape upon a Native woman, and was convicted of having used criminal force towards her, I am desired to request that instructions may be issued to the local authorities that whenever a Government official is judicially convicted of any offence, a copy of the decision should be sent to the head of the department in which he is employed in order that such action in the case as may be deemed proper may be taken at once.

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a. Extended to the Hyderabad Assigned Districts, see Part I, pages 5 and 21.

Office Routine (Reports, Registers and Returns) Order No. 51.

(Resident's Judicial Book Circular No. VIII of 1887 as modified by Resident's Judicial Book Circular No. I of 1883.)

When a military pensioner is convicted, and sentenced to imprisonment in a criminal Court, the facts of the case should be reported without delay to the Pension Paymaster of the Circle to which the pensioner belongs, in view to action being taken under paragraph 491 of Part II, Volume I, of the Army Regulations for India.

The reports should contain information regarding the nature and circumstances of the offender's crime and the amount of imprisonment to which he was sentenced. *a.*

The Governor General in Council is however pleased to direct, in partial modification of the above that the report required when a military pensioner is convicted of an offence by a criminal Court should in future be made direct to the Comptroller of Military Accounts of the Circle within which the conviction takes place. *b.*

Office Routine (Reports, Registers and Returns) Order No. 52.

(Judicial Commissioner's Circular No. VIII of 1877, as modified by Judicial Commissionsr's Circular No. XI of 1877.)

In order to enable the Deputy Conservator of Forests to submit at the close of each year a statement in the Form (No. 48) prescribed by the Forest Department Code, I have the honor to request you that you will instruct all Magistrates in your District who have power to try offences against the Forest Rules, to intimate at the close of each month to the District Darogah, *c.* the result of all trials held before them for —

1. injury to Forest by fire.
2. unauthorized felling or appropriation of wood and minor forest produce.
3. grazing without permission or in tracts in which grazing is prohibited.
4. other offences.

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a. Issued by the Government of India, Home Department—Judicial—No. 16-1111, dated 18th July 1887.

b. Issued by the Goverment of India, Home Department—Judicial—No. 1—Judicial-60, dated 18th January, 1893.

c. Appointments of Darogahs have been abolished and District Forest Officers have taken their place.

"The District Darogah [a] will send on this information to the Deputy Commissioner in whose District they are serving. Deputy Commissioners will at the close of the year attach to their Annual Forest Reports a statement in Form No. 48 prescribed by the Forest Code showing the prosecutions made during the year." [b]

Office Routine (Reports, Registers and Returns) Order No. 53.

(Judicial Commissioner's Circular No. XIV of 1874.)

With reference to my Circular No. 13 [c] dated the 10th instant, I have the honor to request that you will be particularly careful to see that the figures given by you in the body of your Annual Judicial Reports are not at variance with those in the tabular statements appended thereto.

2. The want of accuracy and uniformity in the preparation of Annual Reports generally has recently been the subject of a Resolution of Government. It is inexcusable that there should be any difference in figures given in the body of a report and those in the appendices of the same report. A little care in the first instance on the part of your statistical writers and a careful supervision and checking on your own parts would ensure the submission of returns which would be absolutely accurate. I am sure that I may rely upon your all using your best endeavours to submit this year returns and reports which will do credit to the administration.

Office Routine (Reports, Registers and Returns) Order No. 54.

(Judicial Commissioner's Circular No. VI of 1876.)

The Judicial Commissioner notices that there is great delay on the part of some District Officers in rendering their monthly and quarterly Judicial Returns.

All Officers are requested to have the goodness to render these returns in future with greater punctuality and accuracy. As a rule all the monthly returns should reach this office not later than the 10th of the month succeeding that to which the returns relate, while the quarterly returns should be not later than 15 days after the close of the quarter. Deputy Commissioners are requested to see that these instructions are communicated to all officers concerned and to take steps for ensuring strict observance of the orders now issued.

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a. Appointments of Darogahs have been abolished and District Forest Officers have taken their place.

b. Words quoted have been inserted by Judicial Commissioner's Circular No. XI of 1877.

c. This Circular has not been reprinted in this Manual as it was superseded by Judicial Commissioner's Circular No. XI-A of 1880, for which see page 480.

Office Routine (Reports, Registers and Returns) Order No. 55.

(Resident's Book Circular No. IV, Chapter III, Vol. II, Code of Non-Judicial Circulars.)

The attention of the Resident has been attracted to a practice whereby Officers not infrequently bring forward in their ordinary periodical reports matters, on which they consider that orders are required, with a view to procuring the issue of orders on such matters. This practice is altogether irregular, and the Resident desires that matters of this description should invariably be submitted for orders in a separate official letter, and should not be included in a general report, the proper object of which is to state what has been done rather than to suggest what should be done. In issuing these instructions, the Resident does not mean to imply that everything in the way of comment should be excluded from a report. On the contrary, it appears to Mr. Fitzpatrick both natural and proper, in describing what has been done and the manner in which it has been done, to comment on the operation of the laws and rules in force and on the action of the Government agencies employed, and such comment very frequently suggests the issue of orders. But the comment and the suggestion should always be kept subordinate to the main object of the report, which, as already stated, in the recording of what has been done; and especially where the matter is a complicated one, or one regarding which there is room for controversy, the reporting officer should make his comment and his suggestion as briefly as possible, saying, as the case may be, that he has referred, or intends to refer, the matter separately, and should not encumber his report with disquisitions on questions of general policy or the elaboration of schemes of improvement or supposed improvement. It is the more necessary for Officers to attend to this, as the result of submitting disquisitions and proposals of the sort referred to in ordinary periodical reports commonly is that, it being out of the question to deal with them adequately in the review of such reports, they are left altogether unnoticed, and it may sometimes happen that, not being put forward in the proper manner—that is, by means of a separate letter—they are entirely overlooked.

It is at the same time brought to notice that the Resident has decided to discontinue the practice under which, in the case of resolutions recorded on annual reports received from heads of departments, subsidiary orders are issued inviting the attention of the Officers concerned to all points in regard to which further action is required in the way of explanation or otherwise. Mr. Fitzpatrick conceives it to be clearly the duty of all Officers concerned, whether heads of departments, or Deputy Commissioners, to make themselves intimately acquainted with any orders which may be issued from this office, including such orders as may be embodied in the resolutions prepared under the instructions of the Resident, and to take such action as may be necessary with reference thereto. Accordingly it should be understood that, where explanations are necessary in regard to any remarks recorded in the resolutions issued from this office, such explanations, whether specially called for or not, should in future be invariably submitted in the ordinary course of business, and through the prescribed channel of official communication, as soon as possible after the receipt by the Officer concerned of any particular resolution.

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Section IV.—Office Routine.

Office Routine (Reports, Registers and Returns) Order No. 56.

(Resident's General Book Circular No. XX[a] of 1878)

The increased work which has devolved on the Residency Press during the last two years has suggested the expediency of bringing under proper control that portion of it which relates to the supply of printed forms.

2. At present, Officers apply at any time for small quantities of such forms, and this is inconvenient, and not economical.

3. In future indents should be submitted once a year, on the 1st January,[b] through the Commissioner and Judicial Commissioner in their respective departments; and these Officers will be good enough to forward them countersigned to the Superintendent of the Residency Press, who will despatch the forms required, when ready, direct to each indenting Officer. Indents should show :—[c]

(1.) Quantity received during the past year.

(2.) Do. used do.

(3.) Balance in hand on date of indent.

(4.) Amount indented for.

4. The procedure now enjoined will tend to obviate the delay that now occurs when requisitions for forms are sent in at a time when the Press is engaged in printing reports and works of an important nature. It will also enable the Superintendent of the Press to ascertain readily what forms are in general use, and provide for a stock to meet future indents.

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a. This Circular has been omitted from the code of Non-Judicial Circulars.

b. The dates have since been changed. Indents are now forwarded to the Judicial Commissioner in the month of September each year and from the Judicial Commissioner's office to the Superintendent of the Press in the month of October.

c. These particulars are not now a days given in the indents sent to the Judicial Commissioners, Hyderabad Assigned Districts.

PART IV.—FORMS.

SECTION I.—FORMS REFERRED TO IN PART II.

FORM No. 1.—(*Form A of Residency Orders Notification No. 184 of the 21st May 1894—see Part II, page 178b.*)

Under Rule III of the Rules made under Section 18 of the Indian Factories Act, 1881.

N. B.—This Register should be re-written at the commencement of each calendar year.

REGISTER OF FACTORIES.

_____ *District.*

Serial Number.	Town.	Name and situation of factory, with name of occupier.	Name of industry.	Motive power with number of looms, spindles or both.	Average daily number of workmen employed.				Superficial and cubical capacity of working rooms with number of work people ordinarily engaged in each room.	Whether the factory is worked by shifts or stoppages.	Whether there is a general holiday on Sundays or a holiday on varying week days.	Whether machinery is fenced (*a*) completely (*b*) partially.
					Adults.		Children.					
					Male.	Female.	Male.	Female.				

FORM No. 2.—*(Form B of Residency Orders Notification No. 184 of the 21st May 1894.—see Part II, page 178b .)*

(Under Rule VIII of the Rules made under Section 18 of the Indian Factories Act, 1881).

REGISTER OF INSPECTIONS OF FACTORIES.

_____ *District.*

No. of factory in Register A.	Name or description of factory.	Name of occupier.	Date of inspection.	Number of persons at work on date of inspection.			
				Adults.		Children.	
				Men.	Women.	Male.	Female.

REMARKS AND ORDERS.

Section I.—Concerning degree of compliance with remarks and orders issued at previous inspection or inspections.

Section II.—Concerning present inspection.

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Section I.—Forms referred to in Part II.

FORM No. 3.—(*Form C. of Residency Orders. Notification No. 184 of the 21st May 1894—see Part II, page 178b.*)

(*Under Rule X of the Rules made under Section 18 of the Indian Factories Act, 1881.*)

REGISTER OF ACCIDENTS.

Serial number	Name of factory and nature of industry.	Number of accidents (*a*) fatal, (*b*) serious,	Whether accident was due to imperfect fixing of machinery or not.

FORM No. 4.—*(Form D. of Residency Orders Notification No. 184 of the 21st May 1894.—see Part II, page 178b.)*

(Under Rule XI of the Rules made under Section 18 of the Indian Factories Act, 1881.)

No._____

Dated the day of 189 .

Name of person examined

Son of

Daughter of

Residing at

Name and locality of factory at which to be employed

Age certified

Signed

Certifying Civil Surgeon

CERTIFICATE UNDER SECTION 5 OF THE INDIAN FACTORIES ACT, 1881.

No._____

Dated the day of 189 .

I hereby certify that I have this day examined

Name

Son of

Daughter of

Residing at

Who is employed / desirous of being employed in the _____ and I consider

(State name and locality of factory)

him / her to be above 9 or 14 / below 9 or 14 *i. e.* about _____ years of age

Signed

Certifying Civil Surgeon.

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Section I.—Forms referred to in Part II.

FORM No. 5.—(*Form E of Residency Orders Notification No. 184 of the 21st May 1894.—see Part II, page 178b.*)

(*Under Rule XII of the Rules made under Section 18 of the Indian Factories Act, 1881.*)

FACTORY REGISTER OF CHILDREN ADMITTED TO EMPLOYMENT IN

(*Name and locality of factory.*)

1	2	3	4	5	6	7	8	9
Serial number.	Name of child.	Sex.	Name of parent or guardian.	Parent's residence.	Age on admission as given by parent or certified by certifying Surgeon.	Nature of employment.	Date of first admission.	Name of certifying Surgeon (if any) and number and date of his certificate.

FORM No. 6.—(*Form F of Residency Orders Notification No. 184 of the 21st May, 1894.—see Part II, page 178 b.*)

(*Under Rule XII of the Rules made under Section 18 of the Indian Factories Act, 1881.*)

MONTHLY MUSTER REGISTER OF CHILDREN.

Name of Factory _____

Department _____

1	2	3	4	5	6	7																									8	9	10			11
Serial number.	Name of child.	Sex.	Age.	No. of Certificate of Certifying Surgeon (if any.)	Occupation.	Days and hours worked.																									Total days.	Rate of wages per month.	Amount earned.			REMARKS.
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			Rs.	A.	P.	

Section I.—Forms referred to in Part II.

FORM No. 7.—*(Form G of Residency Orders Notification No. 184 of the 21st May 1894—see Part II, page 178 b.)*

(Under Rule XXVIII of the Rules made under Section 18 of the Indian Factories Act, 1881.

FORM OF NOTICE OF ACCIDENT OCCURRING IN A FACTORY.

To _____

SIR,

I _____ beg hereby to give notice under Section 13 of the Indian Factories Act that an accident occurred in the factory of _____ at _____ o'clock this day, causing _____ to the persons mentioned below :—

Name.	Caste.	Sex.	Age.	Nature of injury.

2. The accident was caused by _____

3. The injured persons are under treatment by _____ (or have been removed to the Hospital.)

Dated } I have, &c.,

Manager.

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PART IV.—FORMS

Section I.—Forms referred to in Part II.

FORM No. 8.—(*Form of Return prescribed by Government of India Notification No. 1389 of the 25th April 1893.—See Part II, page 178 b.*)

Name and situation of Factory.	Name of owner or occupier.	Name of manager.	Nature of industry.	Nature and amount of moving power.	Average daily number of operatives employed.				Whether the factory is worked by shifts or stoppages. If the latter, the hours and extent of daily stoppage.	Whether there is a general Holiday on Sunday or on varying week days, or whether the factory has been exempted from the rule as to Sunday labour under section 5 B (1), clause (c), of the Act.	REMARKS.
					Adults.		Children.				
					Male.	Female.	Male.	Female.			

N. B.—The average daily number of children is to be taken from the register of children kept in the factory.

FORM No. 9.—(*Form of Return prescribed by Government of India Notification No. 1389 of the 25th April 1893—See Part II, page 178 b.*)

Nature and situation of Factory.	Name of occupier.	Measurements and cubical contents of each room in the Factory.	Area of the floor space of any room shown in the preceding column occupied by machinery or other fixtures.	REMARKS.

Section I.—Forms referred to in Part II.

FORM No 10.—(*Form A prescribed under Appendices to Explosives Act—See Part II, page 252.*)

(See Rule 8.)

FEE RUPEES IN STAMPS.

License to manufacture, sell and possess Gunpowder or an explosive of the 1st Division of the 6th (Ammunition) Class.

Name, &c., of license-holder and place of residence	Place of business, factory or shop.	Description and quantity to be manufactured during the year.	Description and quantity to be possessed and sold during the year.	Date on which license expires.
				The 31st of December 18—.

_____ *District.* *(Signature)*

_____ 18 . of _____

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," as extended to Berar and the rules framed thereunder.

2. The license-holder shall keep records and accounts of all explosives manufactured, of all stock in hand and of all sales, in such form as the Resident may from time to time direct.

3. The license-holder shall exhibit his stock and his books of manufacture and sales to any Magistrate or to any Police Officer not below the rank of Inspector, when such officer may call upon him so to do.

4. The explosive shall be manufactured in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house and situated at a safe distance from any highway, street, public thoroughfare, or public place.

5. All sales of explosives under this license must be effected upon the premises shown on the face of the license.

6. An explosive shall not be sold to any child apparently under the age of 13 years.

7. The explosive possessed by the license shall be kept in such a building as is referred to in condition 4, or in a fire-proof safe outside a dwelling-house and detached therefrom and at a safe distance from any highway, street, public thoroughfare, or public place made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without.

Provided that a quantity not exceeding 50 lbs. of gunpowder, or, in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6, may be kept inside a dwelling-house or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive.

Provided also that no explosive other than gunpowder or ammunition of the 2nd division of class 6 made with gunpowder shall be kept in a fireproof safe.

8. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any building, fireproof safe, or receptacle containing the same.

9. Neither the building exclusively appropriated for the purpose of manufacturing or keeping the explosive nor the fireproof safe or receptacle shall have any exposed iron or steel in the interior thereof.

10. All explosive exceeding 5 lbs. in amount of the 1st division of the 6th (ammunition) class and all other explosive exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister or other receptacle made and closed so as to prevent the explosive from escaping, and if publicly exposed for sale or sold, the outermost receptacle containing such explosive shall have affixed the name of the explosive in conspicuous characters by means of a brand or securely attached label or other mark.

11. Each description of explosive, which may be kept under this license, shall be separated by an intervening partition of such substance and character or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other.

FORM No. 11.—*(Form B prescribed under Appendices to Explosives Act—See Part II, page 252.)*

(See Rule 8.)

FEE RUPEES IN STAMPS

License to sell and possess Gunpowder or explosive of the 1st Division of the 6th (Ammunition) Class.

Name, &c., of license-holder and place of residence.	Place of business, factory or shop.	Description and quantity of explosive to be possessed and sold during the year.	Date on which license expires.
			The 31st of December 189—.

_____ *District.* (*Signature.*)

_____ 189 . of _____

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," as extended to Berar, and the rules framed thereunder.

2. The license-holder shall keep records and accounts of all explosive in stock and of all sales in such form as the Local Government may from time to time direct.

3. The license-holder shall exhibit his stock and his books and records of sales to any Magistrate or to any Police officer not below the rank of Inspector, when such officer may call upon him so to do.

4. All sales of explosive under this license must be effected upon the premises shown on the face of the license.

5. An explosive shall not be sold to any child apparently under the age of 13 years.

6. The explosive shall be kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house, or in a fireproof safe outside a dwelling-house and detached therefrom and at a safe distance from any highway, street, public thoroughfare, or public place made and closed so as to prevent unauthorized persons having access thereto and to secure it from danger from without.

Provided that 50 lbs. of gunpowder or, in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6, may be kept inside a dwelling-house, or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive.

Provided also that no explosive other than gunpowder or ammunition of the 2nd division of the 6th class made with gunpowder shall be kept in a fireproof safe.

7. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any building, fireproof safe, or receptacle containing the same.

8. Neither the building exclusively appropriated for the purpose of keeping the explosive nor the fireproof safe or receptacle referred to above hall have any exposed iron or steel in the interior thereof.

9. All explosive exceeding 5 lbs. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (firework) class, and all other explosive exceeding 1 lb. in amount, shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping, and when publicly exposed for sale or sold, the outermost receptacle containing such explosive shall have affixed the name of the explosive in conspicuous characters by means of a brand or securely attached label or other mark.

10. Each description of explosive which may be kept under this license shall be separated by an intervening partition of such substance and character or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other.

FORM No. 12.—*(Form C prescribed under Appendices to Explosives Act—See Part II, page 252.)*

(See Rule 8.)

FEE EIGHT ANNAS IN STAMPS.

License to possess Gunpowder or an explosive of the 1st Division of the 6th (Ammunition) Class.

Name, &c., of license-holder and place of residence.	Description and quantity of explosive to be possessed during the year.	Place with full details where explosive is to be possessed.	Date on which license expires.
			The 31st of December 189—.

_____ *District* (*Signature*)

_____ 189 . of _____

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," as extended to Berar, and the rules framed thereunder.

2. The explosive shall be kept in a substantially constructed building exclusively appropriated for the purpose, and detached from a dwelling-house, or in a fireproof safe outside a dwelling-house and detached therefrom and at a safe distance from any highway, street, public thoroughfare or public place made and closed so as to prevent unauthorized persons having access thereto and to secure it from danger from without.

Provided that 50 lbs. of gunpowder or, in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6 may be kept inside a dwelling-house, or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive.

Provided also that no explosive other than gunpowder or ammunition of the 2nd division of class 6 made with gunpowder shall be kept in a fireproof safe.

3. All articles or substances of an explosive of highly inflammable nature shall be kept at a safe distance from the explosive and from any building, fireproof safe or receptacle containing the same.

4. Neither the building exclusively appropriated for the purpose of keeping the explosive nor the fireproof safe or receptacle referred to above shall have any exposed iron or steel in the interior thereof.

5. All explosive exceeding 5 lbs. in amount of the 1st division of the 6th (ammunition) class and all other explosive exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister or other receptacle made and closed so as to prevent the explosive from escaping.

6. Each description of explosive which may be kept under this license shall be separated by an intervening partition of such substance and character or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other.

7. The license-holder shall, at the time of purchase, have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature :—

(*a*) the name and address of the person who takes delivery of the articles purchased ;

(*b*) the nature and amount of the articles purchased ;

(*c*) the date of purchase.

FORM No. 13. —(*Form D prescribed under Appendices to Explosives Act—See Part II, page 252.*)

(See Rule 10.)

FEE EIGHT ANNAS IN STAMPS.

License to manufacture, sell and possess an explosive of the 7th (firework) class.

Name, &c. of license-holder and place of residence.	Place of business, factory or shop.	Description and quantity to be manufactured during the year.	Description and quantity to be possessed and sold during the year.	Date on which license expires.
				31st December 18—.

_____ *District* (Seal.) *Signature*

_____ 189 . of _____

Conditions

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.

2. The license-holder shall keep records and accounts of all explosives manufactured, of all stock in hand, and of all sales, in such form as the Local Government may from time to time direct.

3. The license-holder shall exhibit his stock and his books of manufacture and sales to any Magistrate or to any Police officer not below the rank of Inspector, when such officer may call upon him so to do.

4. The explosives shall be manufactured in such place as may be approved of by the District Magistrate, due regard being had to the public safety.

5. All sales of explosives under this license must be effected upon the premises shown on the face of the license.

6. An explosive shall not be sold to any child apparently under the age of 13 years.

7. The explosive possessed by the licensee shall be kept in such a building as is referred to in condition 4: provided that a quantity not exceeding 50 lbs. of an explosive of the 7th (firework) class may be kept inside a dwelling-house, or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosives.

FORM No. 14.—(*Form E prescribed under Appendices to Explosives Act—See Part II, page 252.*)

(See Rule 17.)

License to possess Explosives.

FEE FIVE RUPEES IN STAMPS.

Name, &c., of license-holder and place of residence.	Place of business or shop.	Description of explosive.	Date on which license expires.

_____ *District* (*Signature*)

_____ 189 . of _____

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," as extended to Berar and the rules framed thereunder.

2. The explosive shall be kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house and at a safe distance from any highway, street, public thoroughfare, or public

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place, made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without.

Provided that a quantity not exceeding 15 lbs. of such explosive may be kept inside any building other than as last aforesaid in a receptacle exclusively appropriated to keeping explosives.

3. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any building or receptacle containing the same.

4. Neither the building exclusively appropriated for the purpose of keeping the explosive nor the receptacle shall have any exposed iron or steel in the interior thereof.

5. All such explosive exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister or other receptacle made and closed so as to prevent the explosive from escaping.

6. Each description of explosive each of which may be lawfully kept under this license, shall be separated by an intervening partition of such substance and character or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other.

7. The license-holder shall, at the time of purchase, have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature :—

(*a*) The name and address of the person who takes delivery of articles purchased.

(*b*) The nature and amount of the articles purchased.

(*c*) The date of purchase.

FORM No. 15.—(*Form F prescribed under Appendices to Explosives Act—See part II, Page 252.*)

(See Rule 20.)

FEE TWENTY RUPEES IN STAMPS.

License to possess Explosives.

Name of license-holder and residence.	Boundaries of the land forming the site of the magazine to which the license applies.	Situation, character and construction of the building and works connected with the magazine.	Description of explosive to be possessed.	Amount of explosive to be possessed at the same time in the magazine and within the boundaries of the site thereof.	Date on which license expires.

_____ *District* *(Signature)*

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GSL

Section I.—Forms referred to in Part II.

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," as extended to Berar and the rules framed thereunder.

2. There shall not be at the same time in the magazine an amount of explosive exceeding the amount specified in the license.

3. The magazine shall be used only for the keeping of the explosive or explosives specified in the license, and of receptacles for, or tools or implements for, work connected with the keeping of such explosive or explosives.

4. The interior of the magazine and the benches, shelves, and fittings therein shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel, and the detaching of any grit, iron, steel or similar substances in such manner as to come into contact with the explosive, and such interior benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean, and in the case of any explosive being possessed which is liable to be dangerously affected by water, due precautions shall be taken to exclude water therefrom.

5. The magazine shall have attached thereto a sufficient lightning conductor.

6. Before repairs are done to or in any part of a room or magazine, it shall, as far as is practicable, be cleaned by the removal of all explosive or mixed ingredients thereof and the thorough washing out of such room or part; and after such cleaning, these conditions shall cease to apply to explosive until such room, or part of the magazine is again taken into it.

7. Except after such cleaning, all tools and implements used in or in any repairs to any part of the magazine shall be made only of wood, copper or brass, or some soft metal or material, or shall be covered with some safe and suitable material.

8. Due provision shall be made by the use of suitable working clothes without pockets, suitable shoes, searching and otherwise, or by some such means for preventing the introduction into the magazine of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any iron, steel or grit; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion.

9. No person shall smoke in any part of the magazine.

10. Any person under the age of 16 years shall not be employed in or enter the magazine except in the presence and under the supervision of some grown-up person.

11. Two or more descriptions of explosive which may lawfully be possessed in a licensed magazine may be possessed in the same magazine, provided they are separated from each other by an intervening partition of such substance and character or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other subject to the following qualifications :—

(*a*) The various explosives of classes 1 (gunpowder), 2 (nitrate-mixture), 3 (nitro-compound), and 4 (chlorate-mixture), safety fuze belonging to the 1st division of class 6 (ammunition) and such of the various explosives of the 2nd division of class 6 (ammunition) as do not contain any exposed iron or steel may be kept with each other without any intervening partition or space.

(*b*) The various explosives of the 1st division of class 6 (ammunition) may be kept with each other without any intervening partition or space.

(*c*) Such of the various explosives of the 2nd division of class 6 (ammunition) as contain any exposed iron or steel may be kept with each other without any intervening partition or space.

(*d*) The various explosives of the 3rd division of class 6 (ammunition) may be kept with each other without any intervening partition or space.

(*e*) The various explosives of class 7 (fire-work) may be kept with each other without any intervening partition or space.

Except as aforesaid, two or more descriptions of explosives may not be kept in the same magazine.

12. The licensee and every person employed in or about the magazine shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorized persons having access to the magazine or to the explosive therein, and shall abstain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of the work in such magazine.

FORM No. 16.—(*Form G prescribed under Appendices to Explosives Act—See Part II, page 252.*)

(See Rule 26.)

FEE FIVE RUPEES IN STAMPS.

License to sell Explosives.

Name, &c., of license-holder and place of residence.	Place of business or shop.	Description of explosive to be sold.	Date on which license expires.

_____ *District* (*Signature*)

_____ 189 . of _____

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PART IV.—FORMS.

Section I.—Forms referred to in Part II.

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," as extended to Berar and the rules framed thereunder.

2. The license-holder shall keep records and accounts of all explosive in stock and of all sales in such form as the Resident may from time to time direct.

3. Explosive shall not be sold to any child apparently under the age of 13 years.

4. All explosive exceeding 1 lb. in weight when publicly exposed for sale or sold shall be in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping, and the outermost receptacle containing such explosive shall have affixed the name of the explosive with the word "explosive" added thereto in conspicuous characters by meaus of a brand or securely attached label or other mark.

FORM No. 17.—(*Form prescribed by Government of India Notification No. 31-J of 12th March 1875.* *See Part II, page 252.*)

Half-yearly Return under Rule 9 of the Rules under the Extradition Act (X.) of 1872, of persons made over by the Political Agent at——for trial by the Courts of Native States under Rules 5 and 7, for the period ending——

Number.	Name of person.	Nationality.	Offence with which charged.	Where arrested.	Date of surrender.	Native State to which surrendered for trial.	Reasons for surrender.	Nature of sentence passed, with date of sentence.	Remarks.

PART IV.—FORMS.

Section I.—Forms referred to in Part II.

FORM NO. 18.—(*Form prescribed by Appendix A of Residency Orders Notification No. 87 dated the 13th April 1889, Part II, page 148.*)

(See Rule 12.)

FORM OF CERTIFICATE OF COMPETENCY.

Certificate of Competency of the_____Class granted under the Bombay Boiler Inspection Act, 1887.

No._____of 189 .

A. B, aged about_____, at present residing at_____, having satisfied the Board of Examiners appointed under the Bombay Boiler Inspection Act, 1887, by examination (or by production of a certificate dated _____granted to him by_____as the case may be) of his competency to have charge of a boiler attached to a prime mover of any horse-power (or not exceeding 60 or 20 horse-power nominal as the case may be) is granted, under section 18 (or 19 as the case may be) of the said Act, this certificate of competency of the first (or second or third as the case may be) class.

(Sd.) _____

Station_____

Dated_____189 .

(Sd.) _____

Board of Examiners.

Duplicate of this certificate has been recorded in the office of the Deputy Commissioner,_____District _____this_____day of _____189 .

(Signed.)

Deputy Commissioner,

_____District

PART IV.—FORMS.

SECTION II.—FORMS RELATING TO THE CODE OF CRIMINAL PROCEDURE.

FORM No 19.—(*Report of arrest under Sec. 62, C. C. P.—Police Form No. 18-A.*)

FOIL.

Report of Arrest, Sec. 62 C. P. Code.

_____ Station

No._____

_____ District.

1. Name of person arrested ...	
2. Father's name...	
3. Caste ...	
4. Residence ...	
5. Offence with which charged	
6. No. of First Report of Crime...	
7. Hour and date of arrest ...	
8. By whom arrested ...	
9. Where arrested.	

Counterfoil forwarded to the——

at——o'clock on the———189 .

Signature.

COUNTERFOIL.

Report of Arrest, Sec. 62 C. P. Code.

_____ Station

No._____

_____ District.

1. Name of person arrested ...	
2. Father's name...	
3. Caste ...	
4. Residence ...	
5. Offence with which charged...	
6. No. of First Report of Crime ...	
7. Hour and date of arrest ...	
8. By whom arrested ...	
9. Where arrested..	

Forwarded to the———

at——o'clock on the———189 .

Signature.

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FORM No. 20.—(*First Report of Crime under Section 157, C. C. P.—Police Form No. 16-A.*)

First Report of Crime under Section 157, C. P. C.	First Report of Crime under Section 157, C. P. C.	First Report of Crime under Section 157, C. P. C.
No. of 18 . Station.	No. of 18 . Station.	No. of 18 . Station.
1. Report by whom brought. ...	1. Report by whom brought ...	1. Report by whom brought ...
2. Date and hour of receipt of report...	2. Date and hour of receipt of report...	2. Date and hour of receipt of report...
3. Offence. ...	3. Offence ...	3. Offence ...
4. Name and residence of complainant. ...	4. Name and residence of complainant ...	4. Name and residence of complainant ...
5. Offence when and where committed..	5. Offence when and where committed..	5. Offence when and where committed..
6. Value of property said to be stolen...	6. Value of property said to be stolen...	6, Value of property said to be stolen...
Substance of information.	*Substance of information.*	*Substance of information.*
Signature of Police Officer who received the information.	Signature of Police Officer who received the information.	Signature of Police Officer who received the information.
Report under sect on 157, Criminal Procedure Code, forwarded to the Magistrate at o'clock on the 189 .	Forwarded to the Magistrate at o'clock on 189 .	Forwarded to District Superintendent of Police at o'clock on 189 .

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Section II.—Forms relating to the Code of Criminal Procedure.

FORM No. 21.—(*Form of application for an order of detention under Section 67, Criminal Procedure Code.—Police Form No. 61-A.*)

_____ Station.

No. of 188 . _____ District.

To be filled in by Police.

No. of First Report of Crime. ...

No. of report of arrest. ...

Name, father's name, and caste of accused. ...

Offence with Section ...

Place of arrest and distance from Police Station ...

Hour and date of arrest ...

Do. accused reaching Police Station. ...

Hour and date of despatch of accused from Station ...

Request of Police Officer ...

To be filled in by the Magistrate.

Hour and date of arrival of accused at Magistrate's Court ...

Orders of Magistrate ...

Copy of entries in the Case Diary are given overleaf.

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Section 11.—Forms relating to the Code of Criminal Procedure.

FORM No. 22.—*(Case Diary, Section 172, Criminal Procedure Code Police Form No 21-A.)*

No. of First Report of Crime——— ——— Station.

No. of Case Diary———

Submitted from———

at——o'clock on the———189 .

1	2	3	4	5	6			7			8
Offence.	Offence where committed.	Date of offence.	Name of complainant.	Name, father's name, caste and age of persons arrested.	Value of property stolen.			Value of property recovered.			Remarks.
					Rs.	a.	p.	Rs.	a.	p.	

Report.

Orders of District Superintendent.

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FORM No. 23.—[*Charge Sheet (ordinary form) under Section 173, Criminal Procedure Code.—Police Form No. 24-A (1).*]

Foil.

Final Report, Section 173 C. P. C. No.—189 .

_____ Station _____ District

No. of First Report of Crime.

Name of accused.

Offence charged.

Date of despatch of Final Report.

Names of witnesses.

Weapons or other articles sent with Final Report.

Counterfoil.

Final Report Section 173, C. P. C. No._____ of 189 .

Offence charged with Section of Code. } _____

First Report of Crime No._____ of 189 .

Station_____ District_____ Date of offence_____

Name, father's name, caste and residence of complainant.	Name, father's name caste, and residence of accused.	Accused in custody or on bail; if in custody, the reason.	Date and hour of arrest.	Property stolen.		Property recovered.		Details of previous convictions.	Duration of remand asked for and reasons for requiring one.
				Details of property.	Value.	Details of property	Value.		
1	2	3	4	5	6	7	8	9	10

Weapons or other articles sent with Final Report.

Dated 189 . *Signature.*

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PART IV.—FORMS.

Section II.— Forms relating to the Code of Criminal Procedure.

FORM No 23.—*Continued. (Reverse of Police Form 24-A (1).)*

Nature of information.	Names and fathers' names of witnesses.	Abstract of witnesses' statements to the Police, with reference to Case Diaries.

FORM No. 24.—[*Charge Sheet (special form) for nuisance cases—Police Form No. 25 A.*]

Foil. *Counterfoil.*

Joint Final Report, Section 173, C. P. C., for cases under Section 34, Act V of 1861.

——Station——District.

Joint Final Report under Section 173, C. P. C., for offences under Section 34, Act V of 1861.

——Station.

——District.

Serial number of cases ...	Serial number of cases.	Name and parentage of accused.	Residence of accused.	Offence with which charged.	Names of witnesses.
	1	2	3	4	5
Name of accused ...	33	Laxaman, son of Narayan.	Akola.	Section 34 of Act V of 1861.	Constable Partap Singh.
Names of witnesses ...	34	Shaik Rahman, son of Shaik Emam.	Akola.	do.	Constable Ananda.
Date of despatch ...	35	Jagannath, son of Pragdut.	Akola.	do.	Head Constable Emamkhan.

Date——189 .

Signature.

FORM No. 25.—[*Final Report under Section 173, Criminal Procedure Code, in a case in which no arrest has been made.—Police Form 24-A (2.)*]

1. No. of first report of crime ...	1. No. of first report of crime.. ...	1. No. of first report of crime ...
2. Name and father's name of complainant.	2. Name and father's name of complainant.	2. Name and father's name of complainant
3. Offence committed..	3. Offence committed.	3. Offence committed
4. Value of property stolen ...	4. Value of property stolen ...	4. Value of property stolen ...
5. Value of property recovered ...	5. Value of property recovered ...	5. Value of property recovered ...
6. Names and fathers' names of persons acquainted with the circumstances of the case.	6. Names and fathers' names of persons acquainted with the circumstances of the case.	6. Names and fathers' names of persons acquainted with the circumstances of the case.
7. Why investigation has been closed ...	7. Why investigation has been closed ...	7. Why investigation has been closed ...
Report under Section 173, Criminal Procedure Code, forwarded to Magistrate at——o'clock on the ————189 .	Forwarded to the——Class Magistrate at———— at——o'clock on the————189 .	Forwarded to the District Superintendent of Police———— at——o'clock on the———— 189 .
Signature.	*Signature.*	*Signature.*

FORM No. 26.—(*Intimation of a sudden or unnatural death, Section 174 C. P. C.—Police Form 23-A.*)

Foil.

Intimation of a sudden or unnatural death, Section 174, C. P. C.

——————Station——————District.

Serial No.	Name of Reporter.	Nature of report.

Information of the death was received at——— o'clock on————189 .
and intimation was sent to Magistrate at———— o'clock on————189 .

Signature.

Counterfoil.

Intimation of a sudden or unnatural death, Section 174, C. P. C.

——————Station——————District.

Serial No.	Name of Reporter.	Locality of Corpse.	Nature of Report.

Information received at——o'clock on————189 .
and report despatched to Magistrate at——o'clock on ————189 .

Signature.

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FORM No. 27.—(*Report of seizure of property, Section 523, Criminal Procedure Code.—Police Form 17-A*)

Foil.

Report of seizure of property, Section 523, Criminal Procedure Code

Serial No.——— ———Station.

First Report of Crime No.—— ———District.

Date of seizure.	By whom seized.	From whom seized.	Particulars of property.	How eventually disposed of by Police.

Counterfoil forwarded to the Magistrate at——o'clock on the———————189 .

Signature.

Counterfoil.

Report of seizure of property, Section 523, Criminal Procedure Code

Serial No.——— ———Station.

First Report of Crime No.—— ———District.

Date of seizure.	By whom seized.	From whom seized.	Particulars of property.	Cause of seizure.

Forwarded to the Magistrate at ——o'clock on the ———————189 .

Signature.

PART IV.—FORMS.

SECTION III.—FORMS RELATING TO MAGISTERIAL PROCEDURE.

FORM No 28.—(*Prescribed by High Court Circular No. II of 1893, See Part III, page 312*).

TO THE OFFICER IN CHARGE OF THE JAIL AT_____

Whereas_____was convicted of_____and sentenced by the Court of Sessions to be hanged by the neck till he be dead, and the said sentence was confirmed by the High Court: and whereas the execution of the said sentence was not made and done upon the said_____on the_____of the month of_____being the date fixed in this Court's warrant of the_____of the month of_____in consequence of the delay occasioned by an application to the_____

It is hereby ordered that execution of the said sentence be made upon the said_____on or before the_____of the month of_____and that you do return this warrant to this Court, with an endorsement attested by your official seal and signature certifying the manner in which the sentence has been executed as commanded by section 400 of the Code of Criminal Procedure.

Given under my hand and the seal of the Court this_____day of_____189 .

SESSIONS JUDGE,
Hyderabad Assigned Districts.

FORM No. 29.—(*Prescribed by High Court Circular No. II of 1893, See Part III, page 312.*)

I hereby certify that the sentence of death passed on_____, son of_____by the Court of Session and confirmed by the High Court, has been duly executed, and that the said_____son of_____was accordingly hanged by the neck till he was dead, at_____on the_____

I further certify that the body of the said_____remained hanging one hour, and the Medical Officer in attendance certified complete extinction of life prior to its removal, and that it was afterwards burned (or buried or delivered to relatives) not having been claimed by his relatives, and that no accident, error or other misadventure occurred during his execution.

*Officer in charge of Jail at*_____

Section III.—Forms relating to Magisterial Procedure.

FORM No. 30.—(Ap

Descriptive Roll of male and female convicts transferred to Port Blair

Referred to in High Court Circular

1	2	3	4	5	6	7			8	9	10	11
						Native of what place,						
Serial number.	Jail register number.	Name of prisoner.	Father's name and trade or occupation.	Caste.	Religion.	Town or village.	Pargana or Taluka.	District and Province.	Trade or Profession.	Personal description with marks, scars, &c., in detail.	Whether able to read and write, and what language.	Crime.

pendix H. (1)

in the Andamans per _____ *on the* _____ *189* .

No. II of 1891, *See part III, page 307.)*

12	13	14	15		16		17		18	19			20	
			Age.		Height.		Measurement from tip to tip of middle fingers with arms extended at right angles to body.			Previous convictions.				
Date of sentence.	Period of imprisonment.	By what Court sentenced.	Years.	Months.	Feet.	Inches.	Feet.	Inches.	Surgeon's report.	Section I. P. C. or other law.	Date.	Section.	Date of expiry of sentence.	REMARKS.

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GSL

FORM No. 31.—(Ap

Nominal Roll with detailed account of crime and previous

sent into

1	2	
Jail register number.	Name of prisoner.	Detailed description of his crime and its circumstances (to be entered by the committing Magistrate).

pendix H. (2).

history of prisoner (to be attached to the warrant of every prisoner banishment).

4	5	
Previous history of the prisoner, his general character and mode of life (to be filled in by District Superintendent of Police).	Character and conduct in Jail previous to despatch to Andamans.	Remarks.

FORM No. 32.—(*Slip in cases brought up by the Police.—Police Form No. 29-A.*)

Slip to accompany Charge Sheet No. _____ of 189 .

Date _____ 189 .

_____ Station.

_____ District.

To be filled up by Police.							To be filled up by Magistrate.		
No. of First Report of crime.	Name of complainant.	Name of accused.	Offence charged by Police.	Value of property stolen.	Value of property recovered.	Details of previous convictions.	No. of case on Magistrate's file.	Offence found by Magistrate.	Finding and sentence of Magistrate with date.

Result of trial entered on reverse of foil of First Report of Crime and slip returned to District Superintendent's Office this day.

_____ 189 .

_____

Station House Officer.

Date _____ 189 .

_____

Signature of Magistrate.

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Section III.—Forms relating to Magisterial Procedure.

FORM No. 33.—*(Form of Slip to be despatched by a Magistrate to the District Superintendent of Police on conclusion of a cognizable case in his Court taken up without the intervention of the Police.—Police Form 52-A.)*

| Name of Court, with number of case. | | |

FORM No. 31.—(*Form of Calendar prescribed by Judicial Commissioner's Circular No. XI-B of* 1880-*See Part III, page* 298.)

Case committed to the Sessions Court Hyderabad Assigned Districts, on the 1st day of July 1872.

1	2	3	4	5	6	7
Prisoner's name, parentage, caste, residence.	Offence charged with, law applicable, and date of commission.	Date of apprehension.	Whether in prison or on bail.	Witnesses for prosecution with a brief indication of the nature of evidence shown against name of each.	Material evidence *i. e.* weapon, clothes, &c.	Witnesses for defence.
I. Sonu Singh, son of Roda, caste Rajput; residence Aliwal, Amritsar District; age 42. II. Alu Singh, son of Lehna Singh; caste Jat; residence Jung, Amritsar District; age 42. III. Bulaki, son of Gulabas, caste Jutliu; residence Aliwal, Amritsar District; age 30.	Against I and II Murder of Nikasingh on 25th June 1872; Sec. 302, Indian Penal Code. Against III. Furnishing false information to a public servant on 25th June, Sec. 177, Indian Penal Code.	I. 25th June. II and III 26th June.	I and II in prison III on bail.	1. Dr. A. B. Civil Surgeon—to cause of death. 2. Deva Dita, son of deceased—eyewitness of murder: identified body. 3. Pertab Singh—to finding of ear-ring, and finding an identity of bloody knife, and identity of body. 4. Gurbaksh. } Eye witnesses. 5. Gulaba, son of Mahamad. } 6. Bahadur. } To finding and identity of bloody garment and apprehension of accused I and II. 7. Dial Singh. } 8. Ahmed Buksh, constable. } Apprehended the two accused, was present when bloody garment was found; received No. III's report. 9. Ram Das. } Hearing a cry ran to spot, saw accused I and II running away; heard deceased's dying declaration. 10. Naraingh. } 11. Din Mahmud. } Helped to carry body to the Sadr; witness to enmity. 12. Mussamat Jivini—identifies ear-ring. 13. Gulaba, son of Gulam, identifies ear-ring. 14. Thanda, identifies bloody knife. 15. Aladin, saw deceased in company of prisoners I and II.	Bloody knife—ear-ring, bloody garment.	Fact. Prisoners I and II Sheo Bhajat. Gunga Persad, Sevo Din. Character. Budh Sing Mahamad.

Section. III.—Forms relating to Magisterial Procedure.

FORM No. 35.—*(Form prescribed by Government of India, Finance and Commerce Separate Revenue-Opium and Smuggling) Resolution No. 2712, dated 23rd May 1887, published in Resident's Book Circular No. II, Vol I, Chapter XI, Code of Non-Judical Circular—See Part III, page. 372*

RESOLUTION.—In supersession of the orders contained in the papers cited above, and with a view to reduce the work involved to local officers in reporting cases of opium-smuggling, the following tabular statement is prescribed for adoption in future:—

1	2	3	4		5	6	7
Name of District.	Name and Residence of accused	Quantity of smuggled opium seized.	Province or Foreign State or village (if known) whence the opium was brought.		Supposed destination of the opium.	Whether brought by Railway or road.	Designation of convicting Magistrate, date of conviction, punishment inflicted, and rewards paid, with any remarks, which the local authorities desire to offer.
			(*a*) As stated by accused	(*b*) As shown by the evidence			

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FORM No. 36.—(*Form prescribed by Resident's Book Circular No. V of 177, page 44.*)

Calendar of Criminal Case disposed of and pending in the Courts of the Second and Third class Magistrate of _____ District during the month of _____ 189 .

Annual Serial No.	Monthly No.	From whom received.			Name and father's name of complainant and residence.	Name, father's name, caste, age, occupation and residence of accused.	Description of offence with section of the Act, &c. and the place where committed.	Date of Commission of offence.	Date of arrest of accused.	Date of transmission of accused.	Date of arrival of accused in Court.	Date of institution on filing of case.	Date of trial or decision.	How decided.	Accused whether on bail or in custody, &c.	Whether or not the accused was previously convicted if so how many times.	Average duration of cases.		REMARKS.
		Through Police.	Suo Motto.	Direct on complaint.													Cognizable.	Non-cognizable.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

(*a.*) When an accused is detained for more than 24 hours by Police, it should be stated whether such detention was authorized by Magistrate undera special order passed under section 124, Criminal Procedure Code.

(*b.*) When the average duration (columns 17 and 18) is unusually high, explanation should invariably be given in the column of Remarks.

(*c.*) Cases transferred to other Districts under Judicial Commissioner's Circular No. 9 of 1877 (Rule III), need not be shown in this Calendar

(*d.*) Any delay in the arrival of the accused from date of transmission, or in the disposal of ease after arrival of the accused, should be explained in the column of Remarks.

Forwarded to the District Magistrate.

Tahasildar,

_____ Taluk.

Section III.—Forms relating to Magisterial Procedure.

FORM No. 37.—(*Form of return of trials of European British subjects prescribed by Resident's Judical Circular No. VI of* 1885, *See part III, page 441.*)

Detailed Statement of Trials of European British Subjects in the Court of the ——————during the month of——————189 .

Name of Magistrate (or Sessions Judge).	How sent up			Offence.	Name of accused	Result of enquiry or trial.	Sentence	Brief abstract.
	On complaint.	By Police.	By Magistrate *Suo moto*					
1	2			3	4	5	6	7

FORM No. 38.—(*Register No. I prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432.*)

REGISTER OF COGNIZABLE OFFENCES.

Serial number.	Section of the offence with Act.	Number and date of charge register.	Number of case.	Name of police station.	Date and place of the commission of offence.	Number of persons suspected to have committed the offence.	Number of persons arrested.	Number of persons released on bail under section 63 *a.* Criminal Procedure Code.	Number of persons sent to Magistrate for trial.	Number of persons received by Magistrate direct.	Disposal by Magistate.					Date of sanction to strike off the offence when it is found on investigation that no offence was committed.	Remarks.
											Discharged.	Acquitted.	Convicted.	Died, escaped or transferred.	Name of the Magistrate trying the case and the date of disposal.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

NOTE—The number transferred to other districts should be shown in the column of Remarks.

a. Now read Section 170.

FORM No. 39.—(*Register No. II prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432.*)

REGISTER OF NON-COGNIZABLE OFFENCES.

Serial number.	Number of case.	Section of offence with Act, &c.	Number of persons received by Magistrate.	Disposed of by Magistrates.				Name of Magistrate trying the case.	Remarks.
				Discharged.	Acquitted.	Convicted.	Died, escaped, or transferred.		
1	2	3	4	5	6	7	8	9	10

NOTE.—The number transferred to other districts should be shown in the column of Remarks.

FORM No. 40.—(*Register No. III prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432.*)

REGISTER OF COMPLAINTS MADE DIRECT TO MAGISTRATES.

Serial No.	Name and residence of complainant.	Name and residence of accused.	Date of receipt.	Date on which complaint was sent to Police for investigation under Section 110[a] Criminal Procedure Code.	Date of receipt of investigation.	Order of Magistrate.	Date of Order.	Remarks as to final disposal of the complaint.
1	2	3	4	5	6	7	8	9

NOTE.—Complaints in cases represented to Magistrates, whether cognizable or non-cognizable must be shown in this Register. When a complaint is admitted, and process to the accused issued, the case will be regularly filed, and shown in Criminal Register No. IV.

a Now read Section 202.

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PART IV.—FORMS.

Section IV.—Registers.

FORM No. 41.—(*Register No. IV prescribed by Judicial Com-*

REGISTER OF CRIMINAL

Serial number (annual.)	Monthly number.	Charge register number.	From whom received		Name, father's name, and residence of complainant.	Name, father's name, caste, age, occupation and residence of accused.	Description of offence, with Section of the Act, &c. and the place where committed.	Date of commission of offence.	Date of arrest of accused.	Date of transmission of accused.	Date of arrival of accused in Court.	Date of institution or filing of case.	Date of dicision or trial.	Number of witnesses.		
			Through Police.	Direct on complaint. *b.*										Attended.	Examined.	Number of days detained.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

NOTE.—(*a*) Column 26 should be carefully filled up so as give the exact

(*b*). A detail of number of persons shown in column 27 should be

(*c*). In column 1 to distinguish cases disposed of on summary An astrisk * should be affixed to the serial number

(*a*). Altered under the authority of Judicial Commissioner's

b. A third column was added under this head, viz., 'Suo.

missioner's Circular No. XI-A of 1880—See Part III, page 432.)

CASES FILED AND DISPOSED OF.

Accused whether on bail or in custody, etc.	Whether or not the accused was previously convicted, if so how many times.	Duration of cases.		How disposed of.				Detail of sentences passed in reference to columns 24 and 25.	Died, escaped, transferred, committed or referred.	Number of boys whose sentences were committed to detention in a Reformatory school.	Remarks.
		For cognizable offences from date of arrest to date of disposal.	For non-cognizable offences from date of appearance of accused in Court on summons or voluntarily or if produced on warrant from date of arrest to date of disposal *a*.	Discharged.	Acquitted.	Convicted.					
						On regular trial.	On summary trial.				
18	19	20	21	22	23	24	25	26	27	28	29

information required in Judicial Statement No. V (Criminal).
given in the column of Remarks.
trials.
(Annual) against such cases.

Circular No. II of 1885.
note" by Judicial Commissioner's letter No. of 1885.

FORM No. 42.—(*Register No. V prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432*).

REGISTER OF FINES.

Serial number.	Number of case.	Name of complainant.	Persons fined.	For what offence fined.	Date of sentence of fine.	Amount of fine.	Amount (if any) remitted or refunded.	Amount paid into Court before the issue of warrant.	Steps taken to realize with the results.			Balance due.	Compensation under Section 454 of the Code of Criminal Procedure.		REMARKS.
									Warrant issued for the attachment and sale of moveable property.						
									Date and purport of warrant.	Date and purport of return of warrant.	Amount realized on warrant or by sale of property.		Amount awarded to injured party.	Amount paid to injured party and date of payment.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

NOTE.—Nuisance cases under the Police and Municipal Act where fine has been paid shall be shown in Columns 1, 2, 5, 6, 7, and 9 in one lump sum.

Form No. 43.—(*Register No. VI prescribed by Judicial Commissioner's Circular No. XI-A of 1880—**See Part III, page 432.*)

REGISTER OF WARRANTS FOR COMMITTAL OF CONVICTS TO JAIL.

Serial number.	No. of cases.	Name and class of Magistrate passing the sentence.	Name, father's name, &c., of accused.	Offence charged with Sections of the Act, &c.	Date of sentence.	Sentence (state the punishment fully and distinctly, mentioning its nature and extent).	Date of expiry of sentence.		To what jail.	Description of prisoner's private property sent to Jail.	Detail of previous convictions, if any.	Remarks.
							Of the principal imprisonment.	Of the additional imprisonment in default of payment of fine.				
1	2	3	4	5	6	7	8	9	10	11	12	13

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FORM No. 44.—(*Register No. VII prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432*).

REGISTER OF CRIMINAL APPEALS PRESENTED, FILED AND DISPOSED OF.

Serial No.	Date of presentation of Appeal.	Date of institution or filing.	Number of the Magistrate's file.	Name of Appellant.	Description of the offence charged with section of the Act, &c.	Name and class of the Magistrate who passed the original sentence or order.	Sentence.	Date of sentence or order.	Date of receipt of papers of the original Court.	Date of decision or order passed in appeal.	Particulars of decision or order passed in appeal.	Duration in days.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

NOTE.—Column 12 should be carefully filled up so as to afford all the information required in Judicial Statement No. VI, (Criminal.)

FORM No. 45.—*(Register No. VIII prescribed by Judicial Commissioner's Circular No. XI-A of 1880 —See Part III, page 432).*

REGISTER OR RECORD BOOK OF CRIMINAL CASES SENT TO THE RECORD ROOM.

Rumal number	Bundle number	Number of case	Name of Prisoner.	Date of disposal.	Remarks.
1	2	3	4	5	6

FORM No. 46.—*(Register No. XVI prescribed by Judicial Commissioner's Circular No. XI-A of 1880 —See Part III, page 432).*

DAILY REGISTER IN DETAIL OF COURT AND PROCESS FEES REALIZED.

Serial number.	Name of party.	Date.	Civil Court.					Revenue and Criminal Courts.						Grand total of columns 8 and 11.	Remarks
			Process fees.	Amount realized under Act VII of 1870, Schedule I, Articles 1 to 9 inclusive.	Amount realized under the same Schedule Nos. 10 and 12.	Amount realized under Schedule II.	Total.	Process fees.		Other fees.		Total.			
								Revenue.	Criminal.	Revenue.	Criminal.	Revenue.	Criminal.		
1	2	3	4	5	6	7	8	9		10		11		12	13

Note.—Columns 9 to 12 are inapplicable to Courts of Small Causes unless the Judge of such Court is specially empowered to try Criminal cases.

FORM No. 47.—(*Register No. XVI-B prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432*).

DAILY REGISTER OF COURT FEES REALIZED IN THE REVENUE AND CRIMINAL COURTS.

Date.	Process Fees.				Other Fees.				Total.				Remarks.
	Revenue		Criminal		Revenue		Criminal		Revenue		Criminal		
	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	

NOTE.—This Register is inapplicable to Courts of Small Causes, unless the Judge is specially empowered to try Criminal cases.

FORM No. 48.—*(Register No. XVIII prescribed by Judicial Commissioner's Circular No. XI-A of 1880 —See Part III, page 432.)*

REGISTER OF STAMP DUTIES AND PENALTIES.

Serial Number.	Date on which stamp duty and penalty were levied.	No. of suit.	By whom paid into Court.	Nature and description of instrument and date thereof with value of property named therein.	Stamp on which the instrument is written.			Stamp duty levied to make up the proper stamp.			Penalty imposed on the instrument.			Total of columns 7 and 8.			When remitted to the treasury and initials of the Judge or such Ministerial officer as he appoints.
1	2	3	4	5	6			7			8			9			10
					Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	

FORM No. 49—.(*Register No XXIX-A prescribed by Judicial Commissioner's Circular No XI-A of 1880—See Part III, page 432.*)

REGISTER OF CRIMINAL PROCESSES ISSUED IN NON-COGNIZABLE CASES.

Name of Court, if another.	Serial No.	No. of case.	Summons or Warrants.	Name of party on whom to be served, witness or accused.	Date of process.	Date appointed for hearing of the case.	Name of village in which the process is to be served.	Distance in miles.	Date of receipt of process by the Nazir.	Name of server, and date appointed for his return.	Amount of bhatta made over to process server.	Amount of bhatta (if any) returned, and date of return of process by the process server.	Date of return of process to the Court, if another.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

NOTE.—Date of delivery of process to the process server should be written across the Register.

FORM No. 50.—(*Register No. XXX-B prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432*).

REGISTER OF PROPERTY IN CRIMINAL CASES, &c., RECEIVED BY THE NAZIR.

Serial number.	No. of the case.	Name of the Court, if another.	Particulars of property.	Estimated value of the property.	Date of receipt of property.	Date of sale.	Amount realized.	Amount expended.	Balance credited and date.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

FORM No. 51.—(*Register No. XXXVII-(1) prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432*).

GENERAL CASH ACCOUNT.

Dr. or RECEIPTS.					*Cr. or* DISBURSEMENTS.				
Date.	Item.	Amount.			Date.	Item.	Amount.		
		Rs.	a.	p.			Rs.	A.	P.
						Balance in hand			
	Total.					Total.			

FORM No. 52.—(*Register No.-XXXVIII (J) prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432*).

CHALAN OF MONEY TO BE CREDITED TO GOVERNMENT.

No.

Counterfoil.

No. of Chalan.

Date.

Total amount.

By whom sent.

No. DUPLICATE.

[*To be returned to the Court and reattached to the counterfoil in the Chalan Book*].

Chalan of moneys sent to the*——Treasury of——— by the Criminal Court of the———at———to be credited to Government.

Date.

	Rs.	A.	P.
Magisterial fines †			
Sale proceeds of unclaimed property ...			
Fees †			
Forfeitures			
Other items, as by details beneath ...			
TOTAL RS. ...			

Presiding Judge.

RECEIVED.

Date *Treasury Officer.*

* Sub.

† Here give Cash Book reference by quoting No. or date in the Court Cash Book of each item included.

The Chalan No. should similarly be noted in the Court's Cash Book against each item Chalaned.

No. ORIGINAL.

[*To be retained by the Treasury Officer,*]

Chalan of moneys sent to the——Treasury by the Criminal Court of the———to be credited to Government.

Date

	Rs.	A.	P.
Magisterial fines			
Sale proceeds of unclaimed property ...			
Fees			
Forfeitures			
Other items as by details beneath			
TOTAL RS. ...			

Presiding Judge.

[For use in Treasury only.]

To No.

Received.

Entered No,

Date Date

Treasurer.

189 , *Treasury Officer,*

Accountant.

FORM No. 53.—(*Register No. XXXIX (K) prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 432*)

CHALAN OF MONEY TO BE HELD IN DEPOSIT.

No.

Counterfoil.

No. of Chalan.

Date.

Total amount.

By whom sent.

No. DUPLICATE.

[*To be returned to the Court and reattached to the counterfoil in the Chalan Book.*]

Chalan of moneys sent to the Treasury of———— ————by the Criminal Court of the———— at————to be held in deposit under the orders of the Court.

Date

Nature of deposits.	To whom payable.	Amount.
Total Rs. ...		

Signed————————

RECEIVED.

Date Treasury Officer.

* Cash Book reference to be added by quoting No. or date in the Court's Cash Book of each item included. The Chalan No. should similarly be quoted in Court's Cash Book against each item chalaned.

No. ORIGINAL.

(*To be retained by the Treasury Officer.*)

Chalan of moneys sent to the Treasury of———— ————by the Criminal Court of the———— at————to be held in deposit under the orders of the Court.

Date

Nature of deposits.	To whom payable.	Amount.
Total Rs. ...		

Signed————————

[For use in Treasury only.] Received.

Entered No.———— to No.————

Date *Treasurer.*

Accountant *Treasury Officer.*

FORM No. 54.—(*Register No. XL prescribed by Judicial Commissioner's Circular No. XI-A of 1880 —See Part III, page 432*)

REGISTER OF UNCLAIMED AND OTHER PROPERTY IN TAHSIL CUTCHERRY.

Serial number, general.	Special serial No. of each description of property.				Place where the property was found, and the name of the person in whose possession it was found.	Number of the case with which the property was received.	From whom the property was received, number and date of report &c.	Particulars of property. *	Estimate value of the property.			Date of receipt of property.	Date of issue of notice.	Period allowed by notice.	Date on which period expired.	Delivery of property.			Particulars of sale.				Amount expended.			Balance credited and date.				REMARKS.
	Suspicious.	Unclaimed.	Treasure trove.	Unlicensed arms.												Name of person who claims or found the property.	Particulars of property delivered.	Date of delivery.	Date of sale.	Amount realized.										
1	2	3	4	5	6	7	8	9	10			11	12	13	14	15	16	17	18	19			20			21				22
									Rs.	A.	P.									Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Date.	

* NOTE.—Enter in this column the nature of each article received.

FORM No 55.—(Register No. XLI prescribed by Judicial Commissioner's Circular No. XI-A of 1880 —See Part III, page 432.)

REGISTER OF INTESTATE PROPERTY IN TAHSIL CUTCHERRY.

Serial number	Name of the deceased, and where died.	From whom the property was received, number and date of report, &c.	Particulars of property.	Estimated value of the property.			Date of receipt of property.	Date of issue of notice.	Period allowed by notice.	Date on which period expires.	Delivery of property.			Particulars of sale.		Amount expended.	Balance credited and date.				Remarks.
											Name of person to whom property delivered.	Particulars of property delivered.	Date of delivery.	Date of sale.	Amount realized.						
1	2	3	4	5			6	7	8	9	10	11	12	13	14		15	16			17
				Rs.	a.	p.									Rs.	a. p.	Rs. a. p.	Rs.	a.	p.	Date.	

SECTION V.—COPYIST'S REGISTERS AND RECORDS.

Form No. 56.—Register No. XX prescribed by Judicial Commissioner's Circular No. XI-A of 1880 —See Part III, page 432).

REGISTER OF APPLICATIONS FOR COPIES OF DOCUMENTS APPLIED FOR AND GRANTED.

1	2	3	Whether English or Marathi.		Description of documents of which copies are applied for and the number of suit, &c.	Date on which applicant ordered to appear.	Stamps and money received in advance.		Cost of copies		Surplus returned to applicant.		Date of the copy being ready.	Date of delivery of the copy.	Signature of the person receiving the copies and surplus money and Court fee labels, (if any).	Initials of the copyist receiving the copying charges.	Initial of the officer receiving the papers back for being sent to record room.	20
Serial number.	Date of presentation of application.	Name of the person applying for copies or of the Vakeel (if any.)	English.	Marathi.			Number, description and value of court fee labels.	Money received for copying fee.	Number, description and value of court fee labels affixed to copies delivered.	Copying charge.	Number and description of Court fee labels.	Cash.						REMARKS.
							8	9	11	12	13	14	15	16	17	18	19	
							Stamps and money received in advance.		Cost of copies		Surplus returned to applicant.							
			Whether English or Marathi.															
1	2	3	4	5	6	7	10											20

FORM No. 57.—(*Form prescribed by High Court Circular No. I of 1893—See Part III, Page 404*).

ESTIMATE OF FOLIOS AND STAMPS.

Date of receipt of record by head copyist.	Estimate of folios and stamps.				Date of making estimate.	Date of intimation of estimate to applicants.	Date on which applicant is directed to appear to receive the copy applied for.	Date of compliance with the estimate.	Date of preparation of copy.	Date of return of the record to the record room.
	Stamps.		Folios.							
	Indian Stamp Act with details of number and value.	Court fees with details of number and value.	Two annas.	Four annas and so on.						

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FORM No. 58.—*(Register No. I of High Court Circular No. I of 1893—See Part III, page 404).*

APPLICATION FOR COPY.

TO THE DEPUTY COMMISSIONER OF——————

Name of applicant, with father's name, residence and caste.	Name of Mouza and Pargana (and police stations in Criminal case) to which the record appertains.	Papers of which copy is required, numbered serially	Description of papers of which copy is required with the name of the Court concerned.	Date of order on the record of which copy is required.	Names of parties to the case, and nature of the case from the records of which copy is required.	REMARKS.
1	2	3	4	5	6	7

PART IV.—FORMS.

Section V.—Copyist's Registers and Records.

FORM No. 59.—(*Form No. II of High Court*

REGISTER

Number in the head copyist's register of application.	Name of applicants.	Date of order.	Date of intimation of estimate.	Date of compliance with the estimate.	Detail of copies required.		Detail of stamps and folios filed.			
							Stamps.		Folios.	
					No. with its nature whether ordinary or urgent.	Description.	Number.	Value.	Number.	Value.
1	2	3	4	5	6	7	8	9	10	11

Circular (Criminal) No. I of 1893.)

OF COPIES.

Detail of stamps and folios used.								Date of delivery of copy.	Signature of recipient of copy.	Detail of folios returned.		Signature of recipient of folios.	Date of spoiling of stamps and folios.	Certificate for refund.				REMARKS,
Stamps.				Folios.										Stamps.		Folios.		
Ordinary.		Urgent.		Ordinary.		Urgent.								Date of grant.	Amount.	Date of grant.	Amount.	
Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.			Number.	Value.							
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

FORM No. 60.—*(Form No. III of High Court Circular (Criminal) No. I of 1893.)*

REGISTER OF COPIES SUPPLIED FREE OF CHARGE.

Date of preparation of copy.	Number in head copyist's register of application.	Name of applicant.	Number of copies prepared serially.	Description of copies.	Number of words.	Date of delivery of copy.	Signature of recipient of copy.	Remarks.

FORM No. 61—*(Form No. IV of High Court Cicular (Criminal) No. I of 1893.)*

Register to be kept up by the copyists showing the application and records received for copy.

Date of receipt of record from head copyist.	Number of application in the head copyist's register.	Name of applicant.	Number in detail of folios and stamps filed.				Date of preparation of copy.	Description of copy.	Number of words.	Number and detail of stamps used.				Signature of head-copyist.
			Stamps.		Folios.					Stamps.		Folios.		
			Number.	Value.	4 annas	2 annas and so on.				Number.	Value.	4 annas.	2 annas and so on.	

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FORM No. 62.—*(Form No. V of High Court Circular, (Criminal) No. I of 1893.)*

DAILY LEDGER BOOK FOR COPYISTS.

1	2	3				4				5			
Date.	Particulars.	Two annas.				Four annas and so on.				Total.			
		Number.	Value.			Number.	Value.			Number.	Value.		
			Rs.	a.	p.		Rs.	a.	p.		Rs.	a.	p.
1st July.	Balance from 30th June												
	Received from treasury												
	Sold												
	Balance at close of day												
2nd July.	Sold												
	Balance at close of day												

FORM No. 63.—(*Form No. VI of High Court Circular No. I of 1893.*)

Certificate for refund of the value of folios and Court Fee Stamps under Circular No.———Paragraph 4.

1. Serial No. of certificate.

2. Date of application for refund.

3. Serial No. of application in the Head Copyist's Register.

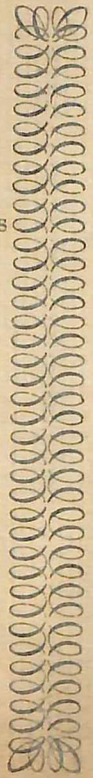
4. Amount of refund payable.

5. Date of grant of certificate for refund.

6. Name of payee.

7. Signature of payee.

Signature.



1. Serial No. of certificate.

2. Date of application for refund.

3. Serial No. of application in the Head Copyist's Register.

4. Amount of refund payable.

5. Date of grant of certificate for refund.

6. Name of payee.

7. Signature of payee.

Signature.

PART IV.—FORMS.

SECTION VI.—FINE REGISTERS AND RECORDS.

FORM No. 64.—*(Form No. I of High Court Circular (Criminal) No. IV of 1889.)*

In the Court of Mr. A. B., Magistrate,——————*District.*

TO COURT INSPECTOR.

Whereas——————of——————
has been convicted of——————and sentenced by this Court to be imprisoned for——————from this date and to pay a fine of Rs.——, or in default of payment to be imprisoned for a further term of——————months.

You are hereby directed to inform the friend named in the margin of the said——————of the said sentence, and in case he tender payment of the fine in whole, or in part, to receive and remit the same to this Court. You are further directed to return this order within fourteen days from the date thereof with an endorsement certifying the manner in which it has been executed. Herein fail not.

Given under my hand and the seal of this Court on the——————day of——————

A. B.,

Seal. *Magistrate.*

FORM No. 65.—(*Form II of High Court Circular (Criminal) No. IV of 1889.*)

Register of Fines of the Court of _____

1	2	3	4	5	6	7	8	9	10			11	12		13
Serial number of fine.	Number of case	Name of complainant.	Persons fined.	For what offence fined.	Date of sentence of fine.	Amount of fine.	Amount, if any, remitted.	Amount paid into Court before the issue of warrant.	Steps taken to realize with the results.			Balance due.	Compensation under Section 545 of the Code of Criminal Procedure.		REMARKS.
									Warrant issued for the attachment and sale of moveable property.						
									Date and purport of warrant.	Date and purport of return of warrant.	Amount realized on warrant or by sale of property.		Amount awarded to injured party.	Amount paid to injured party and date of payment.	

N. B.—When the full amount of the fine has been collected, or when under Rule 8 a fine has been written off a note to that effect is to be made in the column of Remark.

A sufficient space should be left under each entry of fine for the purpose of entering the dates, &c., of any subsequent warrants issued after the first.

FORM No. 66.—*(Form No. III of High Court Circular (Criminal) No. IV of 1889.)*

Monthly Account Current of Fines of the Court of _____

Month.	Amount remaining unrealized at close of previous month.	Fines imposed during the month.	Total.	Amount of fines realized during the month.			Amount of fines remitted.	Amount of fines of six years' standing struck off during the month or written off under Rule IX.	Amount of fines credited to Government during the month.	Total remaining unrealized at the close of the month.	Compensation under Section 545 of Code of Criminal Procedure.		REMARKS.
				From fine imposed during the month.	On account of fines imposed in former periods.	Total.					Awarded to injured party during the month.	Paid to the injured party during the month.	
1	2	3	4	5			6	7	8	9	10		11

PART IV.—FORMS.

Section VI.—Fine Registers and Records.

FORM No 67.—*Form A. attached to Accounts*

Monthly Account Current of Fines imposed and realized in the

Court.	Amount remaining unrealized at close of previous month.	Fines imposed during the month.	Total.	AMOUNT OF FINES REALIZED DURING THE MONTH.			AMOUNT OF FINES REMITTED DURING THE MONTH.		
				From fines imposed during the month.	On account of fines imposed in former periods.	Total.	From fines imposed during the month.	On account of fines imposed in former periods.	Total.
1	2	3	4	5			6		

Circular No. 312 of 1876.)

_____ District for the month of _____ 189 .

Amount of fines of 6 years standing struck off during the month.	AMOUNT OF FINES CREDITED TO GOVERNMENT DURING THE MONTH.			Total remaining unrealized at the close of the month.	COMPENATION UNDER SEC. 545 OF CODE OF CRIMINAL PROCEDURE.		REMARKS.
	From fines imposed during the month.	On account of fines imposed in former periods.	Total.		Awarded to injured party during the month.	Paid to injured party during the month.	
7	8			9	10		11

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PART IV.—FORMS.

Section VI.—Fine Registers and Records.

FORM No. 68.—(*Form B. attached to*

Statement of Fines inflicted during the month of _____ by

1	2	3	4
No. of the case.	Date of order.	Name of prisoner.	Amount of fine imposed.

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Section VI.—Fine Registers and Records.

Accounts Circular No. 312 of 1876.)

Magistrate _____ Assistant Commissioner.

5	Amount received during the month.	
6	Month and date when paid into the Treasury.	
7	Amount received on account of balance outstanding in previous month against prisoner.	
8	Remarks (including note of refund or compensation paid.)	

GSL

FORM No. 69. —(*Form prescribed by Judicial Commissioner's*

Counterfoil.
काँटर फाइल (दुसरीप्रत.)

No. of voucher.
व्हावचर नंबर.

No. of case and name of offender.
मोकदम्याचा नंबर व गुन्हेगाराचें नांव.

Amount and date of payment.
रकम आणि दिल्याची तारीख.

Name of payee.
रुपये घेणाराचें नांव.

Corresponding entry to be made in column 12 of the Fine Register. *a.*
दंड रजीष्टर नमुना नंबर ६९ यांतील कलम १२ यांत सदरहू तपसील लिहिणें.

a. See Form No. 65.
b. See Form No. 68.

District of.
जिल्हा.

Court of
कोर्ट.

1
१

Name of offender and No. of case in Fine Register *a.* as quoted in Monthly Statement of fines realized prepared for the Accountant General. *b.*
आकौंटंट जनरल साहेबाकडे दरमहा दंड वसूल जाल्याचें पत्रक (पहा नमुना नंबर ६८) तयार होऊन जातें त्यांत लिहिल्याप्रमाणें दंड रजिष्टर (पहा नमुना नंबर ६९) यांतील गुन्हेगाराचें नांव व मुकदम्याचा नंबर.

The 189
तारीख माहे सन १८९

Signature of the responsible officer of the court.
कोर्टाचे जबाबदार असलेले आफिसरा ची सही.

Pay Rupees Net.
रुपये देणें.

The 189
तारीख माहे सन १८९

Examined and entered.
तपासून दाखल केली असे.

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Section VI.—Fine Registers and Records.

Circular No. XV of 1877—See Part III, page 414).

Payment out of fines of compensation or reward Refunds and Drawbacks. दंडांतून नुकसान किंवा बक्षीस देण्याचें.				Voucher No. व्हावचर नंबर
Miscellaneous refunds Law and Justice. दडापैकीं पैसा परत दिल्या बद्दल वगैरे.				List of payment for 189 . पैसादेण्याची तारीख माहे सन १८९ .
2 २	3 ३	4 ४	5 ५	6 ६
Amount of fines realized. दंडांची वसूल केलेली रकम.	Date on which paid into Treasury as shown in the monthly statement of fines realized. दंडाचेवसुलाचे दरमाही पभत्र्फांत दाखविल्या प्रमाणें खजीन्यांत रकम भरण्याची तारीख.	Name of payee. रुपये घेणाराचें नांव.	Amount to be refunded. परत देण्याची रकम.	Authority. हुकूम.
		TOTAL Rs. ... टोटल रुपये ...		Act. X of 1882 Section 545 सन १८८२ इसवी आक्ट नंबर १० कलम ५४५ प्रमाणें.

Received payment rupees (in words.)
रुपयेभरुन पावलों रकम अक्षरी ल्याहावें.

Receipt Stamp required for payments exceeding Rs. 20.
पावतीचा स्टांप २० रुपयांहून ज्यास्ती रकम असल्यास लावावा.

Claimant.
रकम घेणाराची सही.

Accountant.
सही आकौंटंटाची.

Passed for payment
रुपये दिले जावे.

Magistrate or other officer
माजिस्ट्रेट अथवा दुसरा आफिसर.

Officer in charge of Treasury.
खजीन्याचे आफिसराची सही.

SECTION VII.—MICELLANEOUS FORMS.

FORM No. 13.—(*Prescribed by Judicial Commissioner's Circular No. XXX of 1879—See Part III, page 412.*)

Statement showing the receipts pertaining to the Judicial Department brought to credit under Law and Justice

1	2	Fine or Subordinate Law Courts.								Court fees realized in Cash.			Sale proceeds of unclaimed and intestate property.	12
		3	4	5	6	7				8	9	10	11	Remarks.
Name of Court	Magisterial fines.	Fines for not complying with summons.	Forfeiture of deposit on sale of immovable property.	Penalty from persons admitted to bail for non-appearance.	Penalty for non-attendance of Assessors.	Other items.				Process server's fees.	Recoveries on account of pauper suits.	Other items.		

(Form No. VI.—(Form prescribed by Judicial Commissioner's Circular No. XXI of 1877, and referred to in Resident's Judicial Book Circular No. XI of 1881—See Part III, page 36.)

Statement showing the value of property belonging to persons who have died intestate and without known heirs.

	Description of articles, &c.						Total value.
	Case.	Ornaments.	Bonds.	Vessels.	Landed property.	Property of a perishable nature.	
	Amount.	Value.	Value.	Value.	Value.	Value.	
Value of property in hand at the end of the previous half-year. ...							
Value of property received during the half year. ...							
Total value. ...							
Value of property returned to heirs of deceased owners thereof. ...							
Value of property credited to Government							
Balance in hand ...							

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FORM No. 72.—*(Form prescribed by Local Government and referred to in the extract taken from Stamp Manual—See Part III, page 428.)*

(Appendix No. 18.)

INSPECTION BOOK OF ——————————RECORD ROOM.

Date.	Name of Inspecting officer.	Number of Proceedings &c. examined, Civil, Criminal, and Revenue.	Defects noticed in inspection.	Orders of Deputy Commissioner.

Form No. 75.—*(Form referred to in Resident's Judicial Book Circular No. XIII of 1880—See Part III, page 402.)*

Statement showing Income and Expenditure of Fees realized on account of Inspection by the public of Judicial Records and Proceedings.

Name of Court.	Balance in hand at close of last quarter.	Realized during the quarter.	Total.	Expenditure during the quarter.	Balance in hand at the close of the present quarter.	Remarks.

No. of 189 .

DEPUTY COMMISSIONER'S OFFICE, } To
189 . } THE JUDICIAL COMMISSIONER, *Deputy Commissioner.*

Hyderabad Assigned Districts. *District.*

FORM No. 74.—(*Judicial Statement No. I prescribed by Judicial*

(CIVIL

Statement showing the number of Judicial Divisions, and the number of

Name of District.		Area.	Population.	Number of divisions for Courts under Chief Courts, but superior to Chief Courts of Districts.	Number of Districts.	Number of Sub-Districts.
1		2	3	4	5	6
District of — Territory subject to the High Court.	Civil ...					
	Criminal ...					
	Revenue ...					
Territory not subject to the High Court.	Civil ...					
	Criminal ...					
	Revenue ...					
	Total ...					

NOTE.—Column 1, Sub-head Total.—The entries to be made here will show the area and
minal and Revenue purposes, the actual number of persons exercising jurisdiction, and the total
Columns 16 and 17.—The judicial receipts and charges should be shown as a whole just as
are included in column 17.

COMMISSIONER'S OFFICE,
The _____ 180 .

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Commissioner's Circular No. XI-A of 1880—See Part III, page 434.)

AND CRIMINAL.)

Officers exercising Appellate or Original Jurisdiction with the cost of Tribunals.

TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	REMARKS.
Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appeals.				
					Regular.	Miscellaneous.	Regular.	Miscellaneous			
7	8	2	10	11	12	13	14	15	16	17	18

Grades of Judicial Officers.		Europeans.	Natives.
Officers exercising both Original and Appellate Jurisdiction.	High Court Judges ...		
	District Judges ...		
	Additional Judges ...		
	Subordinate Judges ...		
Officers exercising Original Jurisdiction only.	Small Cause Court ...		
	Judges ...		
	Munsiffs ...		

population of the entire District, the average number of districts and sub-districts for Civil, Cri-
work done by them with the financial results.
they appear in the treasury accounts, care being taken that the charges on account of building

Commissioner,
District,

FORM No. 75.—(*Judicial Statement No. II prescribed by Judicial Commissioner's Circular No. XI-A of 1880—See Part III, page 434.*)

(CRIMINAL.)

Statement of Offences reported and of persons tried, convicted, and acquitted of each class of offence.

DESCRIPTION OF OFFENCE. *a.*	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS.					REMARKS.
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another District.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code... ...									
Do. relating to the Army and Navy, Chapter VII									
Do. against the public tranquility, „ VIII...									
Do. by or relating to public servants, „ IX									
Contempts of the lawful authority of public servants, Chapter X ...									
False evidence and offences against public justice, „ XI ...									
Offences relating to coin and Government stamps, „ XII ...									
Do. relating to weights and measures, „ XIII ...									
Do. affecting the public health, safety, convenience, decency, and morals, Chapter XVI									
Do. relating to religion, Chapter XV									
Offences affecting human body, Chapter XVI. — Offences affecting life									
Causing of miscarriage, injuries to unborn children, exposure of infants, and concealment of births ...									
Hurt									
Wrongful restraint and wrongful confinement ...									
Criminal force and assault									
Kidnapping, forcible abduction, slavery and forced labour									
Rape									
Unnatural offence...									

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Offences against property, Chapter XVII.	Theft								
	Extortion								
	Robbery and Dakaiti								
	Criminal misappropriation of property								
	Criminal breach of trust								
	Receiving of stolen property								
	Cheating								
	Fraudulent deeds and disposition of property ...								
	Mischief								
	Criminal trespass								
Offences relating to documents and to trade or property marks, Chapter XVII.									
Criminal breach of contracts of service, Chapter XIX									
Offences relating to marriage, „ XX									
Defamation, „ XXI									
Criminal intimidation, insult, and annoyance, Chapter XXII									
Offence under special and local laws									
TOTAL ...	189								
	189								

COMMISSIONER'S OFFICE,
The _____

Commissioner.

NOTES.—Column 1.—(1) "Attempts" should be entered immediately after the offences to which they relate.
(2) "Abetments" should be included with the substantive offences abetted.
(3) When giving the list of special and local laws against which offences have been committed, care should be taken to specify the title of each Act quoted, as well as its number and year. An Act of a local legislature should be distinguished by initial letters placed after the number of the Act.

Column 2.—All offences (cases) of which information was given, complaint made, or cognizance taken under Chapters IV, V, XIV, XVI, C. P. C., for the firt time during the year, are to be shown, although some of the charges may not have been prosecuted, or may have turned out to be false.

Column 3.—This column should be the total of column 2 less the number of cases dismissed under Section 203, C. P. C., and less all other cases in which a Magistrate declared that the charge was false, and that the offence never occurred, or which were dismissed as frivolous and vaxatious, and in which the complainant was fined under Section 560 C. P. C.

Column 5.—This column should be the total of column 6 to 9 plus column 9 of previous year's statement.

Column 8.—Persons transferred from one Court to another *in the same Province* are not to be entered in this column.

Column 9.—A note should be added in the column of remarks showing, respectively, the number of persons who died, escaped, or were transferred.

General.—Cases committed or referred should not be included in this statement by the committing or referring Magistrates. The results of the trials in these cases should be shown by the Courts to which the cases are committed or referred. If the total of column 7 of Statement IV be deducted from the total of column 2 of that statement, the difference should correspond with the total of column 5 of this statement.

a.—Cases of Contempts of Court should be entered under the offences in trying which the Contempt was Committed.

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FORM No. 76.—(*Judicial Statement No. III prescribed by Judicial Commissioner's Circular No. XI-A of 1880-See Part III, page 434.*)

(CRIMINAL.)

Statement of Miscellaneous Proceedings under the Criminal Procedure Code.

Nature of Proceedings.	Total No. of cases before the Courts	No. of persons concerned.	No. of persons discharged.	No. of persons convicted.	Remarks.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter VI-C and Section 485 ...					
2. Proceedings under Chapter VIII, to prevent breach of the peace ...					
3. Proceedings under Chapter VIII, security for good behaviour ...					
4. Proceedings against local nuisances, Chapter X					
5. Possession, Chapter XII ...					
6. Frivolous or vexatious complaints summarily dealt with under Chapter XX, Section 250					
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332 ...					
8. Maintenance, Chapter XXXVI ...					
9. Forfeiture of bail or recognizance under Chapter XLII					
Total ... { 189 ... / 189 ... }					

COMMISSIONER'S OFFICE,

The 189 .

Commissioner,
District.

NOTES.—Column I, Sub-head 6.—Complainants fined under Section 250 are not to be entered as convicted in Statements II, IV, or V, but the fact of the fines having been imposed may be noted in column of Remarks of Statement 2 against the complaints preferred by them.

Column I, Sub-heads 2 and 3. Cases under Section, 107, 109, 110, 118, 120, 123, C. P. C., will also appear under the appropriate head of the Schedule in Statement II and in Statement IV. Persons convicted under these heads and required to give security or recognizance under Sections 120—123, C. P. C., will also appear in Statement 5.

Column I, Sub-heads 4, 5, and 9.—Cases under these sub-heads will not appear in Statements II, IV, or V. Jury cases under Chapter X will, however, appear in Statement XIII.

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Section VIII.—Statements and Returns.

FORM No. 77.—*(Judicial Statement No IV prescribed by Judicial*

(CRIMINAL)

Statement showing the general result of Criminal Trials in the Tribunals of

Class of Courts.	Total number of persons under trial.	Persons whose	
		Died, escaped or transferred to another district.	Discharged or acquitted.
1	2	3	4
Village Officers			
Subordinate Magistrates .. Special Magistrates under Section 14			
Subordinate Magistrates .. Honorary Magistrates sitting singly			
Subordinate Magistrates .. Stipendiry Magistrates sitting singly			
Subordinate Magistrates .. Benches of Magistrates ...			
District and Divisional Magistrates' cases referred under Sections 347 and 349 Criminal Procedure Code			
Chief Magistrates of Districts..			
Courts of Sessions			
Superior Courts			
Total ... 189 ...			
Total ... 189 .			

NOTE.—Column I.—Sub-head "Court of Sessions." Includes cases decided by Sessions
Column I.—Sub-head "Superior Courts." Includes cases decided by the High Courts on
Column 2.—That is the total of the entires in columns 3 to 8. The cases of persons by which decided, or in which pending at the end of the year if not decided.
Column 3.—A note against the figure for each Court should be made in the column
Coloumns 5 and 6.—Persons whose cases were referred to a superior Court for higher 6 against the Court making the reference. Against the Court receiving the reference they will have not been passed.
Column 7.—These cases will also be shown against the Magistrates who made the
Column 8.—An insane accused, who has been sent to a lunatic asylum, should be acquitted.
Column 9.—Omit cases in which the accused died, escaped, or was transferred.
Column 10.—In calculating the duration before the Magistrates' Courts, the starting attendance on summons or otherwise of the accused. As regards Courts of Sessions, the actual which the accused has absconded before arrest, or has escaped from custody, should be taken off
General.—The figures in this statement should not include those of statement

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Commissioner's Circular No. XI-A of 1880-See Part III, page 434.)

various classes.

cases were disposed of.			Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
Convicted.		Committed or referred.					
On regular trial.	On summary trial.						
5	6	7	8	9	10	11	12

Judges on reference under Sections 31, 34, and 123 Criminal Procedure Code.
reference under Sections 307, 374 Criminal Procedure Code.
transferred from one Court to another in the same district will appear only against the Court

of remarks showing separately how many accused persons were transferred to other districts,
punishment or for confirmation of sentence will be entered in column 7 and not in columns 5 and
be shown as convicted or acquitted, according to the orders passed by it or as pending, if orders

reference entry being made as directed above.
kept on the file and entered in this column until he has been tried and either convicted or

point to be taken is not the date of complaint or information, but that of apprehension or
number of days occupied should be given commencing from the date of commitment. Cases in
the file, till the persons implicated appear again.
No. III, but should agree with those of statement No. II.

Commissioner,
District.

MINISTRY OF CULTURE · GOVERNMENT OF INDIA

CSL

FORM No. 78—(*Judicial Statement (Criminal) No. IV.-(A)—prescribed*

Statement showing the general result of the

DESCRIPTION OF OFFENCE.	No. of persons accused and brought before a Magistrate.								Persons whose cases were											
		Within the year.							By District Magistrates and other 1st Class Magistrates.							By Courts of Sessions.				
												Committed.								
	Remaining at the close of the pervious year.	On complaint, section 191-(a), Criminal Procedure Code.	On Police report, section 191-(b) of the Code.	By Magistrate *sue moto*, section 191-(e) of the Code.	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces	Number actually brought to trial.	Received by transfer under section 451-B of the code.	Convicted.	Acquitted or discharged.	To Court of Sessions.	To High Court.	Transferred by order under section 451-B of the Code.	Total omitting entries in columns 10 and 15.	Received by transfer under section 451-B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 499 of the Code	Total exclusive of column 17.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Offences against the State, Chapter IV of the Indian Penal Code.																				
Do. relating to the Army and Navy, Chapter VII ...																				
Do. against the public tranquillity, Chapter VIII ...																				
Do. by or relating to public servants, Chapter IX ...																				
Contempts of the lawful authority of public servants, Chapter X.																				
False evidence and offences against public justice, Chapter XI...																				
Offences relating to coin and Government stamps, Chapter XII.																				
Do. relating to weights and measures, Chapter XIII ...																				
Do. affecting the public health, safety, convenience, decency and moral, Chapter XIV																				
Do. relating to religion, Chapter XV																				
Offences affecting the human body Ch. XVI: Offences affecting life...																				
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births ...																				
Hurt																				
Wrongful restraint and wrongful confinement ...																				
Criminal force and assault																				
Kidnapping, forcible abduction, slavery and force labour.																				
Rape																				
Unnatural offence																				
Offence against property Chapter XVII: Theft																				
Extortion																				
Robbery and dakaiti																				
Criminal misappropriation of property																				
Criminal breach of trust																				
Receiving of stolen property																				
Cheating																				
Fraudulent deeds and disposition of property ...																				
Mischief																				
Criminal trespass																				
Offences relating to documents and to trade or property marks, Chapter XVIII																				
Criminal breach of contracts of service, Chapter XIX ...																				
Offences relating to marriage, Chapter XX																				
Defamation, Chapter XXI																				
Criminal intimidation, insult and annoyance, Chapter XXII ...																				
Offences under special and local laws																				
TOTAL ...																				

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by Judicial Commissioner's Circular No. XI-A of 1880.)

trial of European British subjects.

disposed of							Number of cases.					
By High Court.			Total for all Courts.									
Convicted.	Acquitted.	Total.	Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 451 of the Code.	Of these entered in column 5, number who applied under section 2, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
22	23	24	25	26	27	28	29	30	31	32	33	34

FORM No. 79.—(*Judicial Statement No. V, prescribed by*

(CRIMI

Statement showing the punishments inflicted

Class of Tribunals.	PERSONS SENTENCED TO									
	Death.	Transportation.	Penal servitude.	Imprisonment. Rigorous.	Imprisonment. Simple.	Forfeiture of property.	Fines.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.
1	2	3	4	5	6	7	8	9	10	11
Village Officers										
Subordinate Magistrate. Special Magistrates under Section 14										
Subordinate Magistrate. Honorary Magistrates sitting singly										
Subordinate Magistrate. Stipendiary Magistrates sitting singly										
Subordinate Magistrate. Benches of Magistrates ...										
District and Divisional Magistrates' cases referred under Sections 347, 349, Criminal Procedure Code ...										
Chief Magistrates of Districts ...										
Courts of Sessions										
Superior Courts										
Total ... { 189 ... / 189 ...										

NOTES.—Column 1.—Sub-head "Courts of Sessions."—Includes cases decided by Sessions

Column 1.—Sub-head "Superior Courts."—Includes cases decided by the High Court

Column 19.—Includes fines realized during the year, though imposed in previous years of original jurisdiction only.

Column 20.—Represents compensation awarded to complainants under Section 545, ed" in columns 18 and 19, for they form part of such fines.

General.—(1)—The total of columns 5, 6, and 11, should correspond with the total of columns 12 to 17 inclusive.

(2)—This Statement is meant to exhibit every sentence passed, and where two ber of persons entered in this Statement as punished with the number entered as convicted in under Act XIII of 1859 in a footnote. As regards persons whose cases were referred for higher Court, should be entered against such higher Court, and not against the Court making the re-

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by the various Criminal Tribunals.

DETAIL of PUNISHMENT.																
Fine.									Imprisonment.					Whipped.			
Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realised during the year.	Amount paid by way of compensation.	15 days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	10 stripes and under.	20 stripes and under.	30 stripes and under.	No. of boys whose sentences were commuted to detention in a Reformatory school.
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29

Judges on reference under Sections 31, 34, and 123, C. P. C.
on reference under Sections 307 and 374 C. P. C.
This column is intended to show the realized portion of fines imposed by officers in the exercise
Act X of 1882. These awards should also be shown under the head *Fines* "imposed" and "realiz-
columns 21 to 25 (both inclusive), and the total of column 8 should correspond with the totals of
penalties are inflicted on the same offender, to exhibit them both. Further to reconcile the num-
Statement 4, it is necessary to note cases such as those in which fulfilment of contract is ordered
punishment or for comfirmation of sentence, the punishment, if any, sanctioned by the higher
ference.

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FORM No. 80.—(*Judicial Statement No. V-A. prescribed by Judicial Commissioner's Circular No. XI-A of 1880.*)

(CRIMINAL.)

Showing the particuars of whippings inflicted by the Criminal Tribunals.

PART I.

Showing whippings inflicted under Sections 2 and 3, Act VI of 1864, in lieu of punishment.

Offences for which awarded.	Number of stripes awarded.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
In lieu of other punishments (Sections 2 and 3, Act VI of 1894).														

NOTE.—Include juveniles punished under any of these heads.

FORM No. 81.—(*Judicial Statement No. V-A. prescribed by Judicial Commissioner's Circular No. XI-A of 1880.*)

PART II.

Showing whippings inflicted in addition to other punishments, Sections 3 and 4, Act VI of 1864.

Offence for which awarded.	Number of stripes.						Total.	Remarks.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30		
1	2	3	4	5	9	7	8	9
In addition to other punishments.								
(Sections 3 and 4.)								
A.—Section 3.								
B.—Section 4.								

NOTE.—Include juveniles punished under any of these heads.

FORM No. 82—(*Judicial Statement No. V-A. prescribed by Judicial Commissioner's Circular No. XI-A of 1880.*)

PART III.

Showing whippings inflicted under Section 5, Act VI of 1894, on juveniles for offences other than those specified in Parts I and II.

Offences.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM No. 83—(*Judicial Statement No. V-A. prescribed by Judicial Commissioner's Circular No. XI-A of 1880*).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded *		
2. Total number of other punishments †		
Percentage of whippings ...		

* Total of column 14, Parts I and III and of column 8, Part II.

† Not counting punishments of whipping as a part, but including all cases in which whipping might have been inflicted.

NOTE.—In column 2, against cross-heading 2, will be entered the total number of punishments of *all sorts* not including whippings. In the column for remarks should be entered the total number of persons on whom whipping might have been, but was not inflicted.

FORM No. 84.—(*Judicial Statement No. VI prescribed by*

(CRIMI

Statement showing the result of

Tribunals.	Total No. of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another District.	Appeals or applications rejected.
1	2	3	4
Appeals.			
To Chief Magistrates of Districts			
„ Courts of Sessions			
„ Superior Courts { By persons convicted ... By Government from judgments of acquittal			
Total ... { 189 . ... 189			
Revision.			
By Chief Magistrates of Districts			
„ Courts of Sessions			
„ Superior Courts			
Total ... { 189 . ... 189			
Grand Total ... { 189 . ... 189			

NOTES.—Column 1.—Sub-head "To Chief Magistrates of District." Includes other Magis
Column 2.—Total of columns 3 to 12. Cases transferred from one Court to another in the end of the year, if not decided.

The words "Applicants for Revision" in the heading of this column should be held to interest the Magistrate or Judge may take steps to obtain revision in his own motion.

Where such application is made, or steps are taken on behalf of a complainant the fact latter case, the accused persons against whom the application is made, though not ap result of such application. This note is held to apply also to cases dealt with by the

Column 5.—Appeals dismissed under Section 423, C. P. C., should be entered in this

Column 9.—Orders of discharge set aside by a Superior Court under Section 436 of C. P.

Column 10.—When a sentence is reversed or proceedings are quashed on appeal and a column 8 as well as column 10, or column 9 as well as column 10, in each case res-

Column 13.—Duration of appeals, applications for revision, or references should be

(1) Appeals from date of receipt in office of the petition of appeal;

(2) Applications for revision from the date of application;

(3) Cases dealt with by the Court otherwise than on application from date of the order

(4) Cases sent to the High Court by Lower Courts for revision, from the date of the

GENERAL.—Persons whose appeals were rejected under Section 421, Criminal Procedure whose cases the Courts have refused to submit to the High Court. In columns 5 to 10 sons whose cases were disposed of by those Courts without reference to the High Court;

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NAL).

Appeal and Revision in Criminal Cases.

No. of persons.

Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	REMARKS.
5	6	7	8	9	10	11	12	13	14

trates authorized to hear appeals under Section 407. C. P. C.

the same District will appear only against the Court by which decided, or in which pending at

include only accused persons on whose behalf an application for revision is made, or in whose

should be noted, with the number of complainants concerned, in the column of Remarks. In the pearing in this column will fall into their proper places in columns 8 to 13 according to the High Court, on review of returns

column.

C. should be entered in this column.

new trial or further enquiry is at the same time ordered, the Appellate Court should not fill in pectively, but should make the entry in column 10 only.

calculated thus :—

calling for the record ; and

letter, from the Court making the reference.

Code, should be entered in column 4, in which should also be included applicants for revision should be shown opposite the sub-heads for Magistrates of District and Courts of Sessions, per- and in column 11, all persons whose cases these Courts referred to the High Court.

FORM No. 85.—(*Judicial Statement No. XIII prescribed by Judicial*

(CRIMI

Statement showing use of Juries and

Class of Courts in which Jurors or Assessors are employed.	Established or average number of Jury or Assessors in each case and prescribed qualification.
1	2
Magistrate's Courts under Chapter X, C. P. C. Jurors.	
Courts of Sessions ... Jurors ... / Assessors ...	
High Court Original (Criminal) jurisdiction Jurors...	
TOTAL ... 189 / 189	

Column 11.—Note in what classes of cases Juror

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Assessors in the Criminal Courts.

Number of accused persons in Jury trials.				Number of accused persons in trials with Assessors.				
	As to whom the Judge				As to whom the Judge			
Tried.	Approved verdict.	Did not approve of verdict.	Made reference under Section 307 Criminal Procedure Code.	Tried.	Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	REMARKS.
3	4	5	6	7	8	9	10	11

and Assessors have been principally employed.

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FORM No. 86.—*Provincial Statement No. I prescribed by Judicial Commissioner's Circular No. XI-A of 1880*

(CRIMINAL).

Statement of offences reported and of persons tried, convicted and acquitted of each offence.

Nomenclature of offence, with Chapter and Section of the Penal Code or other law applicable.	Number of head of crime.	Number of cases.					Number of persons.					REMARKS.
		Offences reported.	Complaints dismissed under Section 203, Criminal Procedure Code.	Other cases struck off as false.	Balance returned as true.	Brought to trial during the year.	Under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	Remaining under trial at the close of the year.	
1	2	3	4	5	6	7	8	9	10	11	12	13
I. OFFENCES UNDER THE PENAL CODE.												
Offences against the State—Chap. VI, Sections 121 to 130	1											
Do. the Army and Navy—Chap. VII, 131 to 140	2											
Do. the public tranquillity—Chap. VIII, Sections 143 to 145, 149 to 151, 157, 158—Unlawful assembly	3											
Do. Sections 147, 148, 152 and 153 to 156—Rioting, &c.	4											
Do. 160—Affray	5											
Do. by or relating to public servants—Chap. IX, Sections 161 to 169—By public servants	6											
Do. 161. 170 and 171—Relating to public servants	7											
Contempts of the lawful authority of public servants—Chap X, Sections 172 to 190.	8											
Offences against the False evidence and offences against public officers—Chap. XI, Sections 190 200 —False evidence, subornation, &c., of public servants	9											
Do. Sections 201 to 229—Offences against public justice	10											
Do. Offences relating to coin and Government Stamps—Chap. XII, Section 281 to 254—Offences relating to coin	11											
Do. Sections 255 to 263—Offences relating to Stamps	12											

Offences relating to weights and measures—Chap. XIII, Sections 264 to 267 ... 13
Offences affecting the public health, safety, convenience, decency and morals—
Chap. XIV, Section 269 to 278, offences affecting public health 14
Section 279 to 289, offences affecting safety 15
„ 290 and 291, offences affecting convenience 16
„ 292 to 294, offences affecting decency and morals 17
„ 294-A, keeping lottery office or publishing proposals for lottery ...
Offences relating to religion—Chap XV., Sections 295 to 298 18
Offences affecting the human body—Chap. XVI., Sections 302 and 303, murder ... 19
Section 307, attempt at murder 20
„ 304, culpable homicide 21
„ 304-A, causing death by rash or negligent act ... ...
„ 308, attempt at culpable homicide 22
„ 305 and 306, abetment of suicide 23
„ 309, attempted suicide 24
„ 311, thagi, &c. 25
„ 312 to 315, causing miscarriage 26
„ 316, injury to unborn children 27
„ 317, exposure of infants 28
„ 318, concealment of birth by secret disposal of dead body 29
„ 325 to 331 and 333, hurt with aggravating circumstances 30
„ 323, 324, 332 and 334 to 338, other cases 31
„ 341, wrongful restraint 32
„ 342 to 348, wrongful confinement 33
„ 352 to 358, criminal force or assault 34
„ 364, 366, 367, kidnapping or forcible abduction with aggravating circumstances 35
Sections 363, 365, 368 and 369, other cases 36
„ 370 and 371, slavery 37
„ 372 and 373, buying or selling a minor for the purpose of prostitution ... 38
„ 374, forced labour 39
„ 376, rape 40
„ 377, unnatural offence 41
Offences against property—Chap. XVII ... ...
Section 382, theft with aggravating circumstances 42
„ 379 to 381 and 401, other cases 43
„ 386 to 389, extortion with aggravating circumstances 44
„ 384 and 385, other cases 45
Robbery— 46
Section 394, with hurt ... ...
„ 392, other cases 47
„ 393, attempts 48
Dacoity—
Section 396, with murder 49

Statement of offences reported and of persons tried, convicted, &c.—(Continued)

Nomenclature of offences, with Chapter and Section of the Penal Code or other law applicable.	Number of head of crime.	Number of cases.					Number of persons.					REMARKS.
		Offences reported.	Complaints dismissed under Section 203, Criminal Procedure Code.	Other cases struck off as false.	Balance returned as true.	Brought to trial during the year.	Under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	Remaining under trial at the close of the year.	
Section 397, with attempts to cause death or grievous hurt	50											
„ 398, attempts at robbery or dakaiti when armed with deadly weapons ...	51											
„ 395, 399, 400 and 402, other cases	52											
„ 403 and 404, criminal misappropriation of property	53											
„ 406 to 409, criminal breach of trust	54											
„ 411 to 414, receiving or habitually dealing in stolen or plundered property.	55											
„ 417 to 420, cheating	56											
„ 421 to 424, fraudulent deeds or disposition or property	57											
Mischief—												
Sections 422 to 433 and 435 to 440, with aggravating circumstances ...	58											
„ 426 to 428 and 434, other cases	59											
Criminal Trespass—												
Section 459 and 460, resulting in death or grievous hurt	60											
„ 449 to 452, 445, 455, 457 and 458, for commission of serious offences ...	61											
„ 447, 448, 453, 456, 461, and 462, other cases	62											
Offences relating to documents and to trade or porperty mark—Chap. XVIII., ...	63											
Sections 465 to 471 and 474, forgery or uttering or possessing forged documents or papers	64											
„ 472, to 476, counterfeiting or making or possessing a counterfeit seal, &c. for purposes of forgery	65											
„ 477, fradulently destroying or defacing a will or other document ...	66											
„ 482, 486, 487, and 488 using a false trade or property mark and knowingly selling property so marked	67											
„ 483 to 485, counterfeiting or making, or possessing a die, plate or instrument for counterfeiting a trade or property mark	69											

„ 489, removing, destroying, &c., a trade or property mark with intent to cause injury	68	
Criminal breach of contracts and service—Chap. XIX., Section 490 to 492	69	
Offences relating to marriage—Chap.XX., Section 490 to 498	70	
Defamation—Chap.XXI., Sections 500 to 502	71	
Criminal intimidation, insult or annoyance—Chap.XXII., Section 506, the threat being to cause death or other grievous hurt ...	72	
„ 504 to 510, other cases	73	

II.—Offences under Special and Local Laws.

Code of Criminal Procedure,

Chapter VIII., Sections 107, 108, 119 security for keeping the peace	74	
Chapter VIII., Section 109, 110, security for good behaviour	75	
Chapter XXXV., Contempts of Courts	76	
Breach of other Laws relating to—		
Arms, Ammunition and Military Stores Act 11 of 1878...	...	
Cantonments Military ... ... „ 3 of 1880...	...	
Cattle Tresspass ... ... „ 1 of 1871...	...	
Coinage and Mint ... ... „ 23 of 1870...	...	
Companies Act ... ... „ 10 of 1886...	...	
Contagious diseases ... ... „ 14 of 1868...	...	
Criminal Tribes and Eunuchs ... „ 27 of 1871...	...	
Forests ... ... „ 7 of 1878...	...	
Gambling ... ... „ 2 (B..C) of 1867	...	
Land Acquisition ... ... „ 10 (B.C.) of 1870	...	
Legal Practitioners ... ... „ 18 of 1879	...	
License Tax ... ... „ 2 (B.C.) of 1880	...	
Municipalities ... Acts 4 and 5 (B.C.) of 1876 and Amending Acts ...	...	
Opium ... ... Act 1 of 1878	...	
Police, District ... ... 5 of 1861	...	
Post Office ... „ 14 of 1886 and Act 3 of 1882	...	
Prisons and Prisoners ... Act 5 of 1871, 2 (B.C.) of1864, 5 (B.C.) of 1865 and 4 (B.C.) of 1866. ...	...	
Printing Presses ... ... Act 25 of 1867. ...	...	
Railways .. .. Act 4 of 1879 and 4 of 1883. ...	...	
Registration of Documents ... ... Act 3 of 1877. ...	...	
Stamps ... ... „ 1 of 1879. ...	...	
Telegraphs ... ... „ 1 of 1875. ...	...	
Treasure Trove ... ... „ of 1878 ...	...	

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_____ *District.*

FORM No. 87.—(*Provincial Judicial Statement No. II, pre-*

ORIMI

Statement of Miscellaneous Proceedings

Nature of Proceedings.	Total number dealt with during the year.	
	Cases.	Persons.
1	2	3
1. Proceedings against witnesses under Chapter VI-C and Section 485 ...		
2. Proceedings under Chapter VIII to prevent breach of the peace...		
3. Proceedings under Chapter VIII, security for good behaviour		
4. Proceedings against local nuisances, Chapter X		
5. Possession, Chapter XII		
6. Frivolous or vexatious complaints, summarily dealt with, under Chapter XX Section 250		
7. Non-attendance of jurors or assessors, Chapter XXIII, Section 332 ...		
8. Contempts of Court under Chapter XXXV		
9. Maintenance, Chapter XXXVI		
10. Forfeiture of bail or recognizance under Chapter XLII		
Total ...		

Sub-head 6.—Complainants fined under Section 250 are not to be entered as convicted in column of Remarks of Statement I, against the complaints preferred by them.

Sub-heads 2, 3 and 8.—Charges of Contempt of Court and cases under Sections 107, 109 schedule in Statement I and in Statement 3. Persons convicted under these heads and required appear in Statement IV.

Sub-heads 4, 5, and 9.—Cases under these sub-heads will not appear in Statements I, IV

NOTE.—Column 7, *vide* final paragraph of note to Provincial Statement IV.

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under the Criminal Procedure Code.

Disposed of during the year.			REMARKS.
	Persons		
Cases.	Discharged.	Convicted.	
4	5	6	7

Annual Statements I, III or IV, but the fact of the fines having been imposed may be noted in

110, 118, 120, 123, Criminal Procedure Code, will also appear under the appropriate head of the to give security or recognizance under Sections 120, 123, Criminal Procedure Code, will also

or IV.

Commissioner,

District.

FORM No. 88.—*Provincial Statement No. III prescribed by Judicial*

Statement showing the general result of Criminal

Class of Tribunals.	Number of persons under trial.							
	Remaining at the end of the previous year.	Brought to trial during the year.						
		Under arrest by Police.	Upon warra. t.	On summons.	Voluntarily.	Received on commitment or reference.	Received by transfer.	Total.
1	2	3	4	5	6	7	8	9
1. MAGISTRATE								
Village Officers								
Subordinate Magistrates. Special Magistrates under Section 14 ...								
Subordinate Magistrates. Honorary Magistrates sitting singly. 2nd and 3rd class ...								
Subordinate Magistrates. Honorary Magistrates sitting singly. 1st class ...								
Subordinate Magistrates. Stipendiary Magistrates sitting singly. 2nd and 3rd class ...								
Subordinate Magistrates. Stipendiary Magistrates sitting singly. 1st class ...								
Subordinate Magistrates. Benches of Magistrates								
District and Divisional Magistrates' cases referred under Sections 347, 349 (2)								
Chief Magistrates of District. Under ordinary powers ...								
Chief Magistrates of District. Under special powers, Section 30								
Total ... 189 ...								
189 ...								

1 Persons whose cases were referred to a superior Court for higher punishment or for confir making the reference. Against the Court receiving the reference they will be shown as convict

2 The cases will also be shown against the Magistrates who made the reference, entry being

3 Omit cases in which the accused died, escaped, or was transferred.

4 The case of an insane accused who has been sent to a lunatic asylum should be kept on

5 In calculating the duration before the Magistrate's Court, the starting point to be taken mons, or otherwise. As regards Courts of Session, the actual number of days occupied should be

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Commissioner's Circular No. XI-A of 1880—(Criminal).

Trials in the Tribunals of classes.

Persons whose cases were disposed of.								Number of cases.								Remarks
Died, escaped or transferred.	Discharged or acquitted.	Convicted. 1				Committed or referred. 2	Total of columns 11 to 16.	Persons under trial at the end of year.	Brought to trial during the year.	Disposed of during the year.	Remaining at the close of the year.	Number of cases entered in column 20 tried summarily.	Aggregate number of days during which the cases entered in column 20 lasted.	Average number of days during which each case lasted.	Number of witnesses examined.	
		On regular trial.		On summary trial.												
		Appellable sentence passed.	Non-appellable sentence passed.	Appellable sentence passed.	Non-appellable sentence passed.											
10	11	12	13	14	15	16	17	18	19	20	21	22	22	24	25	29

mation of sentence will be entered in column 16, and not in columns 12 to 15 against the Court
ed or acquitted, according to the orders passed by it, or as pending, if orders have not been passed
made as directed above.

the file until he has been tried and either acquitted or convicted.
is not the date of complaint or information, but that of apprehension, or attendance on sum-
given, commencing from the date of commitment.

Commissioner.

District.

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FORM No. 89.—*Provincial Statement No. IV prescribed by Judicial*

Statement showing themnts inflicted punished by the various Criminal Tri

Class of Tribunals.	Persons sentenced to												Persons ordered to find or give		
		Transportation.			Imprisonment.				Fine.		Whipping.				
					Rigorous										
	Death.	For life.	or a term.	Penal servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Sureties of the peace.	Recognizance to keep the peace.	Sureties for good behaviour.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
MAGISTRATES.															
Village Officers															
Sub-Magistrates. Special Magistrate under Section 14.															
Sub-Magistrates. Honorary Magistrates sitting singly ... 2nd and 3rd Class.															
Sub-Magistrates. Honorary Magistrates sitting singly ... 1st Class ...															
Sub-Magistrates. Stipendiary Magistrates sitting singly ... 2nd and 3rd Class.															
Sub-Magistrates. Stipendiary Magistrates sitting singly ... 1st Class ...															
Sub-Magistrates. Benches of Magistrates ...															
District and Divisional Magistrates' cases referred under Section 347, 349 ..															
Chief Magistrates of Districts ... Under ordinary powers															
Chief Magistrates of Districts ... Under special powers. Section 30 ...															
Total ... 188 . ... 188															

1 Omit fractions of a rupee.

2 Include all judicial fines imposed during the year by the Criminal Courts in the exercise

3 Include all such fines realized during the year though imposed in previous years.

Instructions.—This statement is meant to exhibit every sentence passed, and where two to rigorous imprisonment with solitary confinement and fine he will appear in columns 6 and 10, if to simple imprisonment and fine then in columns 8 and 10, if to rigorous imprisonment and to keep the peace under Section 106, Criminal Procedure Code, then in columns 6 or 7 and 15. necessary to exclude columns 10 and 12 and the double entries in columns 15. as the persons entered in this statement as punished with the number entered as convicted in Statement III, it is XIII, of 1859 in a foot-note, no special column being provided for them in the statement.

As regards persons whose cases were referred for higher punishment or for confirmation of Court, and the accused will be entered against such Court accordingly, and not against the

NOTE.—Column 25.—This column should exhibit all fines imposed during the year on the diction.

Column 26 should exhibit the realised portion of the above fines, including realisations of

Column 27 represents compensation awarded to complainants under Section 545, Act X, of columns 25 and 26, for they form part of such fines.

Compensation paid away out of realizations under Section 350, Act X of 1882, should not

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Commissioner's Circular No. XI-A of 1880.)

bunals in the exercise of original jurisdiction.

Persons imprisoned in default of security for good behaviour.		Detail of punishments.																Whipped.			No. of boys whose sentences were commuted to detention in a reformatory school.
		Fine 1.								Imprisonment.											
One year and under.	Three years and under.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year 3.	Amount paid by way of compensation.	15 days and under.		6 months and under.		2 years and under.		7 years and under.		Above 7 years.		10 stripes and under.	20 stripes and under.	30 stripes and under.	
											Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.				
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41

of original jurisdiction.

penalties are inflicted on the same offender, to exhibit them both. If a man has been sentenced if to rigorous imprisonment without solitary confinement but with fine, then in columns 7 and 10 whipping then in columns 6 or 7 and 12; if to rigorous imprisonment and to give recognizance In adding together the entries to ascertain the total number of persons punished, it will be referred to will be accounted for in other columns. Further to reconcile the number of persons necessary to note cases such as those in which fulfilment of contract is ordered under Act

sentence the punishment to be shown in this statement is that if any, sanctioned by the higher Court making the reference.

persons shown in columns 19—24 of the statement by officers in the exercise of original juris-

fines imposed but not recovered in a previous year.

1882. These awards should also be shown under the head Fines "imposed" "and realised" in

be entered in any of the statements except in the column for remarks of Provincial Statement II

Commissioner,
District.

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FORM No. 90.—*Provincial Statement No. V prescribed by Judicial Court Circular*

Statement showing the result of appeal

Class of Tribunals.	No of: Total No. of appellants and applicants for revision including pending from previous year.	Died, escaped, or transferred.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or order otherwise altered.
1	2	3	4	5	6	7
Appeals.						
To Chief Magistrates of Districts ...						
„ Courts of Sessions						
„ Superior Courts... By persons convicted ...						
„ Superior Courts... By Government from judgement of acquittal						
Total ... 189						
Total ... 189						
Revision.						
By Chief Magistrates of Districts ...						
„ Courts of Sessions						
„ Superior Courts						
Total ... 189						
Total ... 189						
Grand Total ... 189						
Grand Total ... 189						

1. Persons whose appeals were rejected under Section 421, Criminal Procedure Code include applicants for revision, whose cases they refuse to submit to the High Court. In columns to the High Court, and in column 11 all persons whose cases they referred to the High Court.

2. Excluding cases in which appellant or applicant died, escaped, or was transferred.

3. Or other Magistrates authorized to hear appeals under Section 407, Criminal Procedure

NOTES.—The words "Applicant for revision" in the heading of column 2 should be held to 'in interest the Magistrate or Judge may take steps to obtain revision on his own motion. Where be noted, with the number of complainants concerned, in the column of remarks. In the latter 2, will fall into their proper places in columns 3 to 13 according to the result of such application.

COMMISSIONER'S OFFICE,

The 189 .

Commissioner Circular No. XI-A of 1880 and as amended by High No. II of 1892).

and revision in Criminal Cases.

persons.										
Reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Total whose cases were disposed of including entries in columns 4 to 11.	Remaining at the end of the year.	No. of cases,			Average number of days during which each appeal lasted.	REMARKS.
						Preferred during the year.	Disposed of during the year.	Remaining at the close of the year.		
8	9	10	11	12	13	14	15	16	18	17

should be entered in column 6, in which District Magistrates and Sessions Judges should al o
5 to 10 they should show persons whose cases were disposed of by themselves without reference
The result of such references will not be shown in their return, but in those of the High Court.

Code.
clude only accused persons on whose behalf an application for revision is made, or in whose
such application is made, or such steps are taken, on behalf of a complainant, the fact should
case, the accused persons against whom the application is made, though not appearing in column

Commissioner,
District.

MINISTRY OF CULTURE · GOVERNMENT OF INDIA

FORM No. 91.—*Provincial Statement No. V-A prescribed by High Court Circular No. I of 1894)*

Names of Magistrates against whose decision appeals were preferred.	Designation.	Appeals rejected.		Sentences confirmed.		Sentences enhanced.		Sentences reduced or otherwise altered.		Sentences reversed.		Proceedings quashed.		New trial or further enquiry ordered.		Referred for revision to High Court.		Total disposed of.
		Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

FORM NO. 92.—*Provincial Statement No. VI.—prescribed*

Statement showing the General Result of Criminal

No.	Name of Officer.	Designation.	For disposal.								Disposed					
			No. pending from last		Filed during the		Received by transfer.		Total.		Acquitted or discharged.		Convicted.			
													On regular trial.		On summary trial.	
			Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

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by Judicial Commissioner's Circular No. XI-A of 1880.)

Cases disposed of by each officer.

of.								Remaining at the end of the		Average duration of cases.						
										Cognizable.			Non-cognizable.			
Committed to Sessions		Referred for enhanced punishment.		Died, escaped or transferred.		Total.				Number of cases.	Aggregate number of days occupied in trial.	Average number of days.	Number of cases.	Aggregate number of days occupied in trial.	Average number of days.	REMARKS.
Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.							
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34

Commissioner,
District.

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FORM No. 93.—*(Abstract Statement No. VI.)*

(CRIMINAL.)

No. of each class of officers.	Class of Courts.	No. of Cases and persons under trial including, pending from the last.		Disposed of.										Remaining at the end of the		Average duration of cases.	REMARKS.
				Acquitted or discharged.		Convicted.		Committed or referred for enhanced punishment.		Died, escaped, or transferred		Total.					
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Deputy Commissioner ... Assistant Commissioner ... Extra Assistant Commissioner. Judge, Small Cause Court ... Attachès ... ... Tahsildars ... ... Special Magistrates ...																
	Total ... {189 / 189}																

DEPUTY COMMISSIONER'S OFFICE, }

Deputy Commissioner,

District.

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FORM No. 94.—(*Supplement to Provincial Judicial Statement No. VI.*)—(*Criminal*).

Supplement Statement showing the number of Criminal Cases called up by the Deputy Commissioner for inspection from the Subordinate Courts.

Class of Courts.	No. of cases called up including the balance of last.	No. of cases transferred to Assistant Commissioner for inspection and report.	No. of cases inspected by the Deputy Commissioner himself.	Results of inspection.				No. of cases pending inspection at the close of	REMARKS.
				Cases in which procedure was found to be correct.	Cases in which errors were pointed out and communicated to the officer concerned.	Cases submitted for revision under Section 296, Criminal Procedure Code.	Total.		
1	2	3	4	5	6	7	8	9	10
Special Magistrates ...									
Tahsildars									
Attachés									
Extra Assistant Commissioners.									
Assistant Commissioners ...									
Total ... {189 . 189 .									

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CSL

FORM No. 95.—(*Provincial Judicial Statement No. VII prescribed by*

Statement showing in detail further particulars and distribution of Criminal

No.	Districts.	For disposal.									
		Number pending from last year.		Filed during the year.		Received by transfer.		Total.		Total number disposed of during the year.	
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1	2	3	4	5	6	7	8	9	10	11	12
1	Akola										
2	Buldana										
3	Basim										
4	Amraoti										
5	Ellichpur										
6	Wun										
	Total { 189 . / 189 .										

COMMISSIONER'S OFFICE,

The 189 . }

Judicial Commissioner's Circular No. XI-A of 1880 (Criminal).

work in the several Districts of the Hyderabad Assigned District.

Disposed of.																
Percentage of cases and persons.								Average duration.		Number disposed of by European Magistrates.		Number disposed of by Native Magistrates.		Average number disposed of by each officer.		Remarks.
Acquitted or discharged.		Convicted.		Committed to Sessions Court and those referred for enhanced punishment.		Died, escaped, or transferred.		In cognizable cases.	In non-cognizable cases.							
Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.			Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29

Commissioner.

FORM No. 96.—*Provincial Judicial Statement No. VIII prescribed by*

(CRIMI

Statement of Criminal Cases filed and disposed of under

No.	Districts.	Number of cases and persons.				Total.		Number of cases and persons.				Number of persons			
		Remaining from last year.		Filed during the year.				Tried during the year.		Remaining at the close of the year.					
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Died.	Escaped or transferred or referred.	Total number of cases tried.	Total number of persons tried.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Akola ...														
2	Buldana ...														
3	Basim ...														
4	Amraoti ...														
5	Ellichpur ...														
6	Wun ...														
	Total { 189 . / 189 .														

COMMISSIONER'S OFFICE, }

The 189 . }

Judicial Commissioner's Circular No. XI-A of 1880).

NAL.)

Section 30 of Act X of 1882, by the Deputy Commissioners.

Results of trial.							Penal results.													Remarks.
Convicted.		Discharged or acquitted in the foregoing cases.	Acquitted,		Discharged.		Only fined.	Flogging only.	Imprisoned.									Transported beyond seas.	Total punished.	
Cases.	Persons.		Cases.	Persons.	Cases.	Persons.			For and under six months.	For one year.	For two years	For three years.	For four years.	For five years.	For six years	For seven years.	Total imprisoned.			
71	18	19	20	21	22	23	14	25	26	27	28	29	30	31	32	33	34	35	36	37

Commissioner.

FORM No. 97.—*Provincial Judicial Statement No. IX prescribed by Judicial Commissioner's Circular No. XI-A of 1880)—(Criminal)*

Statement showing the average detention of Witnesses in Criminal cases in the several Districts of the Hyderadad Assigned Districts.

Number.	Districts.	Number of witnesses who attended.	Period of detention.												Number of witnesses examined.	Number of witnesses allowed to go unexamined.	REMARKS.
			For 1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	9 days.	16 days.	Up to one month.	Total.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	Akola																
2	Buldana ...																
3	Basim																
4	Amraoti ...																
5	Ellichpur ...																
6	Wun																
	Total { 189 ...																
	{ 189 ...																

COMMISSIONER'S OFFICE,
The _____ 189 .

Commissioner.

FORM No. 98.—*Provincial Judicial Statement No. X prescribed by Judicial Commissioner's Circular No. XI-A of 1880.*

(CRIMINAL.)

Statement showing the amount of Fines imposed and collected, &c., in the several Districts.

No.	Districts.	Balance at close of last year.	Fine imposed during the year.	Total.	Collected during the year.	Amount relinquished by lapse of time.	Amount paid by way of compensation or refunded.	Balance remaining at close of the year.	REMARKS.
1	2	3	4	5	6	7	8	9	10
1	Akola								
2	Buldana								
3	Basim								
4	Amraoti								
5	Ellichpur ...								
6	Wun								
	Total { 189 / 189								

The COMMISSIONER'S OFFICE,
_____

Commissioner.

FORM NO. 99.—*Provincial Judicial Statement No. XI prescribed by Judicial Commissioner's Circular No. XI-A of 1880—(Criminal)*

Statement of Sessions Cases filed and disposed of by the Sessions Judge, Hyderabad Assigned Districts.

Offences.	Remaining from last		Received by transfer		Filed during the		Total.		Decided.								Pending.		Sentenced to be									Total punishment.	REMARKS.
									Convicted.		Acquitted in the foregoing	Acquitted		Transferred		Total.			Hanged.	Transported for life.	Imprisoned for 14 years and under.	10 „	7 „	5 „	4 „	3 „	2 „	1 „	Imprisoned for 6 months and under.		
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
Murder and abetment of murder																																
Dakaiti with murder ...																																
Culpable homicide ...																																
Causing death by rash or negligent act ...																																
Grievous hurt ...																																
Concealment of birth by secret disposal of dead body																																
Dakaiti																																
Total... { 189 . / 189 .																																

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Section IX.—Tables for Annual Report.

FORM No. 100.—*(Table No. I prescribed by High Court Circular No. II of 1892—see part III, page 438.)*

Districts.	Stipendiary Magistrates.					Benches of Magistrates	Total.
	District Magistrates.	1st class Magistrates.	2nd class Magistrates.	3rd class Magistrates.	Special Magistrates.		
Akola ...							
Buldana ...							
Basim ...							
Amraoti ...							
Ellichpur ...							
Wun ...							
Total { 189 . 189.							

FORM No. 101.—(*Table No. II prescribed by High Court Circular No. II of 1892—see part III, page 438.*)

Districts.	Offences reported.		Cases dismissed under section 203 of the Code of Criminal Procedure.		Cases struck off as false.		Cases returned as true.		Cases brought to trial.	
	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.
Akola ...										
Buldana ...										
Basim ...										
Amraoti ...										
Ellichpur ...										
Wun ...										
Total ...										

FORM No. 102.—*(Table No. III prescribed by High Court Circular No. II of 1892—see part III, page 438.)*

	Akola.		Buldana.		Basim.		Amraoti.		Ellichpur.		Wun.		Total for 1892.	Total for 1891.	Increase.	Decrease.
	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891				
Offences against the State																
Do. relating to the Army and Navy ...																
Do. against the public tranquillity ...																
Do by or relating to public servants...																
Contempts of the lawful authority of servants																
False evidence and offences against public justice																
Offences relating to coin and Government stamps																
Offences relating to weights and measures.																
Offences affecting public health, safety, convenience, decency and morals.																
Offences relating to religion																
Total ...																
Offences affecting the human body ...																
Do. against property																
Do. not included in the above ...																
Do. under Special and Local Laws ...																
Total ...																
Grand Total ...																

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PART IV.—FORMS.

Section IX.—Tables for Annual Report.

FORM No. 103.—(*Table No. IV prescribed by High Court Circular No. II of 1892—see part III, page 438.*)

Offences against the human body.

	1891.	1892.	Increase.	Decrase.
Murder				
Attempt at murder				
Hurt with aggravating circumstances.				
Kidnapping or forcible abduction. ...				
Rape				
Unnatural offences				

Offences against property.

Theft with aggravating circumstances.				
Other cases of theft				
Robbery excluding attempts ...				
Dacoity with murder				
Dacoity with attempt to cause death or grievous hurt				
Other cases of dacoity				

FORM No. 104.—*(Table No. V prescribed by High Court Circular No. II of 1892—see part III, page 438.)*

Nature of proceedings.	Cases disposed of.		Persons disposed of.		Of these the following were					
					Acquitted or discharged.		Convicted.		Pending.	
	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.
Proceedings against witness, Chapter VI, C and D										
Proceedings under Chapter VIII, security for keeping the peace ...										
Proceedings under Chapter VIII, for good behaviour										
Proceedings against public nuisances, Chapter X										
Disputes as to immoveable property, Chapter XII										
Frivolous or vexatious complaints summarily dealt with, Chapter XX, section 250										
Non-attendance of jurors or assessors, Chapter XXIII, section 332 ..										
Maintenance, Chapter XXXVI										
Forfeiture of bail or recognizance under Chapter XLII										
TOTAL ...										

FORM NO. 105.—*Table No. VI prescribed by High Court*

Districts.	Persons under-trial including pending.		Persons disposed of.		Result					
					Died, &c.		Percentage and total for disposal		Discharged or acquitted.	
	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.
Akola ...										
Buldana ...										
Basim ...										
Amraoti ...										
Ellichpur ...										
Wun ...										
Total ...										

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Circular No. II of 1892—See part III, page 438).

of disposal.

Percentage on total for disposal.		Convicted		Percentage on total for disposal.		Committed or referred.		Percentage on total for disposal.		Percentage.		Percentage on total of disposal	
1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.

FORM NO. 106. *(Table No. VII prescribed by High Court Circular No. II of 1892—See part III, page 438).*

	Cases disposed of.		Percentage.	
	1892.	1891.	1892.	1891.
Deputy Commissioners				
Special Assistant Commissioners ...				
Assistant Commissioners				
Judges, Small Cause Court				
Extra Assistant Commissioners				
Attachés				
Tahsildars				
Special Magistrates				
Benches of Magistrates				
Assistant Conservator of Forests ...				

FORM No. 107.—*Table No. VIII prescribed by High Court Circular No. II of 1892—See part III, page 438).*

District.s	Cases decided by Deputy Commissioners.				Total.	
	Disposed of summarily.		Disposed of otherwise.			
	1892.	1891.	1892.	1891.	1892.	1891.
Akola						
Buldana						
Basim						
Amraoti						
Ellichpur						
Wun						
TOTAL ...						

FORM No. 108.—(*Table No. IX prescribed by High Court Circular No. II of 1892—See part III, page 438.*)

Name and District.	Jurisdiction under section 30, Criminal Procedure Code.			
	Number of cases disposed of.		Number of persons tried.	
	1892.	1891.	1892.	1891.
Akola				
Buldana				
Basim				
Amraoti				
Ellichpur				
Wun				
Total ...				

FORM No. 109.—(*Table No. X prescribed by High Court Circular No. 11 of 1892—See part III, page 438.*)

Name of district.	Summary jurisdiction.			
	Number of cases disposed of.		Number of persons tried.	
	1892.	1891.	1892.	1891.
Akola				
Buldana				
Basim				
Amraoti				
Ellichpur				
Wun				
TOTAL ...				

FORM NO. 110.—(*Table No. XI prescribed by High Court Circular No. II of 1892—See part III, page 438.*)

	Persons disposed of by the Sessions Court.	Persons acquitted.		Convicted.		Died, escaped or transferred.	
		Number.	Percentage.	Number.	Percentage.	Number.	Percentage.
1892.							
1891.							

FORM No. 111.—*(Table No. XII prescribed by High Court Circular No. II of 1892—See part III, page 438.)*

	1892.		1891.	
	Number of witnesses.	Percentage.	Number of witnesses.	Percentage.
Discharged after 1st day's attendance ...				
Do. 2nd do. ...				
Do. 3rd do. ...				
Detained for more than 3 days ...				
Total ...				

FORM No. 112.—*Table No. XIII prescribed by High Court Circular No. II of 1892—See part III, page 438.*

	Number of persons sentenced to punishment of all kinds.		Death.				Transportation.				Imprisonment.				Fine.				Whipping.			
			Number.		Percentage.		Number.		Percentage.		Number.		Percentage.		Number.		Percentage.		Number.		Percentage.	
	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891
Akola ...																						
Buldana ...																						
Basim ...																						
Amraoti ...																						
Ellichpur ...																						
Wun ...																						
Courts of Deputy Commissioners under special jurisdiction ...																						
Sessions Court ...																						
Judicial Commissioner's Court ...																						
Total ...																						

FORM NO. 113. *(Table No. XIV prescribed by High Court Circular No. II of 1892—See part III, page 438).*

Degree of punishment.	1892.		1891	
	Persons.	Percentage.	Persons.	Percentage.
Fine.				
Rupees 10 and under ...				
„ 11 to 50 ...				
„ 51 to 100 ...				
„ 101 to 500 ...				
„ 501 to 1,000 ...				
Above Rupees 1,000 ...				
Total ...				
Imprisonment.				
To period not exceeding 15 days				
To period exceeding 15 days, but not exceeding 6 months...				
To period exceeding 6 months but not exceeding 2 years ...				
To period exceeding 2 years, but not exceeding 7 years ...				
Above 7 years				
Total ...				
Whipping.				
10 stripes and under ...				
20 do. ...				
30 do. ...				
Total ...				

FORM No. 114.—*Table No. XV prescribed by High Court Circular No. II of 1892—See part III, page 438.*

District.	Name of Court.	Description of punishment and the number of persons sentenced.							
		Transported for life.	Imprisonment for 14 years.	Imprisonment for 10 years.	Imprisonment for 7 years.	Imprisonment for 5 years.	Imprisonment for less than 5 years and more than 2 years.	Imprisonment for less than 2 years.	Remarks.
		Persons.	Persons.	Persons.	Persons.	Persons.	Persons.	Persons.	
	Civil and Sessions Judge ...								
	District Magistrate ...								
	Magistrate, 1st class ...								
	Other Magistrates ...								
Total ...									

FORM No. 115.—*Table No. XVI prescribed by High Court Circular No. II of 1892—See part III, page 438).*

Debtor.	Rupees.	Creditor.	Rupees.
Fines outstanding at the close of 1891		Fines realized	
		Amount relinquished ...	
		Remitted in appeal ...	
Fines imposed in 1892 ...		Outstanding at the close of 1892	
Total ...		Total ...	

FORM No. 116.—*(Table No. XVII prescribed by High Court Circular No. II of 1892—See part III, page 438.)*

Appellate Jurisdiction.

	Appeals for disposal including pending.		Appeals disposed of.		Pending.	
	1892	1891	1892	1891	1892	1891
Judicial Commissioner's Court ...						
Civil and Sessions Judge's Court ...						
Deputy Commissioner's Court ...						
Total ...						

FORM No. 117.—(*Table No. XVIII prescribed by High Court Circular No. II of 1892—See part III, page 438.*)

Appellate Jurisdiction.

Name of Court.	Total number of appeals disposed of.		Appeals rejected.				Sentences confirmed				Sentences enhanced.				Sentences reduced or otherwise altered.				Sentences reserved.				Proceeding quashed.				New trial or further enquiry ordered,				Referred for revision to High Court.			
			Number.		Percentage.		Number.		Percentage.		Number.		Percentage.		Number.		Percentage.		Number.		Percentage.		Number.		Percentage.		Number.		Percentage.		Number.		Percentage.	
	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.
Judicial Commissioner, Hyderabad Assigned Districts ...																																
Civil and Sessions Judge, Hyderabad Assigned Districts ...																																
District Magistrates.																																
Akola																																
Buldana																																
Basim																																
Amraoti																																
Ellichpur																																
Wun																																
Total ...																																

Form No. 118.—(*Table No. XIX prescribed by High Court Circular No. II of 1892—See part III, page 438.*)

Revision Business.

	Total number of applications.	Whose applications rejected.		Whose sentences confirmed.		Whose sentences enhanced.		Whose sentences reduced or otherwise altered.		Whose sentences reversed		Proceedings quashed.		New trial or further enquiry ordered.		Referred to High Court.	
	Disposed of.	Number.	Percentage.	Number	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.
	1892 — 1891	1892 — 1891	1892 1891	1892 — 1891	1892 1891	1892 — 1891	1892 1891	1892 — 1891	1892 1891	1892 — 1891	1892 1891	1892 1891	1892 1891	1892 1891	1892 1891	1892 1891	1892 1891
Judicial Commissioner ...																	
Civil and Sessions Judge..																	
District Magistrates ...																	
Total ...																	

FORM No. 119.—(*Table No. XX prescribed by High Court Circular No. II of 1892—See part III, page 438.*)

	Pending file.				Average duration.			
	Appeals.		Revision cases.		Appeals.		Revision cases.	
	1892	1891.	1892	1891	1892.	1891.	1892.	1891,
Judicial Commissioner ...								
Civil and Sessions Judge ...								
District Magistrate ...								
Total ...								

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FORM No. 120.—(*Table No. XXI prescribed by High Court Circular No. II of 1892—See part III, page 438*).

Class of Court.	No. of cases called up including the balance of last year.		No. of cases transferred to Assistant Commissioners for inspection and report.		No. of cases inspected by the Deputy Commissioners, Civil and Sessions Judge, and the Judicial Commissioner.		Results of inspection.									
							Cases in which proceedure was found to be correct.		Cases in which errors were pointed out and communicated to the officers concerned.		Cases submitted for revision.		Total.		No. of cases pending inspection at the close of the year.	
	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891	1892	1891
Judicial Commissioner ...																
Civil and Sessions Judge ...																
Deputy Commissioner, Akola ...																
Do. Buldana...																
Do. Basim...																
Do. Amraoti																
Do. Ellichpur																
Do. Wun ...																
Total ...																

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