

ACT IV. OF 1892.*

The Court of Wards Act. (Bengal) Amendment Act 1892.

RECEIVED THE G.-G.'S ASSENT ON THE 25TH MARCH 1892.

An Act to amend the Bengal Court of Wards Act, 1879.

WHEREAS it is expedient to amend the Court of Wards Act, 1879, passed by the Lieutenant-Governor of Bengal in Council ; It is hereby enacted as follows :—

Construction and com-
mencement. 1. (1) This Act shall be read with, and taken as part of, the Act aforesaid.†

2. In section (3) at the end of the clause defining "estate" the following words shall be added, namely
Addition to section 3 "and includes a share in or of an estate other than an undivided share held in coparcenary as the property of a Hindu joint family governed by the *Mitak shara* or *Mithila* law."

3. To section 6 the following clause shall be added, namely :—
Addition to section 6

"(e) persons as to whom the Local Government has declared, on their application, that they are disqualified, and that it is expedient in the public interest that their estates should be managed by the Court."

4. To section 7 the following proviso shall be added, namely :—
Addition to section 7.

Provided that the Court shall not be empowered to take charge of the person of a proprietor disqualified on his own application under clause (e) of section 6,"

5.† At the end of section 9 the following shall be added, namely :—
Addition to section 9

"And in any case in which the Court has taken charge of the property of a person disqualified from managing his own estate under the provisions of section 6. clause (e), it may, in its discretion,—

(e) at any time withdraw from such charge, or

* Virtually amended in the former Provinces of Bengal by Ben. Act I. of 1906.

† In s. (1) the word "and" and sub-section (2) have been repealed by Act I. of 1903.

‡ Repealed in Bengal Presidency by Ben. Act I. of 1914, Sch. IV.

- (f) retain such charge, notwithstanding the death of the proprietor, until all debts and liabilities incurred by, or due from, the said proprietor, or which are a charge upon the property, or any part thereof, together with all interest due thereon, have been discharged :

Provided that, after the death of the proprietor, the Court shall not retain charge on account of any debt or liability which has been declared by a competent Civil Court not to be binding on the representative of such deceased proprietor."

Amendment of section 10.

6 In section 10, in the place of the first two clauses, the following shall be inserted, namely:—

"Whenever a Civil Court is satisfied that an order should be made under section 7 of the Guardians and Wards Act, 1890, appointing a guardian of the person or property of a minor or both;

"whenever a Civil Court removes, under section 39 of the same Act, the guardian of a minor."

Substitution of new section for section 11.

7. For section 11 the following section shall be substituted, namely:—

"11. Whenever one or more of the joint proprietors, of whose properties the Court has taken charge, ceases to be subject to the jurisdiction of the Court the Court may retain charge of the persons and properties of the still disqualified proprietors during the continuance of their disqualification.

"And in case any person entitled to any property jointly with any disqualified proprietor shall consent thereto, the Court may retain or resume the charge of the property of such proprietor, or any part thereof, so long as the property of any such disqualified proprietor as aforesaid remains in charge of the Court"

8. In section 12, for the words, "which, before the commencement of this Act, was placed," the following words shall be substituted, namely: "which either before or after the commencement of this Act was or is placed;" and at the end of the first clause, after the figures 1858 the following words shall be added, namely: "or under any other enactment for the time being in force."

9. [Repeal of proviso in section 48.] Repealed by Act V. of 1897

10. In section 49, for the words, "remains under the charge of the Court with his consent under section 11," the following words shall be substituted namely: "is under the charge of the Court under clause (e) of section 6, or under the second clause of section 11."

11.* In section 56, instead of the words who has consented to leave his property under the charge of the Court of wards as provided in the second clause of section 11, the following words shall be substituted namely, "whose property is under the charge of the Court under clause (e) of section 6, or under the second clause of section 11."

12. To section 60 the following words shall be added namely:
 Addition to section 60 "or to assign over or charge any allowance to be received by him from the Court."

Insertion of new section after section 60

13. After section 60 the following section shall be inserted namely:—

"60A. No property which is or has been under the charge of the Court shall be liable at any time, except with the leave of the Court, to be taken in execution of a decree made in respect of any contract entered into by the ward without the leave of the Court while his property was under such charge."

ACT V. OF 1892.†

The Bengal Military Police Act, 1892.

RECEIVED THE G G'S ASSENT ON THE 25TH MARCH 1892.

An Act for the Regulation of the Bengal Military Police.

WHEREAS it is expedient to make provisions for the better regulation of the Bengal Reserve Police; It is hereby enacted as follows :—

1 (1) This Act may be called the Bengal Military Police Act, 1892,
 Title, extent and commencement.

(2) It extends to the whole of the territories subject to the Lieutenant Governor of Bengal : and

(3) It shall come into force on such day as the Local Government may, by notification in the *Calcutta Gazette* appoint in this behalf.

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

(1) "Military Police officer" means a person appointed to the Bengal Police Force under section 7 of Act V of 1861, who has signed the statement in the schedule to this Act, in accordance with the provisions of this Act :

* Vide foot note to s. 5.

† Repealed in Eastern Bengal and Assam by E. B. and A. Act 3 of 1912. s 2. Repealed in Bengal Presidency by Ben. Act I. of 1914.

(2) "active service" means service against hostile tribes or other persons in the field :

(3) "District Magistrate" includes a Deputy Commissioner, an Assistant Commissioner in charge of a sub-division, and the Superintendent of the South Lushai Hills :

(4) "Commandant" means a person appointed by the Local Government to be a Commandant of Military Police and includes a District Superintendent of Police and an Assistant District Superintendent of Police in charge of the civil police of a district or of a sub-division :

(5) "Second-in-Command" means a person appointed by the Local Government to be a Second in-Command of Military Police, and includes an Assistant district Superintendent of Police not in charge of the civil police of a district or of a sub-division : and

(6) the expressions, "reason to believe," "criminal force," "assault," "fraudulently," and "voluntarily causing hurt," have the meanings assigned to them respectively in the Indian Penal Code.

3. (1) Before an officer appointed to the Bengal Police Force, under section 7 of Act V. of 1861, is appointed to be a Military Police officer, the statement in the schedule shall be read, and if necessary, explained to him in the presence of a Magistrate, Commandant, or Second-in-Command, and shall be signed by him in acknowledgment of its having been so read to him.

(2) Notwithstanding any notice given under section 9 of Act V. of 1861, a Military Police-officer shall not be entitled to be discharged from the Bengal Police Force, except in accordance with the terms of the statement which he has signed under this Act.

4. (1) There may be all or any of the following classes of Military Police officers, which shall take rank in the order mentioned, namely :—

- (i) subadars-major,
- (ii) subadars,
- (iii) jamadars,
- (iv) havildars-major,
- (v) havildars,
- (vi) naiks,
- (vii) buglers, and
- (viii) sepoy,

and such grades in each class as the Local Government may direct.

(2) The expression "superior officer" in this Act means, in relation to any Police-officer,—

- (a) any officer of a higher class than, or of a higher grade in the same class as, himself, and
- (b) any Second-in-Command, Commandant, or District Magistrate.

More heinous offences.

5. A Military Police-officer who—

- (a) begins, excites, causes, or joins in any mutiny or sedition, or, being present at any mutiny or sedition, does not use his utmost endeavours to suppress it, or knowing, or having reason to believe in the existence of any mutiny, or of any intention to mutiny, does not, without delay, give information thereof to his commanding or other superior officer; or
- (b) uses or attempts to use criminal force to, or commits an assault on, his superior officer, whether on or off duty; or
- (c) shamefully abandons or delivers up any garrison, fortress, post, or guard which is committed to his charge, or which it is his duty to defend; or
- (d) directly or indirectly holds correspondence with, or assists or relieves, any person in arms against the State, or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge; or

who, while on active service,—

- (e) disobeys the lawful command of his superior officer; or
- (f) deserts the service; or,
- (g) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or
- (h) without authority leaves his commanding officer, or his post or party, to go in search of plunder; or
- (i) quits his guard, picquet, party, or patrol without being regularly relieved or without leave; or
- (j) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safe guard, or, without authority, breaks into any house or any other place for plunder, or plunders, destroys, or damages any property of any kind; or
- (k) intentionally causes or spreads a false alarm in action, camp, garrison, or quarters,

shall be punished with transportation for life, or for a term of not less than seven years, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay, or with fine to that extent in addition to such sentence of transportation or imprisonment, as the case may be, as may be passed upon him under this section.

Less heinous offences.

6. A Military Police-officer who—

- (a) is in a state of intoxication when on or for any duty, or on parade or on the line of march ; or
- (b) strikes or attempts to force any sentry ; or,
- (c) being in command of a guard, picquet, or patrol, refuses to receive any prisoner duly committed to his charge, or, without proper authority, releases any prisoner, or negligently suffers any prisoner to escape ; or,
- (d) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority ; or
- (e) is grossly insubordinate or insolent to his superior officer in the execution of his office ; or
- (f) refuses to superintend, or assist in the making of any field-work or other work of any description ordered to be made either in quarters or in the field ; or
- (g) strikes or otherwise ill-uses any Military Police-officer subordinate to him in rank or position ; or,
- (h) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made, as far as possible, to the injured person, and to report the case to the proper authority ; or
- (i) designedly, or through neglect, injures or loses, or fraudulently disposes of his arms, clothes, tools, equipments, ammunition, accoutrements, or Military Police necessities, or any such articles entrusted to him, or belonging to any other person ; or
- (j) malingers, or feigns, or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity ; or,
- (k) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person, or

who, while not on active service,—

- (l) disobeys the lawful command of his superior officer ; or
- (m) plunders, destroys or damages any property of any kind ; or,
- (n) being a sentry sleeps upon his post, or quits it without being regularly relieved or without leave ; or
- (o) deserts the service ;

shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to three months' pay, or with both.

7. (1) A District Magistrate, Commandant, or Second-in-Command, or an officer not being below the rank of subadar commanding a separate detachment or an outpost, or in temporary command at the head-quarters of a district during the absence of the District Magistrate, Commandant, and Second-in-Command, may without a formal trial, award to any Military Police-officer, who is subject to his authority, any of the following punishments for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature or call for a prosecution before a Criminal Court, that is to say—

- (a) imprisonment to the extent of seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance ;
 - (b) punishment drill, extra guard, fatigue or other duty, not exceeding thirty days in duration, with or without confinement to quarters.
- (2) Any one of these punishments may be awarded separately, or in combination with any one or more of the others.

8. A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Bengal Police Force, be imprisoned in the nearest or such other jail as the Local Government may, by general or special order, direct ; but, when he is not also dismissed from that force, he may, if the convicting officer or District Magistrate so directs, be confined in the quarter-guard, or such other place as the convicting officer or District Magistrate may consider suitable.

9. (1) Nothing in this Act shall prevent any person from being prosecuted under Act V. of 1861, or under any order or rule made under that Act, or under any other enactment for the time

Saving of prosecutions under other law.

being in force for any act or omission punishable hereunder, or from being liable if so prosecuted, to any other or higher penalty than is provided for that act or omission by this Act:

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

10. Notwithstanding anything in Act V of 1861, or any other enactment for the time being in force, the Local Government may invest any police-officer, not below the rank of Commandant, with the powers of a Magistrate of any class for the purpose of enquiring into or trying any offence committed by a Military Police officer, and punishable under Act V. of 1861 or this Act.

Conferment of Magisterial powers on police officers.

11. Subject to such rules as the Local Government may make in this behalf, a Commandant or Second-in-Command of Military Police shall have, with respect to police-officers appointed to the Bengal Police force under section 7 of Act V. of 1861, who are not Military Police-officers, the same disciplinary powers as a District Superintendent of Police has with respect to them under that section.

Disciplinary and other powers of Commandants and Second-in-Command of Military Police otherwise than in respect of Military Police

12. A Commandant or Second in-Command of Military Police shall be entitled to all the privileges which a police officer has under sections 42 and 43 of Act V of 1861, section 125 of the Indian Evidence Act, 1872, and any other enactment for the time being in force,

Privileges of Commandants and Second in-Command of Military Police as police officers

13. The Local Government may, as regards the Military Police make such orders and rules consistent with this Act as it thinks expedient.

Power to make rules.

THE SCHEDULE.

STATEMENT

(See sections 2 and 3.)

AFTER you have served for three years in the Bengal Military Police, you may, at any time, when not on active service, apply for your discharge, through the officer to whom you may be subordinate, to a Commandant of Military Police or to the District Magistrate of the district in which you may be serving, and you will be granted your discharge after two months from the date of your application, unless your discharge would cause the vacancies in the Bengal Military Police to exceed one-tenth of the sanctioned strength, in that case, you must remain until this objection is waived by competent authority or

removed. But when on active service you have no claim to a discharge, and you must remain and do your duty until the necessity for retaining you in the Bengal Military Police ceases, when you may make your application in the manner hereinbefore prescribed. In the event of your re-enlistment after you have been discharged, you will have no claim to reckon for pension or any other purpose your service previous to your discharge.

(Signature of police-officer in acknowledgment of the above having been read to him) } A B

Signed in my presence after I had ascertained that A B understood the purport of what he signed } C. D.,
Magistrate, Commandant, or Second-in-Command

ACT VII. OF 1892.*

The Madras City Civil Court Act, 1892.

RECEIVED THE G.-G.'S ASSENT ON THE 12TH AUGUST 1892.

An Act to establish an additional Civil Court for the City of Madras.

Whereas it is expedient to establish an additional Civil Court for the City of Madras ; It is hereby enacted as follows :—

Title and commencement 1. (1) This Act may be called the Madras City Civil Court Act, 1892;†
(2) It shall come into force at once.

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

(1) "City Court" means the Court established under the next following section :

(2) "City of Madras" means the area within the local limits for the time being of the ordinary original civil jurisdiction of the High Court :

(3) "High Court" means the High Court of Judicature at Madras; and

(4) "Small Cause Court" means the Court of Small Causes of Madras.

3. The Local Government may, by notification in the official Gazette, establish a Court, to be called the Madras City Civil Court, with jurisdiction to receive, try, and dispose of all suits and

Constitution of the City Court.

* Certain word after this repealed by Act 17 of 1914 has been omitted.

† For modifications vide Madras, Act V. of 1910.

other proceedings of a civil nature not exceeding two thousand five hundred rupees in value, and arising within the City of Madras except suits or proceedings which are cognizable—

- (a) by the High Court as a Court of Admiralty or Vice-Admiralty or as a Colonial Court of Admiralty or as a Court having testamentary intestate, or marimonial jurisdiction, or
- (b) by the Court for the relief of insolvent debtors, or
- (c) by the Small Cause Court.

4. The Local Government may, by notification in the official Gazette, appoint so many persons as it may think fit to be Judges of the City Court; and may, for any misconduct, by a like notification, suspend or remove any Judge so appointed.

5. (1) Every person appointed a Judge of the City Court shall be, by virtue of his office, a Judge of the Small Cause Court, with respect to cases cognizable by that Court.

(2) Every such Judge shall be liable to perform any duties of a Judge of the Small Cause Court which the Chief Justice of the High Court may require him to perform.

Powers of Judges when City Court consists of more than one Judge.

6. When the City Court consists of more than one Judge,—

- (a) each of the Judges may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force ;
- (b) the Local Government may appoint any one of the Judges to be the principle Judge ; and
- (c) the principal Judge may, from time to time, make such arrangements as he may think fit for the distribution of the business of the Court among the various Judges thereof.

7. (1) The Judges of the City Court, or when the Court consists of more than one Judge, the Principal Judge, may, from time to time, with the sanction of the Local Government, appoint as many clerks, bailiffs, and other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

(2) The officers so appointed shall exercise such powers, and discharge such duties of a ministerial nature, as this said Judge or principal Judge may, from time to time, direct.

(3) The said Judge or principal Judge may, subject to the control of the High Court,—

(a) suspend or remove any officer so appointed, or,

(b) fine any such officer who is guilty of misconduct or neglect in the performance of the duties of his office.

(4) Any fine imposed on an officer under sub-section (3) may be deducted from his salary.

8. All questions which arise in suits or other proceedings under this Act in the City Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of his ordinary original civil jurisdiction.

9. When the subject matter of any suit or other proceeding is land, or a house, or a garden, its value, for the purposes of the jurisdiction conferred on the City Court by this Act, shall, subject to the other provisions of this Act, be fixed in manner provided by the Court fees Act, 1870, section 7, clause v.

10. Fees chargeable for serving or executing processes issued by the City Court, or served or executed under its direction or control, shall be such as the High Court may prescribe with the approval of the Governor of Fort St. George in Council.*

11. The powers conferred by Chapter XXXVI. of the Code of Civil Procedure on High Courts and District Courts as to the appointment of Receivers may be exercised by the City Court or any Judge thereof.

12. In clause (a) of section 31 of the Presidency Small Cause Courts Act, 1882, for the words, "to the High Court," the words, "to the Madras City Civil Court or the High Court of Judicature at Fort William or Bombay, as the case may be," shall be substituted.

13. Whenever any suit or proceeding in the City Court is settled by agreement of the parties before issues have been settled, or any evidence recorded, half the amount of the institution fees paid by the plaintiff shall be repaid to him by the Court.

14. When, under section 13 of the Letters Patent for the Allowance for fees paid High Court, dated the twenty-eight day in City Court in cases re- of December 1865, or under section 25 of moved to High Court, the Code of Civil Procedure, the High Court has removed for trial by itself any suit from the City Court, fees on the scale for the time being in force in the High Court as a Court of ordinary original civil jurisdiction shall be payable in that Court in respect of the suit and proceedings therein :

Provided that, in the levy of any such fees which, according to the practice of the Court, are credited to the Government, credit shall be given to the plaintiff in the suit for any fee which, in the suit City Court, he has already paid under the Court-fees Act, 1870, on the plaint.

Appeals,

15. (1) The Court authorized to hear appeals from the City Court shall be the High Court.

(2) The period of limitation for an appeal from a decree or order of the City Court shall be the same as that provided by law for an appeal from a decree or order of the High Court in the exercise of its original jurisdiction.

Saving of original civil jurisdiction of High Court,

16. Nothing in this Act contained shall affect the original civil jurisdiction of the High Court .

Provided that—

- (1) if any suit or other proceeding is instituted in the High Court which, in the opinion of the Judge who tries the same (whose opinion shall be final), ought to have been instituted in the City Court, no costs shall be allowed to a successful plaintiff, and a successful defendant shall be allowed his costs as between attorney and client ;
- (2) in any suit or other proceeding pending at any time in the High Court, any Judge of such Court may, at any stage thereof, make an order transferring the same to the City Court if, in his opinion, such suit or proceeding is within the jurisdiction of that Court, and should be tried therein ;
- (5) in any suit or other proceeding so transferred, the Court-fees Act, 1870, shall apply, credit being given for any fees levied in the High Court.

17. The City Court shall use a seal of such form and dimension as may be, for the time being, prescribed by the Local Government.

Seal to be used.

18. (1) The Judge of the City Court, or, when the Court consists of more than one Judge, the principal Judge, shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

(2) Such list, when it has received such approval, shall be published in the official Gazette, and the said holidays and vacations shall be observed accordingly.

ACT VIII. OF 1892.

The Lansdowne Bridge Act, 1892.

RECEIVED THE G-G'S ASSENT ON THE 22ND OCTOBER 1892.

An Act to remove doubts as to the levy and collection of tolls upon the Lansdowne Bridge over the Indus at Sukkur in the Presidency of Bombay, and for other purposes.

WHEREAS, by an Act passed by the Governor of Bombay in Council intituled "an Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay,"* the Act of the Governor-General in Council "for enabling Government to levy tolls on public roads and bridges"† was repealed as far as it affected the Presidency of Bombay ;

And whereas the bridge on the line of the North-Western Railway over the Indus at Sukkur in the said Presidency of Bombay, commonly known as "The Lansdowne bridge," was made and is repaired at the expense of the Government of India ,

And whereas, in consequence of such repeal as aforesaid doubts have arisen whether or not there is any subsisting authority competent to impose and levy tolls for the use of the said bridge, and it is expedient to remove such doubts ;

It is enacted as follows :—

Title, extent, and commencement

1. (1) This Act may be called the Lansdowne Bridge Act, 1892.

(1) It extends to the whole of British India ,†

(3) It shall come into force at once

* Bom. Act III. of 1875.

† Act VIII. of 1861.

‡ Certain word after this repealed by Act 10 of 1914 has been omitted.

2. Notwithstanding the repeal of the lastly hereinbefore-mentioned Act, the Governor-General in Council may cause such rates of toll, not exceeding the rates mentioned in the schedule annexed to that Act, as he may think fit to be levied in respect of the said Lansdowne Bridge, and may place the collection of such tolls under the management of such persons as may appear, to him proper; and all the provisions of the said last mentioned Act shall apply to such tolls and the collection and recovery thereof in the same manner as if such provisions were herein re-enacted verbatim.

3. All tolls heretofore levied or collected upon the said Lansdowne Bridge under the authority of the Governor-General in Council, or of the Governor of Bombay in Council, shall be deemed to have been duly levied and collected under the authority of the said Act as if the same had not been repealed.

4. Where any public road or bridge has or shall have been made and repaired at the expense of the Government of India and no other adequate provision shall have been made for the levy and collection of tolls thereon, the Governor-General in Council may, by notification in the *Gazette of India*, apply this Act, to such road or bridge, and thereupon all the provisions of this Act shall apply to such road or bridge as if the same had been herein named in addition to the said Lansdowne Bridge.

ACT X. OF 1892.

The Government Management of Private Estates Act.

RECEIVED THE G.-G.'S ASSENT ON THE 25TH OCTOBER 1892.

An Act to provide for the levy of a rate on private estates under the management of the Government to meet the costs of supervision and management.

WHEREAS it is expedient to provide for the levy of a rate on private estates under the management of the Government to cover the costs of all Government establishments in so far as they are employed in the supervision and management of such estates, other than establishments specially entertained for any particular estate or group of estates, and to meet all contingent expenditure incurred by the Government in connection with such supervision and management; It is hereby enacted as follows:—

Title, extent and commencement. 1. (1) This Act may be called the Government Management of Private Estates Act, 1892.

(2) It extends to the whole of British India, inclusive of* British Baluchistan; †

(3) It shall come into force at once.

Definitions.

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

(1) "immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries fisheries, or any other benefit to arise out of land, and things attached to the earth, or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, or grass;

(2) "gross income" includes all receipts of every kind in produce or cash, except money borrowed, recoveries of principal, and the proceeds of sale of immoveable property or of moveable property properly classed as capital; and

(3) "private estates under Government management" include—

- (a) estates under the Court of Wards;
- (b) encumbered estates under Government management;
- (c) estates attached for default of payment of Government revenue;
- (d) minors' estates placed under the guardianship of a revenue officer, of the Government by a Civil Court;
- (e) estates managed by a Collector in pursuance of any order made under the Code of Civil Procedure; and
- (f) all other estates made over to, or taken under the management of, a revenue-officer of the Government as such under any law for the time being in force, or in virtue of any agreement.

Power to levy rate.

3. It shall be lawful for the Local Government—

(1) to levy on all private estates under Government management a rate, not exceeding five per cent. on the gross income, calculated, as nearly as may be possible, to cover—

- (a) the costs of all Government establishments in so far as they may be employed in the supervision or management of such estates other than establishments specially

* Here the words "*Upper Burma and*" repealed by Act XIII. of 1898, s. 18, have been omitted.

† Certain words after this repealed by Act 10 of 1914 has been omitted,

entertained for the supervision or management of any particular estate or group of estates, and

- (b) all contingent expenditure incurred in consequence of such supervision or management ;
- (2) from time to time to vary such rate ; and
- (3) to reduce or remit such rate in any special case or cases as may be equitable :

Provided that, in deciding the amount of the rate to be levied under this Act on any particular estate or group of estates, the Local Government shall consider the expenditure incurred on special establishments for such estate or estates.

4. In cases where an officer of the Government is employed to give legal advice, or to audit accounts on behalf of any estate, the Local Government, if it considers the services rendered to be of a special nature, may, in its discretion, direct a special charge to be made against that estate on account of such services, irrespective of the rate leviable under the last foregoing section.

Power to levy special charges.

5. Nothing in this Act shall apply to the cost of establishments specially entertained, or to expenditure of any description specially incurred in respect of any particular estate or estates.

Saving as to special expenditure

6. All rates for general supervision or management levied by any Local Government before the commencement of this Act shall be deemed to have been levied under this Act.

Validation of levy of past rates.

7. The Local Government may make any rules, and issue any orders, which may be necessary for carrying this Act into effect, and which are consistent therewith.

Power to make rules.

8. Where any Government establishment is employed in such supervision as aforesaid, the Local Government shall be the sole judge of the cost attributable to such employment, and its decision thereon shall not be questioned in any Court of Law or otherwise.

Exemption from jurisdiction of Courts

9. [*Repealed by Act 10 of 1914.*]

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ACT I. OF 1893.**The Bankers' Books Evidence Act.**

RECEIVED THE G.-G'S ASSENT ON THE 20TH JANUARY 1893.

An Act to extend the Provisions of the Bankers' Books Evidence Act, 1891, to the Books of Post Office Savings Banks and Money Order Offices.

WHEREAS it is expedient to extend the provisions of the Bankers' Books Evidence Act, 1891, to the Books of the Savings Banks and Money Order Offices of the Post Office, It is hereby enacted as follows

Short title and commencement.

1. (1) This Act may be called the Bankers' Books Evidence Act, 1893.*

(2) It shall come into force at once.

Addition to definition of "Bank" and "Banker" in section 2, sub-section (2) of Act XVIII. of 1891

2. After clause (b) of sub-section (2) of section 2 of the said Bankers' Books Evidence Act, 1891, the following clause shall be added, namely:—

"(c) any Post Office Savings Bank or Money Order Office."

ACT II. OF 1893.**The Porahat Estate Act, 1893.**

RECEIVED THE G.-G'S ASSENT ON THE 3RD FEBRUARY 1893.

An Act to annex the Estate of Porahat to the Singhbhum District, and for certain other purposes.

WHEREAS the estate of Porahat was confiscated by the British Government in the year 1858, and is now under the administration of the officer holding the appointment of Deputy Commissioner of the Singhbhum District;

And whereas the said estate has, by proclamation, been declared and appointed by the Governor-General in Council to be subject to the Lieutenant Governorship of Bengal,

And whereas it is expedient that the said estate should be annexed to the Singhbhum District, and should, as forming part of that district, be declared, for the purposes of the Scheduled Districts Act, 1874, to form part also of the scheduled district described in that Act as the Chutia Nagpur Division;

It is hereby enacted as follows:—

Title and commencement

1. (1) This Act may be called the Porahat Estate Act, 1893.†

* Certain word after this repealed by Act X of 1914 has been omitted.

† Here the word "and" and sub-s. (2) are repealed by Act I, of 1903.

Annexation of Porahat estate to Singhbhum District.

2. The estate of Porahat shall henceforth become and be part of the Singhbhum District.

3. The said estate of Porahat, as forming part of the Singhbhum District, shall form part of the scheduled district described in Part III of the first schedule to the Scheduled Districts Act, 1874, as the Chutia Nagpur Division.

Estate to become part of the scheduled district of Chutia Nagpur.

4. All acts of executive authority, proceedings, decrees, and sentences which have been done, taken, or passed in or with respect to the said estate of Porahat since the beginning of the year 1858, and before the commencement of this Act, by any officer of the Government or by any person acting under his authority, or otherwise in pursuance of an order of the Government, and which have been or shall be ratified by the Lieutenant Governor of Bengal, shall be deemed to have been done, taken, and passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees, or sentences were not done, taken, or passed in accordance with law.

ACT IV OF 1893.

The Partition Act.

RECEIVED THE G.-G.'S ASSENT ON THE 9TH MARCH 1893.

An Act to amend the Law relating to partition.

WHEREAS it is expedient to amend the law relating to partition; It is hereby enacted as follows :—

1. (1) This Act may be called the Partition Act, 1893.

Title, extent, commencement, and saving.

(2) It extends to the whole of British India

(3) It shall come into force at once.

(4) But nothing herein contained shall be deemed to affect any local law providing for the partition of immoveable property paying revenue to Government.

2. Whenever in any suit for partition, in which, if instituted prior to the commencement of this Act, a decree for partition might have been made, it appears to the Court that, by reason of the nature of the property to which the suit relates, or of the

Power to Court to order sale instead of division in partition suits.

* Certain word after this repealed by Act 10 of 1914 has been omitted.

number of the shareholders therein, or of any other special circumstances, a division of the property cannot reasonably or conveniently be made, and that a sale of the property and distribution of the proceeds would be more beneficial for all the shareholders, the Court may, if it thinks fit, on the request of any of such shareholders interested individually or collectively to the extent of one moiety or upwards, direct a sale of the property and a distribution of the proceeds.

3. (1) If, in any case in which the Court is requested, under the last foregoing section, to direct a sale, any other shareholder applies for leave to buy at a valuation the share or shares of the party or parties asking for sale, the Court shall order a valuation of the share or shares in such manner as it may think fit, and offer to sell the same to such shareholder at the price so ascertained, and may give all necessary and proper directions in that behalf,

(2) If two or more shareholders severally apply for leave to buy as provided in sub section (1), the Court shall order a sale of the share or shares to the shareholder who offers to pay the highest price above the valuation made by the Court.

(3) If no such shareholder is willing to buy such share or shares at the price so ascertained, the applicant or applicants shall be liable to pay all costs of, or incident to, the application or applications.

4. (1) Where a share of a dwelling-house belonging to an undivided family has been transferred to a person who is not a member of such family, and such transferee sues for partition, the Court shall, if any member of the family being a shareholder shall undertake to buy the share of such transferee, make a valuation of such share in such manner as it thinks fit, and direct the sale of such share to such shareholder, and may give all necessary and proper direction in that behalf.

(2) If, in any case described in sub-section (1), two or more members of the family being such shareholders severally undertake to buy such share, the Court shall follow the procedure prescribed by sub-section (2) of the last foregoing section.

5. In any suit for partition a request for sale may be made, or an undertaking or application for leave to buy may be given or made, on behalf of any party under disability by any person authorized to act on behalf of such party in such suit, but the Court shall not be bound to comply with any such request, undertaking, or application, unless it is of opinion that the sale or purchase will be for the benefit of the party under such disability.

6. (1) Every sale under section 2 shall be subject to a reserved bidding and bid. reserved bidding, and the amount of such bidding shall be fixed by the Court in such manner as it may think fit, and may be varied from time to time.

(2) On any such sale any of the shareholders shall be at liberty to bid at the sale on such terms as to non-payment of deposit, or as to setting off or accounting for the purchase money or any part thereof instead of paying the same, as to the Court may seem reasonable.

(3) If two or more persons of whom one is a shareholder in the property, respectively advance the same sum ~~at~~ any bidding at such sale, such bidding shall be deemed to be the bidding of the shareholder.

7. Save as hereinbefore provided, when any property is Procedure to be followed directed to be sold under this Act, the in case of sales. following procedure shall, as far as practicable, be adopted, namely :—

(a) if the property be sold under a decree or order of the High Court of Calcutta, Madras, or Bombay in the exercise of its original jurisdiction, or of the Court of the Recorder of Rangoon, the procedure of such Court in its original civil jurisdiction for the sale of property by the Registrar ;

(b) if the property be sold under a decree or order of any other Court, such procedure as the High Court may, from time to time, by rules prescribe in this behalf, and until such rules are made, the procedure prescribed in the Code of Civil Procedure in respect of sales in execution of decrees.

8. Any order for sale made by the Court under section 2, 3, Orders for sale to be deemed decrees. 4, shall be deemed to be a decree within meaning of section 2 of the Code of Civil Procedure.

9. In any suit for partition the Court may, if it shall think Saving of power to order partly partition and partly sale. fit, make a decree for a partition of part of the property to which the suit relates, and a sale of the remainder under this Act.

10. This Act shall apply to suits instituted before the Application of Act to commencement thereof, in which no scheme for the partition of the property has been pending suits. finally approved by the Court.

ACT VI. OF 1893.

The Dinshaw Manockjee Petit Baronetcy Act.

RECEIVED THE G.-G.'S ASSENT ON THE 9TH MARCH 1893.

An Act for settling Bonds of the Municipal Corporation of the City of Bombay producing an annual income of one lakh and twenty-five thousand rupees and a mansion-house and hereditaments called "Petit Hall" in the Island of Bombay, the property of Sir Dinshaw Manockjee Petit, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred by Her Present Majesty Queen Victoria on him for and during the term of his natural life, and from and immediately after his decease to hold to his second son, Framjee Dinshaw Petit, Esquire, and the heirs male of his body lawfully begotten, and in default of such issue with remainder to the heirs male of the body of the said Sir Dinshaw Manockjee Petit, and for other purposes connected therewith.

WHEREAS by Letters Patent of Her Majesty Queen Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, dated at Westminster on or about the first day of September in the fifty-fourth year of Her Reign, and by Warrant under the Queen's sign-manual, Her said Majesty made known that she, of Her special Grace, certain knowledge, and mere motion, had erected, appointed, and created her trusty and well-beloved Sir Dinshaw Manockjee Petit of "Petit Hall," in the Island of Bombay, Knight to the dignity, state, and degree of a Baronet, and him, the said Sir Dinshaw Manockjee Petit, for Her Majesty, her heirs and successors, she did erect, appoint, and create a Baronet of the United Kingdom of Great Britain and Ireland by the said Letters Patent, to hold to him, for and during the term of his natural life, and from and immediately after his decease to hold to Framjee Dinshaw Petit, Esquire, second son of the said Sir Dinshaw Manockjee Petit, and the heirs male of his body lawfully begotten and to be begotten, and in default of such issue with remainder to the heirs male of the body of the said Sir Dinshaw Manockjee Petit lawfully begotten and to be begotten ;

And whereas, in fulfilment of an engagement in that behalf made with Her Majesty's Government, the said Sir Dinshaw Manockjee Petit is desirous of settling in perpetuity such property on himself and on the said Framjee Dinshaw Petit and the heirs male of their respective bodies who may succeed to the said Baronetcy, as shall be adequate to support the dignity of the title conferred on him and them as aforesaid ;

And whereas the said Sir Dinshaw Manockjee Petit is seised of a Mansion house and hereditaments situate in the Island of Bombay called "Petit Hall, and has an absolute estate of inheritance therein, and is desirous, in fulfilment of the aforesaid engagement, of settling bonds or debentures, of the Municipal Corporation of the City of Bombay producing an annual income of one lakh and twenty-five thousand rupees, and the said Mansion-house and hereditaments, to the uses, upon the trusts and for the purposes hereinafter limited and declared, concerning the same respectively;

And whereas the said Sir Dinshaw Manockjee Petit is also desirous that the said Framjee Dinshaw Petit and the heirs male of his body, and also the heirs male of the body of the said Sir Dinshaw Manockjee Petit to whom the said title and dignity of Baronet shall descend, shall, at the time of such descent upon them respectively, take and bear the names of "Dinshaw Manockjee Petit" in lieu of any other name or names whatever which they respectively may bear at the time of such descent on them respectively, and he is also desirous that the Accountant-General, Bombay, the Collector of Bombay, and the Chief Presidency Magistrate, Bombay, all for the time being, shall be trustees of the aforesaid Municipal bonds, Mansion-house, and hereditaments, and be likewise the trustees for carrying into execution the general purposes and powers of this Act, with relation to the same securities, and also with relation to the same Mansion-house and hereditaments;

And whereas the said Sir Dinshaw Manockjee Petit is desirous of settling the said bonds and the said Mansion-house and hereditaments so as aforesaid agreed to be settled by him for the purpose of supporting the dignity of the said Baronetcy, to the uses, upon the trusts, and for the purposes hereinafter limited and declared concerning the same respectively;

And whereas it is expedient that the aforesaid purposes should be effected by an Act of the Council of the Governor-General for making Laws and Regulations;

It is enacted as follows :—

1. That Arthur Frederick Cox, Esquire, the Accountant-General of Bombay, James MacNabb Campbell, Esquire, the Collector of Bombay, and Charles Philip Cooper, Esquire, the Chief Presidency Magistrate of Bombay, and their successors, the Accountant-General of Bombay, the Collector of Bombay, and the Chief Presidency Magistrate of Bombay, all for the time being, shall be and they are hereby created a Corporation with perpetual succession and a common seal under the style and title of "The Trustees of the Dinshaw Manockjee Petit

Baronetcy," and that the said Arthur Frederick Cox, James Mac-Nabb Campbell, and Charles Philip Cooper, and their said successors (hereinafter styled "The Corporation") shall be and they are hereby constituted, as such Corporation, the Trustees for executing the powers and purposes of this Act.

2. The said Framjee Dinshaw Petit and the heirs male of his body and all other the heirs male of the body of the said Sir Dinshaw Manockjee Petit, to whom the said title and dignity shall descend, pursuant to the limitations of the Patent whereby the said dignity was granted, shall take upon themselves respectively the names of "Dinshaw Manockjee Petit" in lieu and in the place of any other name or names whatever; and the said Framjee Dinshaw Petit, and also such heirs male of his body and all such other the heirs male of the said Sir Dinshaw Manockjee Petit severally and successively, shall be called by the names of "Dinshaw Manockjee Petit," and by those names shall name, style, and write themselves, respectively, upon all occasions whatever.

3. Immediately from and after the passing of this Act, bonds of the Municipal Corporation of the City of Bombay producing an annual income of not less than one lakh and twenty-five thousand rupees shall be transferred into the name of the Corporation, who shall hold the same upon the trusts and for the purposes hereinafter expressed concerning the same (that is to say) upon trust to continue to hold the said bonds until the same shall be discharged by the Municipal Corporation of the City of Bombay, or shall be sold by the said Trustees at their discretion, and on such discharge or sale to invest the sum to be received on such occasion in or on any stocks, funds, or securities for the principal or interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India; and in like manner, as often as the same shall become necessary, to alter, vary, and change such stocks, funds, and securities for others of the same or like nature: and upon further trust from time to time to pay and apply the dividends, interest and annual income of the said bonds, stocks, funds, and securities into and for the benefit of the said Sir Dinshaw Manockjee Petit during his natural life; and from and immediately after his decease for the benefit of the said Framjee Dinshaw Petit if he shall survive the said Dinshaw Manockjee Petit during his natural life; and from and immediately after the death of the survivor of them the said Sir Dinshaw Manockjee Petit and Framjee Dinshaw Petit for the benefit of the person who, as heir male of the body of the said Framjee Dinshaw Petit or of the said Sir Dinshaw Manockjee Petit, as the case may be, shall, for the time being, have succeeded

to, and be in the enjoyment of, the title of Baronet conferred by the said Letters Patent as aforesaid, notwithstanding any rule of law or equity to the contrary, and upon failure and in default of heirs male of the body of the said Framjee Dinshaw Petit and Sir Dinshaw Manockjee Petit, to whom the same title and dignity of Baronet may descend, upon trust for the said Sir Dinshaw Manockjee Petit his executors, administrators, and assigns, which ultimate remainder or reversion it shall be lawful for the said Sir Dinshaw Manockjee Petit, his executors, administrators and assigns, at any time or times during the continuance of the said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said Sir Dinshaw Manockjee Petit as aforesaid, to assign, transfer, bequeath, and dispose of by deed or will or other assurance or assurances

4. The Corporation, during the minority of any person for the time being entitled to, and in enjoyment of, the said dignity of Baronet under the limitations of the said Letters Patent, shall pay and apply for and towards the maintenance, education, and benefit of such Baronet, in each and every year during such his minority as aforesaid, so much only of the annual interest, dividends, and income of the said Trust Funds and premises as the Corporation shall, in their discretion, think proper, and shall, from time to time, invest the residue of the said annual dividends, interest and income of the said Trust Funds and premises in and upon stocks, funds, and securities of, or the principal or interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India, and shall, upon such Baronet attaining his majority, pay over, transfer, and assign to him, or as he shall direct, and for his absolute benefit, the said investments and all accumulations thereof

5. The Mansion-house and other hereditaments called "Petit Hall," situate in the Island of Bombay, with their rights, members, and appurtenances, of which the said Sir Dinshaw Manockjee Petit is seised to him and his heirs, shall, by force of this Act, from and immediately after the passing thereof, stand limited unto and to the use of, the Corporation upon the trusts hereinafter declared (that is to say) upon trust for the said Sir Dinshaw Manockjee Petit for and during the term of his natural life, and, from and immediately after his decease, upon trust for the said Framjee Dinshaw Petit for and during the term of his natural life, provided he shall survive the said Sir Dinshaw Manockjee Petit, and, from and immediately after the decease of the survivor of them the said Sir Dinshaw Manockjee Petit and Framjee Dinshaw Petit, upon trust for the heirs male of the body of the said Framjee Dinshaw Petit who may succeed to the title of Baronet conferred

by the said Letters Patent as aforesaid, and upon failure and default of heirs male of the body of the said Framjee Dinshaw Petit to whom the same title and dignity of Baronet may descend as aforesaid, upon trust for the heirs male of the body of the said Sir Dinshaw Manockjee Petit who may succeed to the said title, and, upon failure and default of such last mentioned heirs male, upon trust for the said Sir Dinshaw Manockjee Petit, his heirs, and assigns for ever, which ultimate remainder or reversion it shall be lawful for the said Sir Dinshaw Manockjee Petit and his heirs and assigns, at any time or times during the continuance of the said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said Sir Dinshaw Manockjee Petit, as aforesaid, to grant, convey, devise, and dispose of, by deed or will, or by any other assurance or assurances by which such an estate in remainder or reversion is capable by law of being conveyed or disposed of by Parsee inhabitants of British India.

6. Provided always that, in case any person, to whom, for the time being, the said title of Baronet shall have descended, shall, for the space of one whole year after he shall, by virtue of this Act, become entitled to the dividends, interest, and income of the said stocks, funds, and securities, or to the possession or receipt of the rents and profits of the said hereditaments, or, being then under age, shall, for the space of one whole year after he shall attain the age of twenty-one years, refuse or neglect to use the names of "Dinshaw Manockjee Petit" as hereinbefore enacted, or in case any such person, having so used those names, shall for the space of six calendar months consecutively during his natural life, discontinue so to use such names, then, in any or either of the said cases, the estate or interest in the said trust funds and premises of the person who shall so refuse or neglect to use or having used shall so discontinue to use the said names of "Dinshaw Manockjee Petit" shall, during the remainder of his respective natural life, be suspended; and that, during any and every such suspension, the dividends, interest, and income of the said stocks, funds, and securities, and the possession and actual occupation, and also the rents and profits of the said hereditaments, shall devolve and belong to the person who, as heir male of the body of the said Framjee Dinshaw Petit or the said Sir Dinshaw Manockjee Petit, as the case may be, would have succeeded to, and been in the enjoyment of, the title of Baronet conferred by the said Letters Patent in case the person so refusing or neglecting to use or discontinuing to use the said names of "Dinshaw Manockjee Petit" had departed this life; but, if there should be no such heir male, then to the person or persons who would be entitled to the same in case there had then been a total failure of issue male of the said Sir Dinshaw Manockjee Petit.

Devolution of interest where beneficiary refuses, neglects, or discontinues to use the names "Dinshaw Manockjee Petit"

7. It shall be lawful for the said Sir Dinshaw Manockjee Petit and Framjee Dinshaw Petit, and for any person upon whom the said title of Baronet shall, from time to time, descend, when in the actual enjoyment of the said title, and who shall not refuse, neglect, or discontinue to use, for the respective periods hereinbefore in that behalf mentioned, the said names of "Dinshaw Manockjee Petit" as hereinbefore enacted either before or after his marriage with any woman or women by any deed or deeds, writing or writings, with or without power of revocation to be by him sealed and delivered in the presence of two or more credible witnesses (but Subject and without prejudice to any annuity or annuities, if any, which shall be then subsisting and payable by virtue of any appointment made under, and in pursuance of this present power), to limit and appoint unto any woman or women whom he shall marry for her or their life or lives, and for her or their jointure or jointures in bar of dower or other legal or customary rights any annuity or yearly sum not exceeding the sum of ten thousand rupees, clear of all taxes, charges, and deductions whatsoever to commence and take effect immediately after the decease of the person limiting or appointing the same, and to be issuing and payable out of the dividends, interests, and annual income of the said stocks, funds, and securities, and to be paid and payable by equal half yearly payments on the thirtieth day of June and the thirty-first day of December, the first of the said half-yearly payments to be made on the half-yearly day which shall first happen after the decease of the person who shall have appointed such annuity or yearly sum : Provided always that, in case any person on whom such title shall descend shall have refused or neglected to use the names of "Dinshaw Manockjee Petit," or shall discontinue to use such names for six calendar months consecutively during his natural life, every such limitation and appointment, either previously or afterwards made by him, shall be and become inoperative and invalid, and no such annuity thereby created or appointed shall take effect or be payable, or chargeable, on the said stocks, funds, and securities, notwithstanding any such limitation or appointment,

8. Provided always that the said dividends, interest, and annual income of the said stocks, funds, and securities shall not, at one and the same time, be subject to the payment of more than the yearly sum of twenty thousand rupees for or in respect of any jointure or jointures which shall be made in pursuance of the power hereinbefore contained, so that, if, by virtue of or under the same power, the said dividends, interest, and annual income would, in case this present provision had not been inserted, be charged at any one time with a greater yearly sum for jointures in the whole than the yearly sum of twenty thousand rupees, the

yearly sum which shall occasion such excess or such part thereof as shall occasion the same shall, during the time of such excess, abate and not be payable.

9. The said Mansion-house and hereditaments called "Petit Hall," with their rights, members, and appurtenances, shall not be subject to any right, interest, or estate whatsoever which the wife of the said Sir Dinshaw Manockjee Petit or Framjee Dinshaw thereto may or might have, or claim to have, in the said Mansion-house and hereditaments under any custom or law of the Parsees, or otherwise howsoever.

10. Save as regards the ultimate remainders or reversions, hereinbefore limited in trust for the said Sir Dinshaw Manockjee Petit, his heirs, executors, administrators, and assigns respectively, so long as the said title and dignity of Baronet shall endure, and until there shall be a failure of heirs male of the body of the said Sir Dinshaw Manockjee Petit, to whom the said title and dignity of Baronet might descend pursuant to the limitations of the Patent whereby the said dignity was granted, neither the said Sir Dinshaw Manockjee Petit nor the said Framjee Dinshaw Petit, nor any of the heirs male of their respective bodies in whose favour trusts are hereinbefore declared of the dividends, interest, and annual income of the said bonds, stocks, funds, and securities or of the said Mansion-house and hereditaments called "Petit Hall," shall transfer, dispose of, alien, convey, charge or encumber the said bonds, stocks, funds, and securities or any part thereof, or the dividends, interest, and annual income thereof, or of any part thereof, or the said Mansion-house or hereditaments or any part thereof, for any greater, or larger estate, interest or time than during his natural life, and for such portion thereof only as he shall continue to use the names of "Dinshaw Manockjee Petit," nor shall any such person as aforesaid, either alone, or jointly with any other or others of them, or with any other person or persons whomsoever have any power to discontinue or bar the estates tail hereinbefore limited in trust for the heirs male of the respective bodies of the said Framjee Dinshaw Petit and Sir Dinshaw Manockjee Petit, or either of them, or any estate or interest hereby or herein created or declared in trust or for the benefit of any person or persons for whose benefit trusts are declared by this Act of the dividends, interest, and annual income of the said bonds, stocks, funds, and securities, or of the said Mansion-house, hereditaments and the rents and profits thereof, or to prevent any such person or persons from succeeding to, holding or enjoying, receiving or taking the same premises according to the true intent of the provisions hereinbefore contained nor shall the same premises or any of them be

held by any Court of law or equity to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he shall continue to use the names of "Dinshaw Manockjee Petit," and every attempt to make any conveyance, assignment, or assurance contrary to the intention of this Act shall be and is hereby declared and enacted to be void.

11. If at any time or times hereafter the said Sir Dinshaw Manockjee Petit or any other person or persons shall be desirous of augmenting the funds and securities for the time being subject to the trusts of this Act, and for that purpose and with that intent shall, at his or her own expense, transfer and deliver to the Corporation any stocks, funds, or securities of or the principal or interest of which is guaranteed by, the Government of the United Kingdom of Great Britain and Ireland or the Government of India, then, and as often as the same shall happen, the said Corporation may, with the previous consent of the Governor of Bombay in Council, accept such stocks, funds, and securities, and the same shall thenceforth be held by the said Corporation upon the same trusts as are declared by this Act with regard to the said bonds of the Municipal Corporation of the City of Bombay, or upon such of them as shall then be subsisting and capable of taking effect: Provided always that the total amount of the stocks, funds, and securities for the time being subject to the trusts of this Act shall at no time exceed fifty lakhs of rupees.

12. The Corporation shall keep the said Mansion-house called "Petit Hall," and all the out-buildings and offices thereof, and also all other messuages of buildings which may, from time to time, be added thereto or substituted therefor, or which may hereafter become subject to any of the trusts of this Act, adequately insured in the name of the said Corporation, or of the persons for the time being constituting the same against loss or damage by fire, and may apply any portion of the income of the funds for the time being subject to the trusts of this Act to that purpose, and, in case the hereditaments and premises so insured or any part thereof shall be destroyed or damaged by fire, the moneys received in respect of such insurance shall either be laid out under the direction of the said Corporation in re-building or reinstating the hereditaments and premises so destroyed or damaged by fire, or, upon the application of the person for the time being entitled to, and in the enjoyment of, the said dignity of Baronet, and, with the consent of the Governor of Bombay in Council to be notified by a resolution of the Government of Bombay, may be laid out in the purchase of other hereditaments in the Presidency of Bombay suitable for the support of the dignity of the said title, in which last-

mentioned case the hereditaments so purchased shall, immediately from and after the completion of the purchase thereof, be and become subject to the uses and trusts of this Act, or such of them as shall then be subsisting and capable of taking effect in the same manner, and to the same effect, as if such last-mentioned hereditaments had expressly been named or described in the fifth section of this Act. Until such insurance moneys shall have been so laid out, the Corporation may invest the same or any part thereof in any of the Government securities specified in section 16.

• **13.** The said Mansion-house and premises called "Petit Mansion-house and other hereditaments to be kept in repair. Hall," and all additions thereto, and also all other messuages and hereditaments which, from time to time, may be or become subject to the trusts declared by this Act concerning the said Mansion-house and premises, shall be kept in good repair, order, and condition by and at the expense of the person for the time being in the enjoyment of the title of Baronet conferred by the said Letters Patent; and, in case any such person shall, at any time, neglect or refuse to keep the said Mansion-house, hereditaments, and premises or any of them in such good order and condition, it shall be lawful for the Corporation to keep or cause the same to be kept in good order and condition, and to defray the expense incident thereto from the income of the funds for the time being subject to the provisions of this Act.

14. The Corporation shall hold the said Mansion-house and hereditaments known as "Petit Hall," and also any other hereditaments for the time being vested in them by virtue of this Act, upon trust with the consent of the person entitled to, and in the actual enjoyment of, the title of Baronet conferred by the said Letter's Patent, and, with the consent of the Governor of Bombay in Council to be notified as aforesaid, to sell or exchange for other lands or hereditaments in the Presidency of Bombay the said Mansion house and hereditaments and also any other such hereditaments as aforesaid, and upon any such exchange to give or receive any money for equality of exchange.

15. And it is hereby declared that any such sale as aforesaid may be made either by public auction or private contract, and that the Corporation may make any stipulations as to title or evidence or commencement of title or otherwise in any conditions of sale or contract for sale or exchange of the said hereditaments or any part thereof, and may buy in or rescind or vary any contract for sale or exchange, and re-sell or re-exchange without being responsible for any loss occasioned thereby.

16. And it is hereby declared that the said Corporation shall receive all moneys which may become payable upon any such sale or exchange as aforesaid, and with all convenient speed invest the same either in the purchase of any stocks, funds, or securities of, or the principal and interest of which is guaranteed by, the Government of the United Kingdom of Great Britain and Ireland or the Government of India, or in the purchase of other lands or hereditaments situate in the Presidency of Bombay and suitable for the support of the dignity of the said title, yet so as that every such purchase of lands or hereditaments be made with the consent in writing of the person then entitled to, and in the actual enjoyment of the said title.

17. And it is hereby declared that the stocks, funds, and securities and the lands or hereditaments, respectively, so to be purchased or taken in exchange as aforesaid, shall, from and immediately after the completion of the purchase or exchange thereof, respectively, be held upon the trusts in and by this Act declared of and concerning the said bonds of the Municipal Corporation for the City of Bombay and the said Mansion house and premises called "Petit Hall," respectively, or such of them, respectively, as may then be subsisting and capable of taking effect.

18. It shall be lawful for the Corporation, out of the money which shall come to their hands by virtue of the trusts and provisions of this Act, to retain and reimburse themselves all costs, damages, and expenses which they shall or may sustain, expend, or disburse in or about the execution of the aforesaid powers, trusts, and provisions, or in relation thereto.

19. Saving always to the Queen's Most Excellent Majesty, Her heirs, and successors, and to all and every other person and persons, bodies politic and corporate, and his, her, and their respective heirs, successors, executors and administrators, and every of them (other than and except the said Sir Dinshaw Manockjee Petit, his devisees, heirs, and assigns), all such estate, right, title, interest, claim, and demand whatsoever of, into, out of, or upon the said Mansion-house and hereditaments called "Petit Hall," or any part or parts thereof, as they, every or any of them, had, before the passing of this Act, and would, could, or might have had, held, or enjoyed in case this Act had not been passed.

ACT XI. OF 1893.

RECEIVED THE G.-G.'S ASSENT ON THE 21ST SEPTEMBER 1893.

An Act to make Provision for certain Matters connected with the Tributary Mahals of Orissa.

WHEREAS it is expedient* to indemnify certain persons, and validate acts done by them in, or in relation to, the said Mahals, and to admit of certain sentences passed in those Mahals being carried into effect in British India, It is hereby enacted as follows:—

Title, extent, and commencement.

1. (1) This Act may be called the Tributary Mahals of Orissa Act, 1893.

(2) It extends to the whole of British India.†

2. [Repealed by Act I. of 1903.]

3. No suit, prosecution, or other proceeding shall be begun or continued in respect of any act done before the commencement of this Act by any officer of the Government in respect of any of the Tributary Mahals of Orissa or any inhabitant thereof, such act purporting to have been done in the exercise of executive or judicial authority, and having, before or after the commencement of this Act, been ratified by the Government, and every such act is hereby confirmed and made valid, and every such officer indemnified and discharged from liability in respect thereof.

Execution in British India of certain sentences passed in Tributary Mahals

4. (1) The Lieutenant-Governor of Bengal may authorize the reception, detention, or imprisonment in any place under his government, for the period specified in the sentence, of—

- (a) any person sentenced to imprisonment or transportation for any term by any Court or tribunal acting under the authority of the British Government in, or in respect of, any Tributary Mahal in Orissa,
- (b) any Native Indian subject of Her Majesty residing in any such Mahal, or any Native subject of a Chief of any such Mahal, when, in either case, such Native subject as aforesaid has been sentenced by such a Chief, or by subordinate Court of such a Chief, to imprisonment for a term exceeding six months.

* Here the words "repeal certain enactments relating to the Tributary Mahals of Orissa, and" have been repealed by Act I. of 1903.

† Here the word "and" and sub-section (3) are repealed by Act I of 1903.

(2) The place or places within the territories subject to the Lieutenant-Governor of Bengal in which persons may be received, detained, or imprisoned under sub section (1) shall be such as the said Lieutenant-Governor may, by general or special order direct.

(3) A sentence shall be of the same force and effect in the place in which it may be carried into effect under this section as if it had been passed by a competent Court in that place.

THE SCHEDULE,

[*Repealed by Act I. of 1903*]

ACT I. OF 1894.

The Land Acquisition Act. 1894

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received His Excellency's Assent on the 2nd February 1894.

As Act to amend the Law for the Acquisition of Land for Public Purposes and for Companies.

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition, It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title, extent, and commencement.

1. (1) This Act may be called the Land Acquisition Act, 1894 ;

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

(3) It shall come into force on the first day of March 1894.

Repeal

2. (1) [*Repealed by Act X of 1914.*]

(2) But all proceedings commenced, officers appointed or authorized, agreements published, and rules made under the said Land Acquisition Act, shall, as far as may be, be deemed to have been respectively commenced, appointed or authorized, published, and made under this Act.

* Applies to the Calcutta Municipality with modifications—see Ben. Act III. of 1899, s. 567.

Declared in force—

(i) in the Santhal Parganas—by Reg. III. of 1872, s. 3, as amended by Reg. III. of 1899, s. 3,

(ii) in Upper Burma (except the Shan States)—by Act XIII. of 1898, s. 4.

(3) Any enactment or document referring to the said Land Acquisition Act, or to any enactment thereby repealed, shall, so far as may be, be construed to refer to this Act, or to the corresponding portion thereof,

Definitions.

3. In this Act, unless there is some thing repugnant in the subject or context,—

- (a) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth ;
- (b) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act ; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land ;
- (c) the expression "Collector" means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act ;
- (d) the expression "Court" means a principal Civil Court of original jurisdiction unless the Local Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act ;
- (e) the expression "Company" means a Company registered under the Indian Companies Act, 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor-General in Council, or by Royal Charter or Letters Patent "and includes a society registered under the Societies Registration Act, 1860* and a registered society within the meaning of the Co-operative Societies Act, 1912." † ‡
- (f) the expression "public purpose" includes the provision of village sites in districts in which the Local Government shall have declared, by notification in the official Gazette, that it is customary for the Government to make such provision ; and
- (g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

Act XXI of 1860.

† Act II of 1912.

‡ The words within quotation have been added by Act XVII of 1914.

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability,

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted.

provided that—

- (i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown, to the satisfaction of the Collector or Court, to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof,
- (iii) the provisions of Chapter XXXI. of the Code of Civil Procedure shall, *mutatis mutandis* apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and
- (iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act unless he would have been competent to alienate the land, and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

ACQUISITION.

Preliminary Investigation.

4. (1) Whenever it appears to the Local Government that land in any locality "is needed or" is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

Publication of preliminary notification, and powers of officers thereupon.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen—

to enter upon and survey and take levels of any land in such locality ;

to dig or bore into the sub-soil ;

to do all other acts necessary to ascertain whether the land is adapted for such purpose ;

to set out the boundaries of the land proposed to be taken, and the intended line of the work (if any) proposed to be made thereon ;

to mark such levels, boundaries, and line by placing marks and cutting trenches ,

and, where otherwise the survey cannot be completed, and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop fence, or jungle :

Provided that no person shall enter into any building, or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof), without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. The officer so authorized shall, at the time of such entry, pay or tender payment for all necessary damage to be done as aforesaid ; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final.

Objections.

*5A. (1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a Company, may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either in person or by pleader and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, submit the case for the decision of the Local Government,

* Section 5A has been added by Act 38 of 1923.

together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Local Government on the objections shall be final.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.

Declaration of intended Acquisition.

6. (1) Subject to the provisions of Part VII. of this Act,
Declaration that land is required for a public purpose. "when the Local Government is satisfied after considering the report, if any, under section 5A, sub-section (2)"† that any particular land is used for a public purpose, or for a Company a declaration shall be made to that effect under the signature of a Secretary to such Government, or of some officer duly authorized to certify its orders :

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company or wholly or partly out of public revenue or some fund controlled or managed by a local authority,

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be ; and, after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

7. Whenever any land shall have been so declared to be
After declaration, Collector to take order for acquisition needed for a public purpose or for a Company the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. The Collector shall thereupon cause the land (unless
Land to be marked out, measured, and planned. it has been already marked out under section 4.) to be marked out. He shall cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

† The words within quotations have been added by Act 38 of 1923.

9. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear, personally or by agent, before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing, and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land, and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue-district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last-known residence, address, or place of business, and registered under Part III. of the Indian Post Office Act, 1866.

10. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of section 175 and 176 of the Indian Penal Code;

Enquiry into Measurements, Value, and Claims, and Award by the Collector.

11 On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any), which any person interested has stated pursuant to a notice given under section 9, to the measurements made under section 8, and into the value of the land "at the date of the publication of the notification under section 4, sub-section (1)"* and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

- (i) the true area of the land ;
- (ii) the compensation which, in his opinion, should be allowed for the land ; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

12 (1) Such award shall be filed in the Collector's office, and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present, personally or by their representatives, when the award is made.

13 The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

14. For the purpose of enquiries under this Act, the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure.

* The words within quotations have been inserted by Act 38 of 1928.

Matters to be considered and neglected.

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

Taking Possession.

16. When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

17. (1) In cases of urgency, whenever the Local Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic, or for the purpose of making thereon a riverside or ghat station, or of providing convenient connection with, or access to, any such station the Collector may, immediately after the publication of the notice mentioned in sub-section (1), and with the previous sanction of the Local Government, enter upon, and take possession of, such land, which shall thereupon vest absolutely in the Government free from all encumbrances.

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections, the Collector shall, at the time of taking possession, offer to the persons interested compensation for the standing crops and trees (if any) on such land, and for any other damage sustained by them caused by such sudden dispossession, and not excepted in section 24; and in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

(4) In the case of any land to which, in the opinion of the Local Government, the provisions of sub-section (1) or sub-section

(2) are applicable, the Local Government may direct that the provisions of section 5A shall not apply, and if it does so direct a declaration may be made under section 6 in respect of the land at any time after the publication of the notification under section 4, sub-section (1)*

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

18. (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken.

Provided that every such application shall be made—

(a) if the person making it was present or represented before the Collector at the time when he made his award—within six weeks from the date of the Collector's award,

(b) in other cases—within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

19. (1) In making the reference, the Collector shall state, for the information of the Court, in writing under his hand,—

(a) the situation and extent of the land, with particulars of any trees, buildings, or standing crops thereon ;

(b) the names of the persons whom he has reason to think interested in such land ;

(c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11 ; and

(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

20. The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely—

Service notice.

- (a) the applicant ;
- (b) all persons interested in the objection except such (if any) of them as have consented without protest to receive payment of the compensation awarded ; and,
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Restriction on scope of proceedings

22. Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the province shall be entitled to appear, plead, and act (as the case may be) in such proceeding.

Proceedings to be in open Court.

23. (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration,—

Matters to be considered in determining compensation.

first, the market-value of the land at the date of the publication of the "notification under Section 4, Sub-section (1)",*

secondly, the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof ;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land ;

fourthly, the damage (if any) sustained by the person interested at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immovable, in any other manner, or his earnings ;

* The words within quotations have been substituted by Act 39 of 1923.

fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change ; and,

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

(2) In addition to the market-value of the land as above provided, the Court shall, in every case, award a sum of fifteen per centum on such market-value in consideration of the compulsory nature of the acquisition.

Matters to be neglecting
in determining compensa-
tion,

24. But the Court shall not take into consideration,—

first, the degree of urgency which has led to the acquisition ;

Secondly, any disinclination of the person interested to part with the land acquired ,

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ,

fourthly, any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put ,

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ,

Sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put ; or,

seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made, or effected without the sanction of the Collector after the date of the publication of the " notification under section 4, sub-section (1)"*

25. (7) When the applicant has made a claim to compensation, Rules as to amount of compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed, or be less than the amount awarded by the Collector under section 11.

* The word within quotations have been substituted by Act 38 of 1923.

(2) When the applicant has refused to make such claim, or has omitted, without sufficient reason (to be allowed by the Judge), to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(3) When the applicant has omitted, for a sufficient reason (to be allowed by the Judge), to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector.

26. Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause *first* of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

“(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section (2) clause (2), and section 2, clause (9), respectively of the Code of Civil Procedure, 1908”*

27. (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons, and in what proportions, they are to be paid.

(2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector unless the Court shall be of opinion that the claim of the applicant was so extravagant, or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made, or that he should pay a part of the Collector's costs.

28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation, is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

Collector may be directed to pay interest on excess compensation.

PART IV.

APPORTIONMENT OF COMPENSATION.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award.

Particulars of apportionment to be specified.

* The words within quotations have been added by Act 19 of 1921.

and, as between such persons, the award shall be conclusive evidence of the correctness of the apportionment.

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

Dispute as to apportionment.

PART V.

PAYMENT.

81. (1) On making an award under section 11 the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

Payment of compensation or deposit of same in Court

(2) If they shall not consent to receive it or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation, or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted :

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount :

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18 :

Provided also that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Collector may with the sanction of the Local Government, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable, having regard to the interests of the parties concerned.

(4) Nothing in the last-foregoing section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land, and competent to contract in respect thereof.

32. (1) If any money shall be deposited in Court under subsection (2) of the last-preceding section, and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall—

Investment of money deposited in respect of lands belonging to persons incompetent to alienate.

- (a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or,
- (b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would, for the time being, have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

- (i) in the purchase of such other lands as aforesaid ; or
- (ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of moneys deposited to which this section applies, the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely—

- (a) the costs of such investments as aforesaid ;
- (b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last-preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited, or as near thereto as may be.

Investment of money deposited in other cases.

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of 6 per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

PART VI.

TEMPORARY OCCUPATION OF LAND.

35. (1) Subject to the provisions of Part VII. of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

Power to enter and take possession, and compensation on restoration

36. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35,

the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land, and not provided for by the agreement, and shall restore the land to the persons interested therein :

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and, if the persons interested shall

so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose, or for a Company.

87. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

88. (1)* The Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

(2) In every such case section 4 shall be construed as if, for the words "for such purpose," the words "for the purposes of the Company" were substituted; and section 5 shall be construed as if after the words "the officer," the words "of the Company" were inserted.

89. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company unless with the previous consent of the Local Government, nor unless the Company shall have executed the agreement hereinafter mentioned.

40. (1) Such consent shall not be given unless the Local Government be satisfied, "either on the report of the collector under section 5A, sub-section (2) or †" by an enquiry held as hereinafter provided,—

(a) that such acquisition is needed for the construction of some work,† and

(b) that such work† is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer, and at such time and place, as the Local Government shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses, and compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided by the Code of Civil Procedure in the case of a Civil Court.

* Certain words after this repealed by Act 38 of 1920 have been omitted.

† The words within quotations have been added by Act 38 of 1923.

‡ Vide S. 57 of Act IX of 1910.

41.* If the Local Government is satisfied "after considering the report, if any, of the Collector under section 5A, sub-section (2) or on the report of the officer making an enquiry under section 40,"† that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor-General of India in Council may, from time to time, prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council, providing, to the satisfaction of the Local Government, for the following matters, namely—

Agreement with Secretary of State in Council.

- (1) the payment to Government of the cost of acquisition ;
- (2) the transfer, on such payment, of the land to the Company ;
- (3) the terms on which the land shall be held by the Company ;
- (4) the time within which, and the conditions on which the work shall be executed and maintained ; and
- (5) the terms on which the public shall be entitled to use the work.

42. Every such agreement shall, as soon as may be after its execution, be published in the *Gazette of India*, and also in the local official *Gazette*, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

43. The provisions 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement between such Company and the Secretary of State for India in Council, the Government is or was bound to provide land.

Sections 39 to 42 not to apply where Government bound by agreement to provide land for Companies.

44. In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

How agreement between Railway Company and Secretary of State may be proved.

* Certain words repealed by Act 38 of 1923 have been omitted.

† The words within quotations have been added by Act 38 of 1923.

PART VIII.

MISCELLANEOUS.

45. (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice by or by order of the Collector or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him ; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector, or in the Court-house, and also in some conspicuous part of the land to be acquired :

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last-known residence, address, or place of business, and registered under Part III. of the Indian Post Office Act, 1866 and service of it may be proved by the production of the addressee's receipt.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages, or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land, to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras, and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

48. (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

(2) Whenever the Government withdraws from any such acquisition the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder and shall pay such amount to the person interested, together, with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land,

(3) The provisions of Part III. of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

49. (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory, or other building if the owner desire that the whole of such house, manufactory, or building shall be so acquired :

Acquisition of part of house or building
 Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory, or building shall be so acquired ;

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not from part of a house, manufactory, or building within the meaning of this section, the Collector shall refer the determination of such question to the Court, and shall not take possession of such land until after the question has been determined.

In deciding on such a reference, the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory, or building.

(2) If, in the case of any claim under section 23, sub-section (1), *thirdly*, by a person interested, on account of the severing of the land to be acquired from his other land, the Local Governments is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive shall be necessary ; but the Collector shall, without delay, furnish a copy of the order of the Local Government to the person interested, and shall thereafter proceed to make this award under section 11.

50. (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of, and incidental to, such acquisition shall be defrayed from or by such fund or Company.

(2) In any proceeding held before a Collector or Court in such cases, the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation :

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

51. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing, of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act

54. Subject to the provisions of the Code of Civil Procedure 1908, applicable to appeals from original decrees, and notwithstanding any thing to the contrary in any enactment for the time being in force, an appeal shall lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court, passed on such appeal as aforesaid an appeal shall lie to His Majesty in Council subject to the provisions contained in sections 110 of the Code of Civil Procedure, 1908 and in Order XLV thereof.*

55. (1) The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may, from time to time, alter and add to the rules so made.

* Section 54 has been added by Act 10 of 1921

(2) The power to make, alter, and add to rules under sub-section (1) shall be subject to the condition of the rules being made, altered, or added to after previous publication.

(3) All such rules, alterations, and additions shall* be published in the official Gazette, and shall thereupon have the force of law.

"Provided that where the provision of this Act are put in force for the acquisition of land,

(a) for the purpose of any railway, or

(b) for such other purposes, connected with the administration of a central subject as defined in section 45 A of the Government of India Act, as the Governor General in Council may by notification in the Gazette of India declare in this behalf, the power to make, alter and add to rules conferred on the Local Government by this sub-section shall be exercised subject to the control of the Governor General in Council."†

ACT III. OF 1894.

The Indian Criminal Law Amendment Act, 1894‡

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the G.-G.'s Assent on the 23rd February 1894.

An Act to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code.

WHEREAS it is expedient to amend § the Indian Penal Code; It is hereby enacted as follows:—

Code of Criminal Procedure, 1882.

1 to 4.--[*Repealed by Act V. of 1898*]

Addition to section 177 of Indian Penal Code.

5. To section 177 of the Indian Penal Code, the following shall be added, namely—

"*Explanation.*—In section 176 and in this section, the word 'offence' includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, and 460; and the word 'offender' includes any person who is alleged to have been guilty of any such act.

* Certain words after this repealed by Act 4 of 1915 have been omitted.

† The words within quotations have been added by Act 38 of 1920.

‡ This Act may be so cited.—See the Indian Short Titles Act (XIV. of 1897). Declared in force in the Sonthal Parganas by Reg. III. of 1872, s. 3, as amended by Reg. III. of 1899, s. 3.

§ Certain words after this repealed by Act 10 of 1914 have been omitted.

Addition to section 203 of same Code.

6. To section 203 of the said Code, the following shall be added, namely:—

“Explanation.—In sections 201 and 202, and in this section, the word ‘offence’ includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, and 460.

Addition to section 212 of same Code.

7. In section 212 of the Indian Penal Code, immediately before the *Exception*, the following shall be inserted, namely:—

“‘Offence’ in this section includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, and 460: and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India.”

— Addition of new sections after section 216 of same Code.

8. After section 216 of the said Code, the following shall be inserted, namely:—

“216A. Whoever, knowing, or having reason to believe, that any persons are about to commit, or have recently committed, robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

“Explanation.—For the purposes of this section, it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without British India.

“Exception.—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

“216B. In sections 212, 216, and 216A, the word ‘harbour’ includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition, or means of conveyance, or the assisting a person in any way to evade apprehension.”

Definition of ‘harbour’ in sections 212, 216, and 216A

ACT IV OF 1894. The Amending Act, 1894.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL

Received the G.-G.'s Assent on the 23rd February 1894.

An Act to amend certain* Enactments.*

Whereas it is expedient that certain formal amendments should be made in the enactments specified in the Second Schedule to this Act,

It is hereby enacted as follows :—

Title, extent, and commencement. 1. (1) This Act may be called the Amending Act, 1894.

(2) It extends to the whole of the territories administered by the Governor of Bombay in Council, and

(3) It shall come into force at once.

Enactments in Schedule^s repealed and amended respectively.

2. (1)—[*Repealed by Act I of 1903.*]

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

3.—[*Repealed by Act I of 1903.*]

[*Rep. by Act I of 1903.*]

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

Year	No.	Subject or title	Amendment.
<i>Part I.—Regulation of the Bombay Code.</i>			
1830	XIII	Jurisdiction of Jagirdars, &c.	In section 3, clause third, after open to, insert appeal to.
<i>Part II.—Act of the Governor-General in Council.</i>			
1839	XX	Levy of Haqqs, &c	In section 3, for shall be punishable as for an undue exaction under Regulation XVII of 1827, Section XVI., of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government, read shall, whether he is or not a Revenue Officer of Government, be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine not exceeding ten times the amount of the sum so levied.

* In the title, the preamble, and in s. 1, certain words, repealed by Act I of 1903, are omitted.

ACT VIII. OF 1894.**(The Indian Tariff Act, 1894)**

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the G.-G.'s Assent on the 10th March 1894.**An Act to amend the Law relating to Custom-duties, and for other purposes*

Whereas it is expedient to amend the law relating to the duties of customs on goods imported and exported by sea, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India, and of the territories of certain Native Chiefs ; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Tariff Act, 1894 :

Title, extent, and commencement

(2) It extends to the whole of British India except Aden and Perim :

(3) It shall come into force at once.

2 (1) The Acts mentioned in the first Schedule are repealed to the extent specified therein :

Repeal.

(2) But all notifications published, and rules and orders made, under any of those Acts, and in force immediately before the commencement of this Act, shall, so far as they are consistent herewith, be deemed to have been respectively published and made under this Act ; and

(3) All references made in the Indian Tariff Act, 1875, and the Indian Tariff Act, 1882, in Acts or Regulations passed before the commencement of this Act, shall be deemed to be made to this Act

(4) Nothing in this Act shall authorize the levy of duties of customs on any article carried from one customs port in British India to another such port, except salt, opium, and spirit.

3. (1) There shall be levied and collected, in every port to which this Act applies, the duties specified in the second and third Schedules.

Duties specified in Schedules to be levied.

(2) The Governor-General in Council may, by notification in the Gazette of India, fix, for the purpose of levying the said duties, tariff values of any articles enumerated, either specifically or

* The word "and" after this repealed by Act 10 of 1914 has been omitted.

under general headings, to the said schedules as chargeable with duty *ad valorem*, and may alter any tariff values for the time being in force.

(3) Different tariff values may be fixed for different classes or descriptions of the same article.*

4. *Repealed by Act 5 of 1921.*

5. (1) Duties of customs "at such rates as may be prescribed by or under this Act, or by or under any law for the time being in force relating to customs duties on imports and exports, respectively, into and from ports shall be levied on goods passing by land out of or into"†—

(a) Foreign European Settlements in India ;

(b) any territory declared, under the power hereinafter in this section conferred, to be foreign territory.

(2) Subject to the control of the Governor General in Council, the Governor of Fort Saint George in Council "the Governor of Bombay in Council and the Governor in Council of Fort William in Bengal"‡ may, by notification in the local official Gazette, respectively, declare that the territory of any Native Chief situate within, or bordering on, the territories respectively administered by such Governors, but not subject to the jurisdiction of the Courts and Civil authorities of such territories, shall be deemed, for the purposes of this section, to be foreign territory.

(3) The Governor-General in Council may, by notification in the *Gazette of India*, declare that the territory of any other Native Chief shall be deemed, for the purposes of this section, to be foreign territory.

6§ In Act No. XVI. of 1863, section 1, for the words "calculated at ten," the words "not exceeding five" shall be substituted.

Amendment of Act XVI.
of 1863, section 1

7. (1) Salt, opium, and spirit imported from any port in British India, and protected by the certificate of an officer empowered in that behalf by the Governor-General in Council or the

Duty on salt, opium, and
spirit when protected by a
certificate.

* Section 3 has been substituted by Act IV of 1916

† In s. 5, sub-s. (1), the words quoted have been substituted for the original ones by Act IX. of 1903, s. 8

‡ The words within quotations have been substituted by Act X. of 1914.

§ This section has been locally repealed in Madras by Madras Act I of 1913, in Punjab by Punjab Act I of 1914, in C. P. by C. P. Act II of 1915, in Bengal by Bengal Act V of 1909; E. B. and Assam by E. B. and A. Act of 1910.

Local Government, are chargeable with only the amount, if any, by which the duty leviable thereon under the "second" Schedule exceeds the duty shown by such certificate to have been already paid in respect thereof.

(2) The amount, if any, paid to the Government as the price of such salt or opium is not duty within the meaning of this section.

(3) Nothing in this section applies to spirit which is exported under bond for excise-duty from one customs port to another customs-port under the provisions of Chapter XIV. of the Sea Customs Act, 1878.

B. So far as regards the Presidency of Fort Saint George, the unrepcaled provisions of Act No. VI. of 1844, and, so far as regards the Presidency of Bombay, the unrepcaled provisions of Act No. XXIX. of 1857, relating to the levy of duties, and to dutiable goods, shall, *mutatis mutandis*, apply to duties levied, and goods liable to duty, under, or by virtue of, section 5, sub-section (1), clause (b).

8A.† (1) Where any country, dependency, or colony pays or bestows, directly or indirectly, any bounty or grant upon "the production therein, or" the exportation therefrom, of any article, and the article is chargeable with duty under the provisions of this Act, then, upon the importation of any such article into British India, whether the same is imported directly from the country of production or otherwise, and whether it is imported in the same condition as when exported from the country of production, or has been changed in condition by manufacture or otherwise, the Governor-General in Council may, by notification in the *Gazette of India*, impose an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

(2) The net amount of any such bounty or grant as aforesaid shall be, from time to time, ascertained, determined, and declared by the Governor-General in Council, and the Governor-General in Council may, by notification in the *Gazette of India*, make rules for the identification of such articles and for the assessment and collection of any additional duty imposed upon the importation thereof under sub-section (1).

* The word *with* quotations have been substituted by Act 13 of 1916.

† S. 8A has been inserted by Act XIV. of 1899, s. 2.

‡ In s. 8A, the words quoted have been inserted by Act XII. of 1903, s. 2.

8 B. (1) Where the rate of duty or other taxation imposed in any country, dependency, or colony upon sugar not produced therein exceeds the rate of duty or other taxation imposed upon sugar produced therein by more than the equivalent of six francs per one hundred kilogrammes in the case of refined sugar, or five francs and fifty centimes per one hundred kilogrammes in the case of other sugar, then, upon the importation of any sugar from such country, dependency, or colony into British India, whether the same is imported directly from the country of production or otherwise, and whether it is imported in the same condition as when exported from the country of production, or has been changed in condition by manufacture or otherwise, the Governor-General in Council may, by notification in the *Gazette of India*, impose, in addition to any other duty or taxation imposed under this Act or any other law for the time being in force, a special duty not exceeding one moiety of such excess.

(2) The Governor-General in Council may from time to time, by general or special order, declare, for the purposes of sub-section (1),—

- (a) what articles or substances containing any saccharine matter shall be deemed to be 'sugar' and what kinds of sugar shall be deemed to be "refined sugar" or 'other sugar,' respectively; and
- (b) what sums in the currency of British India shall be deemed to be the equivalent of 'francs' and 'centimes,' respectively.

(3) The amount of the excess referred to in sub-section (1) shall be from time to time ascertained, determined, and declared by the Governor-General in Council, and the Governor-General in Council may, by notification in the *Gazette of India*, make rules for the identification of sugar and for the assessment and collection of any special duty imposed upon the importation thereof under sub-section (1).

Power to cancel notifications.

9. All notifications published under this Act may be cancelled by the authority publishing the same.

10. In the event of any duty of customs or excise on any article being imposed, increased, decreased, or remitted after the making of any contract for the sale of such article without stipulation as to the payment of duty, where duty was not chargeable at the time of the making of the contract or for the sale of such article duty paid where duty was chargeable at that time,—

When contracts have been entered into, amount of increased or decreased duty to be added or deducted

* S. 8B. has been inserted by Act VIII. of 1902, s. 2.

(a) if such imposition or increase so takes effect that the duty or increased duty, "or any part thereof" is paid, the seller may add so much to the contract price as will be "equivalent to the amount paid in respect of such duty."† or increase of duty, and he shall be entitled to be paid and to sue for and recover such addition, and,

(b) if such decrease or remission so takes effect that the decreased duty only or no duty, as the case may be, is paid, the purchaser may deduct so much from the contract-price as will be equivalent to the decrease of duty or remitted duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

11. In the second paragraph of section 23 of the Sea Customs Act, 1878, the words, "with the previous sanction of the Governor-General in Council," shall be inserted after the word "may."

Amendment of Act VIII.
of 1878, section 23.

SCHEDULE I.—(ACTS REPEALED).

Number and year.	Title	Extent of repeal.
<i>Acts of the Governor-General in Council.</i>		
XI. of 1882 ..	Indian Tariff Act, 1882	So much as has not been repealed.
II. of 1887 ...	An Act to amend the Sea Customs Act, 1878, the Excise Act, 1881, and the Indian Tariff Act, 1882.	Section 8.
II. of 1888 ...	An Act to provide for the levy of a customs-duty on Petroleum.	Section 1.
VIII. of 1889 ...	An Act to amend the Sea Customs Act, 1878, and the Indian Tariff Act, 1882.	Sections 3, and 5.
XII. of 1890 ...	An Act to amend the Indian Tariff Act, 1882.	The whole.
I. of 1892 ...	An Act to amend the Indian Tariff Act, 1882.	Ditto.
IX. of 1893 ...	An Act to amend the Indian Tariff Act, 1882, as amended by subsequent Acts.	Ditto.

The words within quotations have been inserted by Act XIX of 1910.

SCHEDULE II*—IMPORT TARIFF.

PART I.

Articles which are free of duty.

No.	Names of Articles.
	1.—Food, Drink and Tobacco—
1	HOPS.
2	SALT imported into British India and issued, in accordance with rules made with the previous sanction of the Governor-General in Council, for use in any process of manufacture; also salt imported into the port of Calcutta and issued with the sanction of the Government of Bengal to manufactures of glazed stone ware; also salt imported into any port in the provinces of Bengal, Bihar and Orissa and issued, in accordance with rules made with the previous sanction of the Governor-General in Council, for use in curing fish in those provinces.
	(For the general duty on salt, see No. 35.)
	II.—Raw materials and produce and articles mainly unmanufactured—
	HIDES AND SKINS, RAW.
3	HIDES AND SKINS, raw or salted.
	METALLIC ORES.
4	METALLIC ORES, all sorts.
	PRECIOUS STONES AND PEARLS.
5	PRECIOUS STONES, unset and imported uncut, and PEARLS, unset.
	SEEDS.
6	OIL-SEEDS imported into British India by sea from the territories of any Princes or Chief in India.
	TEXTILE MATERIALS.
7	COTTON, raw.
8	WOOL, raw, and WOOL-TOPS
	MISCELLANEOUS.
9	MANURES, all sorts, including animal bones and the following chemical manures:—Basic slag, nitrate of ammonia, nitrate of soda, muriate of potash, sulphate of ammonia, sulphate of potash, kainit salts, nitrate of lime, calcium cyanamide, mineral phosphates and mineral superphosphates.

* Schedule II has been substituted by Act XII of 1923.

SCHEDULE I—IMPORT TARIFF

PART I—~~continued~~

Article which are free of duty.

No.	Names of Articles.
10	PULP OF WOOD, BAGS and other paper-making materials
	<p>III —Articles wholly or mainly manufactured—</p> <p>APPAREL</p>
11	<p>UNIFORMS AND ACCOUTREMENTS appertaining thereto, imported by public servants for his personal use</p> <p>ARMS, AMMUNITION AND MILITARY STORES.</p>
12	<p>The following ARMS, AMMUNITION AND MILITARY STORES —</p> <p>(a) Articles falling under the 5th, 6th, 8th, 9th or 10th item of No 42, when they appertain to a firearm falling under the 1st or 3rd item and are fitted into the same case with such firearm</p> <p>(b) Arms forming part of the regular equipment of a commissioned or gazetted officer in His Majesty's Service entitled to wear diplomatic, military, naval, Royal Air Force or police uniform</p> <p>(c) A revolver and an an automatic pistol and ammunition for such revolver and pistol up to a maximum of 100 rounds per revolver or pistol, (i) when accompanying a commissioned officer of His Majesty's regular forces, or of the Indian Auxiliary Force or the Indian Territorial Force or a gazetted police officer, or (ii) certified by the commandant of the corps to which such officer belongs, or, in the case of an officer not attached to any corps, by the officer commanding the station or district in which such officer is serving, or, in the case of a police officer, by an Inspector General or Commissioner of Police, to be imported by the officer for the purpose of his equipment.</p> <p>(d) Swords for presentation as army or volunteer prizes.</p> <p>(e) Arms, ammunition, and military stores imported with the sanction of the Government of India for the use of any portion of the military forces of a State in India which may be maintained and organized for Imperial Service.</p> <p>(f) Morristubes and patent ammunition imported by officers commanding British and Indian regiments of volunteer corps for the instruction of their men.</p>

SCHEDULE II.—IMPORT TARIFF.

PART I.—*contd.*

Articles which are free of duty.

No.	Names and Articles.
CHEMICALS, DRUGS AND MEDICINES.	
13	ANTI-PLAGUE SERUM.
14	QUININE and other alkaloids of cinchona.
HARDWARE, IMPLEMENTS AND INSTRUMENTS.	
15	The following AGRICULTURAL IMPLEMENTS, namely windmills, threshers, mowing and reaping machines, binding machines; elevators, seed-crushers, chaff-cutters, root-cutters, ensilage-cutters, horse and bullock gears, ploughs, cultivators, scarifiers, harrows, cold-crushers, seed drills, hay-bedders, and rakes; also agricultural tractors; also component parts of these implements or tractors, provided that they can be readily fitted into their proper places in the implements or tractors for which they are imported, and that they cannot ordinarily be used for purposes unconnected with agriculture.
16	The following DAIRY APPLIANCES namely, cream separators, milk sterilizing or pasteurizing plant, milk aerating and cooling apparatus, churns, butter dryers, and butter workers; also component parts of these appliances, provided that they can be readily fitted into their proper places in the appliances for which they are imported, and that they cannot ordinarily be used for other than dairy purposes.
17	INSTRUMENTS, APPARATUS and APPLIANCES, imported by a passenger as part of his personal baggage and in actual use by him in the exercise of his profession or calling.
18	WATER-LIFTS, SUGAR-MILLS, OIL-PRESSES, and parts thereof, when constructed so that they can be worked by manual or animal power,
METALS.	
19	CURRENT NICKEL, BRONZE, AND COPPER COIN of the Government of India.
20	GOLD AND SILVER BULLION and coin.
PAPER.	
21	TRADE CATALOGUES AND ADVERTISING CIRCULARS imported by packet, book, or parcel post.

SCHEDULE II—IMPORT TARIFF.

PART I—*contd.*

Articles which are free of duty.

No.	Names of Articles.
YARNS AND TEXTILE FABRICS.	
22	SECOND-HAND OR USED GUNNY BAGS made of jute.
MISCELLANEOUS.	
23	ART, the following works of:—(1) statuary and pictures intended to be put up for the public benefit in a public place, and (2) memorials of a public character intended to be put in a public place, including the materials used, or to be used in their construction, whether worked or not.
24	Books printed, including covers for printed books, maps, charts, and plans, proofs, music and manuscripts.
IV.—Miscellaneous and unclassified—	
25	ANIMALS, living, all sorts.
26	SPECIMENS ILLUSTRATIVE OF NATURAL SCIENCE, and medals and antique coins.

SCHEDULE II—IMPORT TARIFF.

PART II.

Articles which are liable to duty at special rates.

No.	Names of Articles.	Unit or method of assessment.	Rate of duty.
	I.—Food, Drink and Tobacco—		R. A.
	FISH.		
27	FISH, SALTED, wet or dry.	Indian maund of 82½ lbs. avoirdupois weight.	Such rate or rates of duty not exceeding one rupee as the Governor General in Council may, by notification in the Gazette of India from time to time prescribe.
	LIQUORS.		
28	ALE, Beer, Porter, Cider and other fermented liquors.	Imperial gallon or 6 quart bottles.	Eight annas.
29	SPIRIT, which has been rendered effectually and permanently unfit for human consumption.	<i>Ad valorem</i>	7½ per cent.
30	PERFUMED SPIRITS.	Imperial gallon or 6 quart bottles.	30 0
31	LIQUEURS, Cordials, Mixtures and other preparations containing spirit—		
	(a) Entered in such a manner as to indicate that the strength is not to be tested.	Ditto	30 0
	(b) If tested	Imperial gallon or 6 quart bottles of the strength of London proof.	21 14 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
32	All other sorts of SPIRIT	Ditto.	Ditto.

SCHEDULE II—IMPORT TARIFF

PART II—*contd.*

Articles which are liable to duty at special rates.

No.	Names of Articles.	Unit or method of assessment.	Rate of duty.
	LIQUORS— <i>continued.</i>		R. s.
33	WINES— Champagne and all other sparkling wines not containing more than 42 per cent. of proof spirit. All other sorts of wines not containing more than 42 per cent. of proof spirit. Provided that all sparkling and still wines containing more than 42 per cent. of proof spirit shall be liable to duty at the rate applicable to "All other sorts of Spirit.	Imperial gallon or 6 quart bottles. Ditto.	9 0 4 8
34	SUGAR. SUGAR, all sorts including molasses and saccharine produce of all sorts, but excluding confectionary (see No. 124.) OTHER FOOD AND DRINK.	<i>Ad valorem.</i>	25 per cent.
35	SALT, excluding salt exempted under No. 2. TOBACCO.	Indian maund of 82½ lbs avoirdupois weight.	The rate at which excise duty is for the time being leviable on salt manufactured in the place where the import takes place.
36	TOBACCO, unmanufactured.	Pound	
37	CIGARS AND CIGARETTES.	<i>Ad valorem.</i>	75 per cent.

SCHEDULE II—IMPORT TARIFF.

PART II—*continued.*

Articles which are liable to duty at special rates.

No.	Names of articles.	Unit or method of assessment.	Rate of duty.
			Rs.
38	All other sorts of TOBACCO manufactured.	Pound.	24
	II.—Raw Materials and produce and articles mainly unmanufactured—		
	COAL, COKE AND PATENT FUEL,		
39	COAL, COKE AND PATENT FUEL.	Ton ...	0 8
	OILS.		
40	KEROSENE and MOTOR SPIRIT; also any mineral oil other than kerosene and motor spirit which has its flashing point below one hundred degrees of Fahrenheit's thermometer by Abel's close test. NOTE.—Motor spirit is liable to an additional duty of 6 annas per gallon under Act II of 1917 as amended by Act III of 1919.	Imperial gallon...	Two annas and six pies.
41	MINERAL OIL which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is such as is not ordinarily used for any other purpose than for the batching of jute or other fibre, or for lubrication, and mineral oil which has its flashing	Ad valorem ..	7½ per cent.

SCHEDULE—IMPORT TARIFF.

PART II—*contd.*

Articles which are liable to duty at special rates.

No	Names of Articles.	Unit or method of assessment.	Rate of duty.	
	point at or above one hundred and fifty degrees of Fahrenheit's thermometer, and is such as is not ordinarily used except as fuel or for some sanitary or hygienic purpose.		Rs.	A.
	III.—Articles wholly or mainly manufactured.			
	ARMS, AMMUNITION AND MILITARY STORES.			
42	Subject to the exemptions specified in No. 12—			
	(1) Firearms other than pistols, including gas and air-guns and rifles.	Each	...	15
	(2) Barrels for the same whether single or double.	"	...	15
	(3) Pistols, including automatic pistols and revolvers.	"	...	15
	(4) Barrels for the same whether single or double.	"	...	15
	(5) Main springs and magazine springs for firearms, including gas-guns and rifles.	"	...	5
	(6) Gun stocks and breach blocks.	"	...	3
	(7) Revolver-cylinders, for each cartridge they will carry.	"	...	2
	(8) Actions (including skeleton and waster) breech bolts and their heads, cocking pieces, and locks for muzzle loadings arms.	"	...	1
				or 30 per cent <i>ad valorem</i> , whichever is higher.

SCHEDULE II—IMPORT TARIFF.

PART II—*conclud.*

Articles which are liable to duty at special rates.

No.	Names of Articles.	Unit or method of assessment.	Rate of duty.
			R. A.
	(9) Machines for making, loading, or closing cartridges for rifled arms.	<i>Ad valorem</i> ...	30 per cent.
	(10) Machines for capping cartridges for rifled arms.	<i>Ad valorem</i> ..	30 per cent.
	CHEMICALS, DRUGS AND MEDICINES.		
43	Opium and its alkaloids and their derivatives.	Seer of 80 tolas.	24 0
	YARNS AND TEXTILE FABRICS		
44	COTTON TWIST AND YARN, and COTTON SEWING OR DARNING THREAD.	<i>Ad valorem</i> ...	5 per cent.
45	COTTON PIECE-GOODS ..	<i>Ad valorem</i> ...	11 per cent.
	MISCELLANEOUS.		
46	Matches—		
	(1) In boxes containing on the average not more than 100 matches.	Per gross of boxes.	1 8
	(2) In boxes containing on the average more than 100 matches.	For every 25 matches or fraction thereof in each box, per gross of boxes.	0 8

SCHEDULE II—IMPORT TARIFF.

PART III.

Articles which are liable to duty at 2½ per cent, *ad valorem*.

No.	Names of Articles.
	I.—Food, Drink, and Tobacco—
	GRAIN, PULSE AND FLOUR.
47	GRAIN AND PULSE. all sorts, including broken grains and pulse, but excluding flour (<i>see</i> No 68).
	PROVISIONS AND OILMAN'S STORES
48	VINEGAR in casks.
	II.—Raw materials and produce and articles mainly unmanufactured—
	WOOD AND TIMBER.
49	FIREWOOD
	III.—Articles wholly or mainly manufactured—
	CHEMICALS, DRUGS AND MEDICINES.
50	COPPERAS, green.
	MACHINERY.
61	MACHINERY, namely, prime movers and component parts thereof, including boilers and component parts thereof; also including locomotive and portable engines, steam-rollers, fire engines, motor tractors designed for purposes other than agriculture, and other machines in which the prime-mover is not separable from the operative parts.
	MACHINERY (and component parts thereof), meaning machines or sets of machines to be worked by electric, steam, water, fire or other power not being manual or animal labour, or which, before being brought into use, require to be fixed with reference to other moving parts; and including belting of all materials for driving machinery
	Provided that the term does not include tools and implements to be worked by manual or animal labour, and provided also that only such articles shall be admitted as component parts of machinery as are indispensable for the working of the machinery, and are, owing to their shape or to other special quality, not adapted for any other purpose.
	<i>Note.</i> —This entry includes machinery and component parts thereof made of substances other than metal.

SCHEDULE II—IMPORT TARIFF.

PART III—*contd.*Articles which are liable to duty at 2½ per cent. *ad valorem*.

No.	Names of articles.
METALS OTHER THAN IRON AND STEEL.	
52	LEAD sheets, for tea-chests.
MISCELLANEOUS.	
53	AEROPLANES, aeroplane parts, aeroplane engines and aeroplane engine parts.
54	PRINTING AND LITHOGRAPHING MATERIAL, namely, presses, type, ink, aluminium lithographic plates, brass rules, composing sticks, chases, imposing tables, and lithographic stones, stereo-blocks, wood blocks, half tone blocks, electrotypes, roller moulds, roller frames and stocks, roller composition, standing screw and hot press, perforating machines, glod blocking presses, galley presses, proof presses, arming presses, copper plate printing presses, rolling presses, ruling machines, ruling pen making machines, lead and rule cutters, type casting machines, type setting and casting machines, rule bending machines, rule mitring machines, bronzing machines, leads, wooden and metal quoins, shooting sticks and galleys, stereotyping apparatus, metal furniture, paper folding machines, and paging machines, but excluding paper (<i>see</i> No. 99.)
55	BACKS for the withering of tea leaf.
56	TEA-CHESTS of metal or wood, whether imported entire or in sections provided that the Collector of Customs is satisfied that they are imported for the purpose of the packing of tea for transport in bulk
57	FODDER, BRAN AND POLLARDS.

PART IV.

Articles which are liable to duty at 10 per cent. *ad valorem*.

No.	Names of Articles.
II—Raw materials and produce and articles mainly unmanufactured—	
METALLIC ORES AND SCRAP IRON OR STEEL FOR RE-MANUFACTURE.	
58	IRON OR STEEL, old.
III.—Articles wholly or mainly manufactured—	

SCHEDULE II—IMPORT TARIFF.—*contd.*PART IV—*contd.*

Articles which are liable to duty at 10 per cent. *ad valorem*

No.	Names of Articles.
HARDWARE IMPLEMENTS AND INSTRUMENTS.	
59	TELEGRAPHIC INSTRUMENTS AND APPARATUS, and parts thereof imported by, or under the orders of a Railway Company,
METALS—IRON AND STEEL.	
60	IRON, angle.
	„ bar, rod and channel, including channel for carriages
	„ pig.
	„ rice bowls
61	IRON OR STEEL, anchors and cables
	„ „ beams, joists, pillars, girders screw piles, bridge work and other descriptions of iron or steel, imported exclusively for building purposes, including also ridging, guttering and continuous roofing
	„ „ bolts and nuts, including hook-bolts and nuts for roofing.
	„ „ hoops and strips
	„ „ nails, rivets and washers, all sorts.
	„ „ pipes and tubes and fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like
	„ „ rails, chairs, sleepers, bearing and fish-plates, spikes (commonly known as dog-spikes), switches and crossings, other than those described in No. 63, also lever-boxes, clips and tie-bars.
	„ „ sheets and plates, all sorts excluding discs and circles which are dutiable under No. 97.
	„ „ wire, including fencing wire, piano-wire and wire-rope, but excluding wire-netting which is dutiable under No. 97.
62	STEEL, angle.
	„ bar, rod and channel, including channel for carriages.

SCHEDULE II—IMPORT TARIFF,—*contd.*PART IV—*contd.*Articles which are liable to duty at 10 per cent. *ad valorem*.

No.	Names of Articles.
	<p>„ cast, including spring blistered and tub steel</p> <p>„ ingots, blooms, billets and slabs.</p> <p style="text-align: center;">RAILWAY PLANT AND ROLLING-STOCK.</p> <p>63 RAILWAY MATERIALS for permanent-way and rolling-stock, namely, cylinders, girders, and other material for bridges, rails, sleepers, bearing and fish-plates, fish-bolts, chairs, spikes, crossing, sleeper fastenings, switches, interlocking apparatus, brake gear, couplings and springs, signals, turn-tables, weigh-bridges, engines, tenders, carriages, wagons, traversers, trollies, trucks and component parts thereof; also the following articles when imported by, or under the orders of, a railway company, namely, cranes, water cranes, water tanks, and standards, wire and other materials for fencing.</p> <p>Provided that for the purpose of this entry 'railway' means a line of railway subject to the provisions of the Indian railways Act, 1890, and includes a railway constructed in a State in India and also such tramways, as the Governor-General in Council may, by notification in the Gazette of India, specifically include therein.</p> <p>Provided also that only such articles shall be admitted as component parts of railway materials as are indispensable for the working of railways, and are, owing to their shape or to other special quality, not adapted for any other purpose.</p> <p>64 SHIP AND OTHER VESSELS for inland and harbour navigation, including steamers, launches, boats and barges imported entire or in sections.</p>

PART V.

Articles which are liable to duty at 15th per cent. *ad valorem*.

No.	Names of Articles.
	<p>L.—Food, Drink and Tobacco—</p> <p style="text-align: center;">FISH.</p> <p>65 FISH, excluding salted fish (see No. 27)</p> <p>66 FISHMAWS, including singally any sozille and shark fins.</p>

SCHEDULE II—IMPORT TARIFF—*contd.*PART V—*contd.*Articles which are liable to duty at 15 per cent. *ad valorem*.

No.	Names of Articles.
	FRUITS AND VEGETABLES.
67	FRUITS AND VEGETABLES, all sorts, fresh, dried, salted or preserved.
	GRAIN, PULSE AND FLOUR.
68	FLOUR.
	PROVISION AND OILMAN'S STORES.
69	PROVISIONS AND OILMAN'S STORES AND GROCERIES, all sorts, excluding vinegar in casks (see No 43).
	SPICES.
70	SPICES, all sorts
	TEA.
71	TEA
	OTHER FOOD AND DRINK.
72	COFFEE.
73	All other sorts of Food and Drink not otherwise specified.
	III—Raw materials and produce and articles mainly unmanufactured.
	GUMS, RESINS AND LAC.
74	GUMS, RESINS AND LAC, all sorts.
	OILS.
75	All sorts of animal, essential, mineral and vegetable non-essential oils not otherwise specified (see Nos. 40 and 41.)
	SEEDS
76	SEEDS, all sorts, excluding oil-seeds imported into British India by sea from the territories of any Prince or Chief in India (see No 6).
	TALLOW, STEARINE AND WAX.
77	TALLOW AND STEARINE, including grease and animal fat, and wax of all sorts not otherwise specified.

SCHEDULE II—IMPORT TARIFF.

PART V—*contd.*Articles which are liable to duty at 15 per cent. *ad valorem*.

No.	Names of Articles
TEXTILE MATERIALS.	
78	TEXTILE MATERIALS , the following Silk waste, and raw silk including cocoons, raw flax, hemp, jute and all other unmanufactured textile materials not otherwise specified.
WOOD AND TIMBER.	
79	WOOD AND TIMBER , all sorts, not otherwise specified, including all sorts of ornamental wood,
MISCELLANEOUS.	
80	CANES AND RATTAN.
81	COWRIES AND SHELLS
82	IVORY , unmanufactured
83	PRECIOUS STONES , unset and imported cut (see No. 5)
84	All other raw materials and produce and articles mainly unmanufactured , not otherwise specified
III— Articles wholly or mainly manufactured—	
APPAREL	
85	APPAREL including drapery, boots and shoes, and military and other uniforms and accoutrements, but excluding uniforms and accoutrements exempted from duty under No. 11 and gold and silver thread (see Nos. 132 and 133), and articles made of silk (see No. 134),
ARMS, AMMUNITION AND MILITARY STORES	
86	EXPLOSIVES , namely, blasting gunpowder, blasting gelatine, blasting dynamite, blasting roborite, blasting tonite, and all other sorts, including detonators and blasting fuze.
CARRIAGES AND CARTS.	
87	CARRIAGES AND CARTS , including tram cars, motor-omnibuses, motor-lorries, motor-vans, jinrikshas, bath-chairs, perambulators, trucks, wheel barrows, and all other sorts of conveyances not otherwise specified, and such component parts and accessories thereof, as are not also adapted for use as parts or accessories of motor-cars, motor-cycles, motor-scooters, bicycles or tricycles (see No. 127).

SCHEDULE—IMPORT TARIFF.—*contd.*PART V.—*contd.*Articles which are liable to duty at 15 per cent. *advalorem*.

No.	Names of Articles.
	CHEMICALS, DRUGS AND MEDICINES.
88	CHEMICALS, DRUGS AND MEDICINES, all sorts, not otherwise specified.
	CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.
89	CUTLERY, excluding plated cutlery (see No. 129).
90	HARDWARE, IRONMONGERY AND TOOLS, all sorts, otherwise specified.
91	All other sorts of IMPLEMENTS, INSTRUMENTS, APPARATUS AND APPLIANCES and parts thereof not otherwise specified.
	DYES AND COLOURS.
92	DYEING AND TANNING SUBSTANCES, all sorts, and paints and colours and painters, materials, all sorts,
	FURNITURE, CABINET WARE AND MANUFACTURES OF WOOD.
93	FURNITURE, CABINETWARE and all other manufactures of wood not otherwise specified.
	GLASSWARE AND EARTHENWARE.
94	GLASS AND GLASSWARE, lacquered ware, earthenware, china and porcelain; all sorts except glass bangles and beads and false pearls (see No. 131.)
	HIDES AND SKINS AND LEATHER.
95	HIDES AND SKINS not otherwise specified, LEATHER AND LEATHER MANUFACTURES, all sorts, not otherwise specified.
	MACHINERY.
96	MACHINERY AND COMPONENT PARTS thereof, meaning machines or parts of machines to be worked by manual or animal labour, not otherwise specified (see Nos. 15, 16 and 18)
	METALS—IRON AND STEEL.
97	All sorts of IRON AND STEEL and manufactures thereof, not otherwise specified.

SCHEDULE II—IMPORT TARIFF—*contd.*PART V.—*contd.*Articles which are liable to duty at 15 per cent. *ad valorem*.

No.	Names of Articles.
	METALS OTHER THAN IRON AND STEEL.
98	All sorts of METALS OTHER THAN IRON AND STEEL, and manufactures thereof, not otherwise specified,
	PAPER, PASTEBOARD AND STATIONERY.
99	PAPER AND ARTICLES MADE OF PAPER AND PAPER MACHE, PASTEBOARD, MILLBOARD, AND CARDBOARD, all sorts, and STATIONERY, including ruled or printed forms and account and manuscript books, drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklet form, including also wastepaper and old newspapers for packing, but excluding trade catalogues and advertising circulars imported by packet, book, or parcel post (<i>see</i> No. 21.)
	YARNS AND TEXTILE FABRICS.
100	<p>YARNS AND TEXTILE FABRICS, that is to say.—</p> <p>Cotton thread other than sewing or darning thread, and all other manufactured cotton goods not otherwise specified.</p> <p>Flax, twist and yarn, and manufactures of flax.</p> <p>Haberdashery and millinery, excluding articles made of silk (<i>see</i> No. 134.)</p> <p>Hemp manufactures.</p> <p>Hosiery, excluding articles made of silk (<i>see</i> No. 134.)</p> <p>Jute, twist and yarn, and jute manufactures, excluding second hand or used gunny bags (<i>see</i> No. 22.)</p> <p>Silk yarn, coils and warps and silk thread.</p> <p>Woolen yarn, knitting wool, and other manufactures of wool, including felt.</p> <p>All other sorts of yarns and textile fabrics, not otherwise specified,</p>
	MISCELLANEOUS.
101	ART, works of excluding those specified in No. 23.
102	BRUSHES AND BROOMS.

SCHEDULE II—IMPORT TARIFF—*contd.*PART V—*contd.*Articles which are liable to duty at 15 per cent. *ad valorem*.

No.	Names of Articles.
103	BUILDINGS AND ENGINEERING MATERIALS, including asphalt, bricks, cement, chalk and lime, clay, pipes of earthenware, tiles, and all other sorts of building and engineering materials not otherwise specified.
104	CANDLES.
105	CINEMATOGRAPH FILMS.
106	CORDAGE AND ROPE AND TWINE OF VEGETABLE FIBRE.
107	FURNITURE TACKLE AND APPAREL, not otherwise described for steam, sailing, rowing and other vessels.
108	MATS AND MATTING.
109	OILCAKES.
110	OILCLOTH AND FLOOR CLOTH.
111	PACKING—ENGINE AND BOILERS—all sorts, excluding packing forming a component part of any article included in Nos. 51 and 63.
112	PERFUMERY, not otherwise specified.
113	PITCH, TAR AND DAMMER.
114	POLISHES AND COMPOSITIONS.
115	RUBBER tyres and others manufactures of rubber, not otherwise specified (<i>see</i> No. 139).
116	SOAP.

SCHEDULE II—IMPORT TARIFF—*contd.*PART V—*contd.*Articles which are liable to duty at 30 per cent. *ad valorem*.

No.	Names of Articles.
117	STARCH AND FARINA.
118	STONE AND MARBLE, and articles made of stone and marble.
119	TOILET REQUISITES, not otherwise specified.
120	All other articles wholly or mainly manufactured, not otherwise specified.
	IV—Miscellaneous and unclassified
121	CORAL.
122	UMBRELLAS, INCLUDING PARASOLS AND SUNSHADES, AND FITTINGS THEREFOR.
123	All other articles not otherwise specified, including articles imported by post.

PART VI.

Article which are liable to duty at 30 per cent. *ad valorem*.

No.	Names of Articles.
	I—Food, Drink and Tobacco—
124	CONFECTIONERY.
	II—Articles mainly manufactured
	ARMS, AMMUNITION AND MILITARY STORES.
125	GUNPOWDER FOR CANNONS, rifles, guns, pistols and sporting purposes.
126	Subject to the exemptions specified in No. 12 all articles other than those specified in entry No. 42 which are arms or parts of arms within the meaning of the Indian Arms Act, 1878 (excluding springs used for air-guns which are dutiable as hardware under No. 90), all tools used for cleaning or putting together the same, all machines for making, loading, closing or capping cartridges for arms other than rifled arms and all other sorts of ammunition and military stores, and any articles which the Governor-General in Council may, by notification in the Gazette of India, declare to be ammunition or military stores for the purposes of this Act.

SCHEDULE II—IMPORT TARIFF—*contd.*PART VI—*concl'd.*Articles which are liable to duty at 30 per cent. *ad valorem*.

No.	Names and Articles.
CARRIAGES AND CARTS	
127	MOTOR CARS, motor cycles, motor scooters, bicycles and tricycles and articles adapted for use as parts and accessories thereof; provided that such articles as are ordinarily also used for purposes other than as parts and accessories motor vehicles included in this item or in No. 87 or of bicycles shall be dutiable at the rate of duty specified for such articles.
CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.	
128	CLOCKS AND WATCHES AND PARTS THEREOF.
129	ARTICLES PLATED WITH GOLD AND SILVER.
130	MUSICAL INSTRUMENTS
GLASSWARE AND EARTHENWARE.	
131	GLASS BANGLES AND BEADS and false pearls.
METALS.	
132	GOLD PLATE, gold thread and wire, and gold manufacturers, all sorts.
133	SILVER PLATE, silver thread and wire, and silver manufacturers, all sorts.
YARNS AND TEXTILE FABRICS.	
134	SILK PIECE-GOODS, and other manufacturers of silk.
MISCELLANEOUS.	
135	FIRE-WORKS.
136	IVORY, manufactured.
137	JEWELLERY AND JEWELS
138	PRINTS, engravings and pictures, including photographs and picture postcards.
139	PNEUMATIC RUBBER TYRES AND TUBES for motor cars, motor lorries, motor cycles, motor scooters, bicycles and tricycles.
140	SMOKERS' REQUISITES, excluding tobacco (Nos. 36 to 38) and matches (No. 48)
141	TOYS, games, playing cards and requisites for games and sports, including bird shot.

SCHEDULE III—EXPORT TARIFF.*

No.	Name and Articles.	Per.	Rate of duty.
	Jute, other than Bimlipatam jute.		
† 1	Raw jute—		R. A.
	(1) Cuttings	Bale of 400 lbs.	1 4
	(2) All other descriptions.	" "	4 8
† 2	Jute Manufactures when not in actual use as coverings, receptacles or bindings for other goods—		
	(1) Sacking, (cloth, bags, twist, yarn, rope and twine.)	Ton of 2,240 lbs.	20 0
	(2) Hessians and all other descriptions of jute manufactures not otherwise specified.		32 0
	Raw Hides.		
† 3	Raw Hides and skins.	<i>Ad valorem</i>	15 per cent. Provided that, subject to such conditions as the Governor-General in Council may by notification in the <i>Gazette of India</i> prescribe, a rebate shall be granted to exporter of two-thirds of that duty levied on hides or skins exported to any part of His Majesty's dominions or of the territories of any Indian Prince or Chief under the

* Schedule III has been substituted by Act 10 of 1918.

† Nos. 1 and 2 have been substituted by Act 6 of 1917.

‡ The words within quotations have been inserted by Act 18 of 1919 and numbers 3 and 4 are renumbered 4 and 5 by the same.

SCHEDULE III—EXPORT TARIFF.

No.	Name of articles.	Per.	Rate of duty.
			<p>R. A.</p> <p>suzerainty of His Majesty or of any territories under the protection of His Majesty or in respect of which a mandate of the League of Nations is exercised by the Government of any part of His Majesty's dominions."</p>
	Rice.		
4	Rice unhusked including, rice, flour, but excluding rice bran and rice dust, which are free.	Indian maund of 82½ lbs. avoirdupois weight.	0 8
	Tea.		
5	Tea.		1 8

ACT NO. IX. OF 1894.**The Prisons Act, 1894.**

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received His Excellency's Assent on the 22nd March 1894.

An Act to amend the Law relating to Prisons.

Whereas it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons ; It is hereby enacted as follows :—

CHAPTER I.**PRELIMINARY.**

1. (1) This Act may be called the
Title, extent, and com- Prisons Act, 1894 ;
menement

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

(3) It shall come into force on the first day of July 1894 ;

(4) Nothing in this Act shall apply to civil jails in the Presidency of Bombay outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of Bombay Act II. of 1874 as amended by subsequent enactments.

2.† (1) On and after the said first day of July 1894, the enact-
Repeal. ments mentioned in the Schedule shall be
 repealed to the extent specified in the
 fourth column thereof.

(2) But all rules and appointments made, directions given, and orders issued, under any of those enactments, shall, so far as they are consistent with this Act, be deemed to have been respectively made, given, and issued under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act, or to the corresponding portion thereof.

3. In this Act—
Definitions.

* Here the words "Upper Burma" have been repealed by Act XIII. of 1898, Sch. V.

† So much of s. 2 as relates to Act XX of 1886 is repealed by Act XIII. of 1898, Sch. V.

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of a Local Government, for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

- (a) any place for the confinement of prisoners who are exclusively in the custody of the police ;
- (b) any place specially appointed by the Local Government under section 541 of the Code of Criminal Procedure, 1882 ;* or
- (c) any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail :

(2) "criminal prisoner" means any prisoner duly committed to custody under the writ, warrant, or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial :

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII.† of the Code of Criminal Procedure, 1882, or under the Prisoners Act, 1871 :

(4) "civil prisoner" means any prisoner who is not a criminal prisoner :

(5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails :

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder :

(7) "Inspector-General" means the Inspector-General of Prisons:

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary, or qualified Hospital Assistant : and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

* This reference to s. 541 of Act X. of 1882 (the old Code) should now be meant to apply to s. 541 of Act V of 1898 (the Code now in force), where by the former has been entirely repealed.—See s. 3 (1) of the latter Act.

† Now the corresponding chapter or portion of Act V of 1898 (the new Code now in operation).—See s. 3 (1) of that Act.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide, for the prisoners in the territories under such Government accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners,

5. An Inspector-General shall be appointed for the territories subject to each Local Government, and shall exercise, subject to the orders of the Local Government, the general control and superintendence of all prisons situated in the territories under such Government.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer, and such other officers as the Local Government thinks necessary.

Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, declare by order in writing that, in any prison specified in the order, the office of Jailer shall be held by the person appointed to be Superintendent.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever, from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

8 All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent, or be prescribed by rules under section 60,

9. No officer of a prison shall sell or let, nor shall any person in trust for, or employed by, him sell or let, or derive any benefit from selling or letting, any article to any prisoner, or have any money or other business dealings, directly, or indirectly, with any prisoner.

Officers not to have business dealings with prisoners,

10. No officer of a prison shall, nor shall any person in trust for, or employed by, him, have any interest, direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison, or belonging to a prisoner.

Officers not to be interested in prison contracts

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment, and control.

Superintendent

(2) Subject to such general or special directions as may be given by the Local Government, the Superintendent of a prison, other than a central prison or a prison situated in a presidency-town, shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

Records to be kept by Superintendent,

12. The Superintendent shall keep, or cause to be kept, the following records:—

- (1) A register of prisoners admitted;
- (2) a book showing when each prisoner is to be released,
- (3) a punishment book for the entry of the punishments inflicted on prisoners for prison-offences;
- (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
- (5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under section 59 or section 60.

Medical Officer.

13. Subject to the control of the superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Local Government under section 60.

Duties of Medical Officer.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely :

Report on death of prisoner.

- (1) the day on which the deceased first complained of illness, or was observed to be ill,
- (2) the labour, if any, on which he was engaged on that day,
- (3) the scale of his diet on that day,
- (4) the day on which he was admitted to hospital,
- (5) the day on which the Medical Officer was first informed of the illness,
- (6) the nature of the disease,
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,
- (8) when the prisoner died, and
- (9) (in cases where a post mortem examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

Jailer.

16. (1) The Jailer shall reside in the prison unless the Superintendent permits him in writing to reside elsewhere.

Jailer

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

Jailer to give notice of death of prisoner.

18. The Jailers shall be responsible for the safe custody, of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

Responsibility of Jailer

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search, or cause to be searched, any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent, or from the Jailer.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.*

CHAPTER IV.

ADMISSION, REMOVAL, AND DISCHARGE OF PRISONERS.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter, or cause to be entered, in a book to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may, with proper authority, be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

27. The requisitions of this Act with respect to the separation of prisoners are as follow :—

- (1) In a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or separate parts of the same building in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners ;
- (2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisoners, and for separating those of them who have arrived at the age of puberty from those who have not ;
- (3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners ; and
- (4) civil prisoners shall be kept apart from criminal prisoners.

28. Subject to the requirements of the last-foregoing section convicted criminal prisoners may be confined, either in association, or individually in cells, or partly in one way and partly in the other.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison; and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited, at least once a day, by the Medical Officer or Medical Subordinate.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

FOOD, CLOTHING, AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase or receive from private sources, at proper hours, food, clothing, bedding, or other necessities, but subject to examination, and to such rules as may be approved by the Inspector-General.

32. No part of any food, clothing, bedding, or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired, or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person or his representative shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and, in default of such payment, the prisoner may be released.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. (1) No criminal prisoner sentenced to labour, or employed on labour at his own desire, shall, except on an emergency, with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall, from time to time, examine the labouring prisoners while they are employed, and shall, at least once in every fortnight, cause to be recorded, upon the history-ticket of each prisoner employed on labour, the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour, but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

HEALTH OF PRISONERS.

37. (1) The names of prisoners desiring to see the Medical Subordinate, or appearing out of health in mind or body, shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38 All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history ticket, or in such other record as the Local Government may by rule direct, and the Jailer shall make an entry in its proper place stating, in respect of each direction, the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit, to make and the date of the entry.

Hospital.

39 In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX

VISITS TO PRISONERS.

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison, of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

41. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner, or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission: and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Local Government may direct.

CHAPTER X.

OFFENCE IN RELATION TO PRISONS.

42. Whoever, contrary to any rule under section 60, introduces or removes, or attempts, by any means whatever, to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into, or removed from, any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates, or attempts to communicate, with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the foregoing section, and refuses, on demand of such officer, to state his name and residence, or gives a name or residence which such officer knows or has reason to believe to be false, such officer may arrest him, and shall, without unnecessary delay, make him over to a police-officer, and thereupon such police-officer shall proceed as if the offence had been committed in his presence.

Power to arrest for offence under section 42

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

Publication of penalties

CHAPTER XI.

PRISON-OFFENCES.

Prison-offences,
prisoner :—

45. The following acts are declared to be prison-offences when committed by a

- (1) Such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;

- (2) any assault or use of criminal force ;
- (3) the use of insulting or threatening language ;
- (4) immoral or indecent or disorderly behaviour
- (5) wilfully disabling himself from labour ;
- (6) contumaciously refusing to work ;
- (7) filing, cutting, altering, or removing handcuffs, fetters, or bars without due authority,
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ,
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;
- (10) wilful damage to prison property ;
- (11) tampering with or defacing history-tickets, records, or documents ;
- (12) receiving, possessing, or transferring any prohibited article ;
- (13) feigning illness ,
- (14) wilfully bringing a false accusation against any officer or prisoner ;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official ; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46 The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

Punishment of such offences.

- (1) a formal warning :

Explanation—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent, and recorded in the punishment-book, and on the prisoner's history-ticket ;

- (2) change of labour to some more irksome or severe form ;
- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment ;
- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor-General in Council ;

- (5) the substitution of gunny or other coarse fabric for clothing of other material not being ~~woolen~~, for a period which shall not exceed three months ;
- (6) imposition of handcuffs of such pattern and weight, in such manner, and for such period, as may be prescribed by rules made by the Governor-General in Council ;
- (7) imposition of fetters of such pattern and weight in such manner, and for such period, as may be prescribed by rules made by the Governor-General in Council ;
- (8) separate confinement for any period not exceeding six months :

Explanation.—Separate confinement means such confinement, with or without labour, as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem, and to have his meals in association with one or more other prisoners,

- (9) penal diet, that is, restriction of diet in such manner, and subject to such conditions regarding labour, as may be prescribed by the Local Government :

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence, nor until after an interval of one week ;

- (10) cellular confinement for any period not exceeding fourteen days :

Provided that, after each period of cellular confinement, an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement :

Explanation —Cellular confinement means such confinement, with or without labour, as entirely secludes a prisoner from communication with, but not from sight of, other prisoners,

- (11) solitary confinement for any period not exceeding seven days.

Provided that, after each period of solitary confinement, an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or cellular confinement.

Explanation.—Solitary confinement means such confinement, with or without labour, as entirely secludes the prisoner both from sight of, and communication with, other prisoners ;

(12) penal diet as defined in clause (9) combined with solitary confinement as defined in clause (11);

(13) whipping, provided that the number of stripes shall not exceed thirty :

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

47. Any two of the punishments enumerated in the last-foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely :—

Plurality of punishments under section 46.

(1) Formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section ;

(2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement ;

(3) solitary confinement shall not be combined with cellular confinement, or with separate confinement, nor cellular confinement with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable :

(4) whipping shall not be combined with any other form of punishment except cellular or separate confinement and loss of privileges admissible under the remission system.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

Award of punishments under sections 46 and 47.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

49. Except by order of a Court of Justice, no punishment, other than the punishments specified in the foregoing sections, shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Punishments to be in accordance with foregoing sections.

50. (1) No punishment of penal diet, either singly, or in combination, or of whipping, or of change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing, and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. (1) In the punishment-book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number, and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate, or of any Magistrate of the first class "or Presidency Magistrate."* having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to

Medical Officer to certify to fitness of prisoner for punishment.

Entries in punishment-book.

Procedure on committal of heinous offence

* The words within quotations have been inserted by Act XIII. of 1910.

be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46 :

"Provided that any such case may be transferred for inquiry and trial by the District Magistrate of the first class, and by a Chief Presidency Magistrate to any other Presidency Magistrate ; and"*

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

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Whipping. Superintendent and Medical Officer or Medical Subordinate

(2) Whipping shall be inflicted with a light ratan not less than half-an inch in diameter on the buttocks, and, in case prisoners under the age of sixteen, it shall be inflicted, in the way of school discipline, with a lighter ratan.

54. (1) Every Jailer or officer of a prison subordinate to him, who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention, for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or when-
 Extramural custody control, and employment of prisoners,
 ever he is working outside, or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison, and shall be subject to all the same incidents as if he were actually in prison.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Local Government, so confine them.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 60, be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself, or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

59. The Governor-General in Council may for any part of British India, and each Local Government, with the previous sanction of the Governor-General in Council, may for the territories under its administration, make rules consistent with this Act—

- (1) defining the acts which shall constitute prison offences ;
- (2) determining the classification of prison-offences into serious and minor offences ;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof ;
- (4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence ,
- (5) for the award of marks and the shortening of sentences ;
- (6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape ;

- (7) defining the circumstances, and regulating the conditions, under which prisoners in danger of death may be released ;
- (8) regulating the transfer, from one part of British India to another, of prisoners whose term of transportation or imprisonment is about to expire ; and,
- (9) generally, for carrying into effect the purposes of this Act.

60. The Local Government may, subject to the control of the Governor-General in Council, make rules consistent with this Act.

Power of Local Government to make rules.

- (a) for the classification of prisons, and description and construction of wards, cells, and other places of detention ;
- (b) for the regulation by numbers, length or character of sentences or otherwise, of the prisoners to be confined in each class of prisons ;
- (c) for the government of prisons, and for the appointment, guidance, control, punishment, and dismissal of all officers appointed under this Act ;
- (d) as to the food, bedding, and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost ;
- (e) for the employment, instruction, and control of convicts within or without prisons ;
- (f) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited ;
- (g) for classifying and prescribing the forms of labour, and regulating the periods of rest from labour ;
- (h) for regulating the disposal of the proceeds of the employment of prisoners ;
- (i) for regulating the confinement in fetters of prisoners sentenced to transportation ;
- (j) for the classification and the separation of prisoners ;
- (k) for regulating the confinement of convicted criminal prisoners under section 28 ;
- (l) for the preparation and maintenance of history-tickets ;
- (m) for the selection and appointment of prisoners as officers or prisons ;
- (n) for rewards for good conduct ;

- (o) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire ;
- (p) for the treatment, transfer, and disposal of criminal lunatics or recovered criminal lunatics confined in prisons ;
- (q) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends ;
- (r) for the appointment and guidance of visitors of prisons ;
- (s) for extending any or all of the provisions of this Act, and of the rules thereunder, to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882, and to the officers employed, and the prisoners confined therein and,
- (t) generally, in regard to the admission, custody, employment, dieting, treatment, and release of prisoners, and for other purposes consistent with this Act.

61. Copies of rules, under sections 59 and 60, so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may, in his absence, be exercised and performed by such other officer as the Local Government may appoint in this behalf either by name or by his official designation.
