

the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under the Code of Criminal Procedure, 1898.\*

(5) Where the commission is issued to such officer as is mentioned in sub-section (3), he may delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in British India.

(6) When the witness resides out of India, the commission may be issued to any British Consular officer, British Magistrate, or other British official competent to administer an oath or affirmation in the place where such witness resides.

(7) The prosecutor and the accused person in any case in which a commission is issued may respectively forward any interrogatories in writing which the Court may think relevant to the issue, and the Magistrate or officer to whom the commission is issued shall examine the witness upon such interrogatories.

(8) The prosecutor and the accused person may appear before such Magistrate or officer by pleader, or, except in the case of an accused person in custody, in person, and may, examine, cross-examine, and re-examine (as the case may be) the said witness.

(9) After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined there-under, to the Judge-Advocate-General.

(10) On receipt of a commission and deposition returned under sub-section (9), the Judge-Advocate-General shall forward the sum to the Court at whose instance the commission was issued or, if such Court has been dissolved, to any other Court convened for the trial of the accused person: and the commission, the return thereto, and the deposition shall be open to the inspection of the prosecutor and the accused person, and may, subject to all just expectations, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the Court.

(11) In every case in which a commission is issued under this section, the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

*Explanation.*—In the section, the expression "Judge-Advocate-General" means the Judge-Advocate-General in India, and includes a deputy Judge-Advocate-general.

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\* Act V, of 1898.

Conviction of one offence permissible on charge of another.

**86.** (1) A person charged before a Court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged before a Court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

(3) A person charged before a Court-martial with any of the following offences specified in section 31, that is to say, theft, dishonest misappropriation or conversion to his own use of property entrusted to him, or dishonestly receiving or retaining property in respect of which any of the aforesaid offences has been committed knowing or having reason to believe it to have been stolen or dishonestly misappropriated, or converted, may be found guilty of any other of these offences with which he might have been charged.

(4) A person charged before a Court-martial with an offence punishable under section 41 or section 42 may be found guilty of any other offence of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 1898,\* were applicable.

(5) A person charged before a Court-martial with any other offence under this Act may, on failure of proof of an offence been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

"(6) A person charged before Court-martial with any offence under this Act may be found guilty of having attempted to commit or of abetment of the offence although the attempt or abetment is separately charged."†

**87.** No sentence of death shall be passed by any Court-martial Majority requisite to without the concurrence of two-thirds at sentence of death. the least of the members of the Court.

#### *Evidence before Courts-martial.*

**88.** (1) The Indian Evidence Act, 1872, shall subject to the General rule as to evidence. provisions of this Act, apply to all proceedings before a Court-martial.

Judicial notice.

**89.** A Court-martial may take judicial notice of any matter within the general military knowledge of the members.

\* Act V. of 1808.

† The words within quotations have been inserted by Act 11 of 1918.

**80.** In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil or military service of the Government shall on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

**91.** Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given "the enrolment of such person may be proved by the production of a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper."\*

\* **91A.** (1) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from, any portion of His Majesty's Forces, or respecting the circumstance of any person not having served in or belonged to any portion of His Majesty's Forces, if purporting to be signed by or on behalf of the Governor-General in Council or the commander-in-Chief in India or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

(2) Any army list or gazette purporting to be published by authority shall be evidence of the status and rank of the officers or warrant officers therein mentioned, and of any appointment held by such officers or warrant officers and of the corps, battalion or arm or branch of the service to which such officers or warrant officers belong.

(3) Where a record is made in any regimental book in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of military duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.

(4) A copy of any record in any regimental book purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record.

(5) where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by a provost-marshal, assistant provost-martial or other officer, or any portion of his Majesty's Forces, a certificate purporting to be signed by such provost martial, assistant provost-

\* The words within quotations and sections 91A have been inserted by Act XI of 1918.

marshal or other officer, or by the commanding officer of that portion of His Majesty's Forces and stating the fact, date and place of such surrender or apprehension shall be evidence of the matters so stated.

(5) When any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated.\*

†“(7) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report may be used as evidence in any proceeding under this Act.”

92. (1) If, at any trial for desertion, absence without leave, overstaying leave, or not rejoining when warned for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorized absence, and refers in support thereof to any officer in the civil or military service of Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the Court shall address such officer and adjourn until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him, be received in evidence, and have the same effect as if made on oath before the Court.

(3) If the Court is dissolved before the receipt of such reply, or if the Court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings, and order a fresh trial by the same or another Court-martial.

93. (1) When any person subject to this Act has been convicted by a Court martial of any offence, such Court martial may inquire into, and receive and record evidence of, any previous convictions of such person, either by a Court martial or by a Criminal Court, and may further inquire into and record the general character of such person, and such other matters as may be prescribed.

\* The words within quotations and section 91A have been inserted by Act 11 of 1918.

† The words within quotations have been inserted by Act 33 of 1923.



(2) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, Court-martial books or other official records; and it shall not be necessary\* to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

(3) At a summary Court martial the officer holding the trial may, if he thinks fit, record any previous convictions against the offender, his general character, and such other matters as may be prescribed, as of his own knowledge, instead of requiring them to be proved under the foregoing provisions of this section.

#### *Confirmation and Revision of Findings and Sentences.*

**91.** No finding or sentence of a general or district Court-martial shall be valid except so far as it may be confirmed as provided by this Act.  
Finding and sentence invalid without confirmation.

**95.** The findings and sentences of general Courts-martial may be confirmed by the Commander-in-Chief in India, or by any officer empowered in this behalf by warrant of the Commander in Chief in India.  
Power to confirm finding and sentence of general Court-martial.

**96.** The findings and sentences of district Courts-martial may be confirmed by any officer having power to convene a general Court-martial, or by any officer empowered in this behalf by warrant of any such officer.  
Power to confirm finding and sentence of district Court-martial.

**97.** A warrant issued under section 95 or section 96 may contain such restrictions, reservations, or conditions as the officer issuing it may think fit.  
Contents of warrant issued under section 95 or section 96.

**98. (1)** The finding and sentence of a summary general Court-martial shall require to be confirmed by the convening officer "or if the convening officers so directs, by an authority superior to the convening officers".†  
Confirmation of finding and sentence.

(a) in the case of the trial of an officer,

(b) in the case of an acquittal or a sentence of death or transportation or imprisonment for a term exceeding two years, and

(c) in any other case if so ordered by the said officer.

\* Certain words after this repealed by Act 33 of 1923 have been omitted.

† Words within quotations have been inserted by Act 11 of 1918.

(2) ~~Says as~~ provided in sub-section (1), a sentence passed by a summary general Court-martial shall not require to be confirmed, but may be carried out forthwith.

99. Subject to such restrictions as may be contained in any Power of confirming warrant issued under section 95 or section officer to mitigate, remit. 96, a confirming officer may when confirm- or commute sentences. ing the sentence of a Court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any less punishment or punishment to which the offender might have been sentenced by the Court-martial.

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the Court.

\* "99A. When a person subject to this Act is tried and sentenced by Court martial while on board Confirmation of finding and sentence or board ship, the finding and sentence so far as ship. not confirmed and executed on board ship may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation."

100. (1) Any finding or sentence of a Court martial which requires confirmation may be one revised Revision of finding or sentence. by order of the confirming officer; and on such revision, the Court, if so directed by him, may take additional evidence.

(2) The Court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence, the cause thereof shall be duly certified in the proceedings, and the Court shall proceed with the revision, provided that, if a general Court martial, it still consists of five officers, or if a district Court martial, of three officers.

Finding and sentence of a summary Court-martial. 101. The finding and sentence of a summary Court martial shall not require to be confirmed, but may be carried out forth with :

Provided that if the officer holding the trial is of less than five years' service, he shall not, except on active service, carry into effect any sentence until it has received the approval of an officer commanding no less than a corps.

102. The proceedings of every summary Court martial shall Transmission of proceedings of summary Courts-martial. without delay be forwarded to the officer commanding the division or brigade within which the trial was held, or to the pres-

\* Words within quotations have been inserted by Act 11 of 1918.

cribed officer; and such officer, or the Commander-in-Chief in India, or the officer commanding the army\* in which the trial was held, may, for reasons based on the merits of the case, but not on any merely technical grounds, set aside the proceedings or reduce the sentence which the Court might have passed.

**103.** Where a sentence passed by a Court-martial which has been confirmed, or which does not require confirmation, is found for any reason to be invalid, the authority who would have had power under section 112 to commute the punishment awarded by the sentence, if it had been valid, may pass a valid sentence:

Substitution of valid for invalid sentence.

Provided that the punishment awarded by the sentence so passed shall not be higher in the scale of punishment than, or in excess of, the punishment awarded by the invalid sentence.

**103A.\*** (1) Whenever in the Court of a trial by Court-martial it appears to the Court that the person charged is of unsound mind and consequently is incapable of making his defence, or that such person committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the Act or that it was wrong or contrary to law, the Court shall record a finding accordingly, and the President of the Court or the other holding the trial, as the case may be, shall forthwith report the case to the confirming officer, or, in the case of a Court martial whose finding does not require confirmation, to the prescribed officer.

(2) A confirming officer to whom a case is reported under sub-section (1) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another Court-martial for the offence with which he was originally charged.

(3) A prescribed officer to whom a case is reported under sub-section (1) and a confirming officer confirming a finding in any case so reported to him shall order the accused person to be kept in custody in the prescribed manner shall report the case for the orders of the Governor-General in Council.

(4) On receipt of a report under sub-section (3), the Governor-General in Council may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

(5) Where an accused person, having been bound by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention, the prescribed officer may—

(a) if such person is in custody under sub-section (3), on the report of a medical officer that he is capable of making his defence, or

(b) if such person is detained under sub-section (4), on a

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\* Section 103A has been inserted by Act 33 of 1923.

certificate such as is referred to in section 473 of the Code of Criminal Procedure, 1898.

take steps to have such person tried by the same or another Court-martial for the offence with which he was originally charged or, provided that the offence is a criminal offence, by a Criminal Court.

(6) A copy of every order made by the prescribed officer under sub section (5) shall forthwith be sent to the Governor-General in Council.

## CHAPTER IX.

### EXECUTION OF SENTENCES.

**104.** In awarding a sentence of death a Court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

**105.** Whenever any person is sentenced under this Act to simple imprisonment, such sentence shall be carried out by confinement in military custody.

**106.** Whenever any person is sentenced under this Act to transportation or imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the president, or, in the case of a summary Court-martial, by the Court.

**107.** Whenever any sentence of transportation or rigorous imprisonment is passed under this Act, or whenever any sentence so passed is commuted to transportation or to rigorous imprisonment, the commanding officer of the person under sentence, or such other officer as may be prescribed, shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined, and shall forward him to such prison with the warrant :

Provided that, in the case of a sentence of rigorous imprisonment for a period not exceeding three months, the confirming officer, or, in the case of a sentence which does not require confirmation, the Court, may direct that the sentence shall be carried out by confinement in military custody.

" Provided further that on active service a sentence of rigorous imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may from time to time appoint."

**108** Whenever, in the opinion of an officer commanding an army " army corps " \* division, or independent brigade, any sentence or portion of a sentence of imprisonment cannot, for special reasons, conveniently be carried out in accordance with the provisions of section 105 or section 107, such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

Execution of sentence of imprisonment in special cases.

† **108A.** In every case in which a sentence of transportation is passed under this Act, the offender, until he is transported, shall be dealt with in the same manner as if sentenced to rigorous imprisonment and shall be deemed to have been undergoing his sentence of transportation during the term of his imprisonment "

Offenders sentenced to transportation how dealt with until transported.

**109.** Whenever an order is duly made under this Act setting aside or varying any sentence, order, or warrant under which any person is confined in a civil prison, a warrant in accordance with such order shall be forwarded by the prescribed officer to the officer in charge of the prison in which such person is confined.

Communication of certain orders to civil prison officers.

**110.** In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods, and when the imprisonment awarded exceed three months, the solitary confinement shall not exceed seven days in any one month or the whole imprisonment awarded, with interval between the periods of solitary confinement of not less duration than such periods.

Limit of solitary confinement.

**111.** Repealed by Act 17 of 1920.

" **111A.** † When a sentence of fine is imposed by a Court-martial under section 41 or section 42, whether the trial was held within British India or not, a copy of such sentence signed and certified by the president of the Court or the officer holding the trial, as the case may be, may be sent to any Magistrate in British

Execution of sentence of fine.

\* The words within quotations have been added by Act 11 of 1918.

† Section 108A has been inserted by Act 11 of 1918.

‡ Section 111A has been inserted by Act XI of 1918.

India, and such Magistrate shall there upon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898, for the levy of fines as if it was a sentence of fine imposed by such Magistrate."

## CHAPTER X.

### PARDONS AND REMISSIONS.

**112. (r)** When any person subject to this Act has been convicted by a Court martial of any offence, the Governor General in Council or the Commander-in-Chief in India or, in the case of a sentence which he could have confirmed or which did not require confirmation, the officer commanding the army, army corps, division or independent brigade in which such person at the time of his conviction was serving, or the prescribed officer may,

- (a) either without conditions or upon any conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded;
- (b) mitigate the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act:

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the Court.

(2) If any condition on which a person has been pardoned or a punishment has been remitted is, in the opinion of the authority which granted the pardon or remitted the punishment, not fulfilled, such authority may cancel the pardon or remission, and thereupon the sentence of the Court shall be carried into effect as if such pardon had not been granted or such punishment had not been remitted:

Provided that, in the case of a person sentenced to transportation or imprisonment, such person shall undergo only the unexpired portion of his sentence.

(3) When under the provisions of section 49 a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purposes of this section, be treated as a punishment awarded by sentence of a Court-martial,

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\* Section 112 has been substituted by Act XI of 1918.

## CHAPTER XI.

## RULES.

**113.** (1) The Governor General in Council may make rules for the purpose of carrying into effect the provisions of this Act.

Powers to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provided for—

- (a) the discharge from the service of persons subject to this Act;
- (b) the amount and incidence of fines to be imposed under section 21;
- “(bb) the specification of the punishments which may be awarded as field punishments under sections 20 and 45”
- (c) the assembly and procedure of Courts of inquiry, and the administration of oaths or affirmations by such Courts;
- (d) the convening and constituting of Courts-martial;
- (e) the adjournment, dissolution and sittings of Court-martial;
- (f) the procedure to be observed in trials by Court-martial;
- (g) the confirmation and revision of the findings and sentences of Court-martial;
- (h) the carrying into effect sentences of Courts-martial;
- (i) the forms of orders to be made under the provisions of this Act relating to Courts-martial, transportation, or imprisonment;
- (j) any matter in this Act directed to be prescribed and
- “(jj) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 52 A, and the due carrying out of such division”\*

(3) All rules made under this Act shall be published in the *Gazette of India*, and, on such publication, shall have effect as if enacted in this Act.

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\* The words within quotations have been inserted by Act 37 of 1920.



## CHAPTER XII.

## PROPERTY OF DECEASED PERSONS, DESERTERS AND LUNATICS.

**114.** The following rules are enacted respecting the disposal of the property of every persons subject to this Act who dies or deserts :—

(1) The commanding officer of the corps, detachment or department to which the deceased person or deserter belonged shall secure all the moveable property belonging to the deceased or deserter that is in camp or quarters, and cause an inventory thereof to be made, and draw any pay and allowances due to such person.

(2) In the case of a deceased person who has left in a Government Savings Bank (including any post office Savings Bank, however named) a deposit not exceeding one thousand rupees, the commanding officer may if he thinks fit, require the Secretary or other proper officer of the bank to pay the deposit to him forthwith, notwithstanding anything in any departmental rules; and after payment thereof in accordance with such requisition, no person shall have any right in respect of the deposit except as hereinafter provided.

(3) In the case of a deceased person whose representative is on the spot and has given security for the payment of the regimental or other debts in camp or quarters (if any) of the deceased, the commanding officer shall deliver over any property received under clause (1) and (2) to the representative.

(4) In the case of a deceased person whose estate is not dealt with under clause (3) and in the case of any deserter, the commanding officer shall cause the moveable property to be sold by public auction, and shall pay the regimental or other debts in camp or quarters (if any), and, in case of a deceased person the expenses of his funeral ceremonies, from the proceeds of the sale and from any pay and allowances drawn under clause (1) and from the amount of the deposit (if any) received under clause (2).

(5) The surplus, if any, shall, in the case of a deceased person be paid to his representative (if any), or in the court if no claim to such surplus being established within twelve months after the death, then the same shall be remitted to the prescribed person.

(6) In the case of a deserter, the surplus (if any) shall be forthwith remitted to the prescribed person and shall, on the expiry of three years from the date of his desertion, be forfeited to his Majesty, unless this deserter shall in the meantime have surrendered or been apprehended.

*Explanation.*—A person shall be deemed to be a deserter within the meaning of this section who has  
 Meaning of desertion. without authority been absent from duty

for a period of sixty days and has not subsequently surrendered or been apprehended.

**115.** Property deliverable and money payable ~~to the~~ representative of a deceased person under section 114 may, if the total value or amount thereof does not exceed one thousand rupees, and of the prescribed persons thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title; and such delivery or payment shall be a full discharge to those ordering or making the same, and to the Secretary of State for India in Council from all further liability in respect of the property or money; but nothing in this section shall affect the rights of any executor or administrator or other representative, or of any creditor, of a deceased person against any person to whom such delivery or payment has been made.

**116.** The provisions of section 114 shall, so far as they can be made applicable, in the case of a person subject this Act becoming insane.

Disposal of certain property without production of probate, etc.

Application of section 114 to lunatics.

## CHAPTER XIII.

### MISCELLANEOUS.

#### *Military Privileges.*

**117. (1)** Any person subject to this Act who deems himself wronged by any superior or other officer, may, if not attached to a troop or company, complain to the officer under whose command or orders he is serving: and may, if attached to a troop or company, complain to the officer commanding the same.

(2) When the officer complained against is the officer to whom any complaint should, under sub-section (1), be preferred, the aggrieved person may complain to such officer's next superior officer.

(3) Every officer receiving any such complaint shall examine into it, and, when necessary, refer it to superior authority.

(4) Every such complaint shall be preferred through such channels as may be from time to time specified by proper authority.

**118.** (1) No president or member of a Court-martial, no Judge-Advocate or superintending officer, no party to any proceeding before a Court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a Court-martial shall, while proceeding to, attending on, or returning from a Court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process he may be discharged by order of the Court-martial.

**119.** (1) No person subject to this Act shall, so long as he belongs to His Majesty's Indian Forces, be liable to be arrested for debt under any process issued by, or by the authority of any civil or revenue Court or revenue officer.

(2) The Judge of any such Court may examine into any complaint made by such persons or his superior officer of the arrest of such person contrary to the provisions of this section, and may, by warrant under his hand, discharge the person and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs, no fee shall be payable to the Court by the complainant.

**120.** Neither the arms, clothes, equipment, accoutrements, or necessities of any person subject to this Act, nor any animal used by him for the discharge of his duty, shall be seized, nor shall the pay and allowances of any such person or any part thereof be attached by direction of any civil or revenue officer, in satisfaction of any decree or order enforceable against him.

**121.** Every person belonging to the Indian Reserve Forces shall when called out for or engaged upon, or return from training or service, be entitled to all the privileges accorded by sections 119 and 120 to a person subject to this Act.

**122.** (1) On the presentation to any Court by or on behalf of any person subject to this Act of a certificate, from the proper military authority, of leave of absence having been granted to or applied for, by him for the purpose of prosecuting or defending any suit or other proceeding in such Court, the Court shall, on the application of such person, arrange so far as may be possible, for the hearing and

final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper military authority shall state the first and last day of the leave or intended leave and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee shall be payable to the Court in respect of the presentation of any such certificate, or in respect of any application by or in behalf of any such person for priority for the hearing of his case.

(4) Where the Court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) If in any case a question arises as to the proper military authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the Court to an officer commanding a corps, whose decision shall be final.

*Deserters and Military Offenders.*

**123.** (1) Whenever any person subject to this Act deserts, the commanding officer of the corps, department, or detachment to which he belongs shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended to military custody.

(2) Any Police-officer may arrest without warrant any person reasonably believed to be subject to this Act and to be travelling without authority and shall bring him without delay before the nearest Magistrate to be dealt with according to law.

**124.** (1) Any person subject to this Act who is charged with an offence may be taken into military custody.

(2) Any such person may be ordered into military custody by any superior officer.

(3) The charge against every person taken into military custody shall, without unnecessary delay, be investigated by the proper military authority and, as soon as may be either proceedings shall be taken for punishing the offence, or such person shall be discharged from custody.

**125.** Whenever any person subject to this Act who is accused of any offence under this Act, is within the jurisdiction of any Magistrate or Police-officer, such Magistrate or officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect signed by his commanding officer.

**126.** (1) When any person subject to this Act has been absent without due authority from his duty for a period of sixty days a Court of inquiry shall, as soon as practicable be assembled, and, upon oath or affirmation administered in the prescribed manner, shall inquire respecting the absence of the person, and the deficiency, if any, of property of the Government entrusted to his care or of his arms, ammunition, equipments, instruments, clothing or necessaries, and, if satisfied of the fact of such absence without due authority or other sufficient cause, the Court shall declare such absence and the period thereof, and the said deficiency, if any; and the commanding officer of the corps or department to which the person belongs shall enter in the Court-martial book of the corps or department a record of the declaration.

(2) If the person declared absent does not afterwards surrender or is not apprehended he shall for the purposes of his Act, be deemed to be a deserter.\*

*Disposal of Property.*

**126A.\*** When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a Court-martial during a trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after reading such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

**126B.†** (1) After the conclusion of a trial before any Court-martial, the court or the officer confirming the finding or sentence of such court-martial or any authority superior to such officer, or, in the case of a Court-martial whose finding or sentence does not require confirmation, the officer commanding the army, army corps, division or brigade within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any

\* Certain words after this repealed by Act 11 or 1918 have been omitted.

† Certain 126A and 126 B have been inserted by Act 11 or 1918.

person claiming to be entitled to possess thereof, or otherwise, of any property or document produced before the Court or in its custody or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, where the trial was held within British India or not, be sent to a Magistrate in any presidency town or district in which such property for the time being is, and such Magistrate shall thereupon cause the rule to be carried into effect as if it was an order passed by such Magistrate under the provisions of the Code of Criminal Procedure, 1898.

*Explanation*—In the section the term "property" includes, in the case of property regarding which an offence appears to have been committed not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

*Repeal.*

Repeal. **127.** The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

Provided that all warrants issued and persons enrolled or attested under the provisions of any of the said enactments shall be deemed to have been respectively issued, enrolled, or attested under this Act.

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**THE SCHEDULE.**  
**REPEAL OF ENACTMENTS,**  
*(See section 127.)*

1	2	3	4
Year.	No.	Short title.	Extent of repeal
1869	V.	The Indian Articles of war ...	The whole.
1875	V.	The Unattested Sepoys Act 1875.	Ditto.
1891	XII.	The Amending Act 1891 ...	So much of section 2, sub-section (2), and the Second Schedule as relates to the Indian Articles of War.
1894	XII.	The Indian Articles of War Amendment Act 1894.	The whole.
1897	XIV.	The Indian Short Titles Act, 1897	So much of section 2 and the Schedule as relates to Act V. of 1875.
1900	I.	The Indian Articles of War Amendment Act 1900.	The whole.
1901	IX.	The Indian Articles of War Amendment Act 1901.	Ditto.
1904	XIII.	The Indian Articles of War Amendment Act 1904.	Ditto.
1905	V.	The Indian Articles of War Amendment Act 1905.	Ditto.



## ACT NO. IX. OF 1911.

### The Births, Deaths, and Marriages, Registration (Amendment) Act, 1911.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL  
ON THE 16TH MARCH 1911.]

*An Act further to amend the Births, Deaths, and Marriages  
Registration Act, 1886.\**

Whereas it is expedient further to amend the Births, Deaths, and Marriages Registration Act, 1886;\* It is hereby enacted as follows :—

Short title.

1. This Act may be called the Births, Deaths, and Marriages Registration (Amendment) Act, 1911.

Amendment of section  
22 of Act VI. of 1886.

2. In section 22 of the Births, Deaths, and Marriages Registration Act, 1886,\* the following amendments shall be made, namely :—

(1) To sub-section (1) of the said section, the following proviso shall be added, namely :—

“Provided that it shall not be necessary for the person giving notice to attend before the Registrar or to sign the entry in the register if he has given such notice in writing and has furnished to the satisfaction of the Registrar such evidence of his identity as may be required by any rules made by the Local Government in this behalf.”

(2) In sub-section (2) of the said section, after the word “signed,” the words “or the conditions specified in the proviso to sub-section (1) have been complied with” shall be inserted.

Amendment of sections  
26 and 28.

3. In section 26 and in section 28 of the said Act, for the words “Governor-General in Council,” the words “Local Government” shall be substituted.

Substitution of new section 36.

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

Rules.

“36. (1) The Local Government may make rules to carry out the purposes of this Act.

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\* Act VI. of 1886.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) fix the fees payable under this Act;
- (b) prescribe the forms required for the purposes of this Act;
- (c) prescribe the time within which, and the mode in which persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;
- (d) prescribe the evidence of identity to be furnished to a Registrar of Births and Deaths by persons giving notice of a birth or death in cases where personal attendance before such Registrar is dispensed with;
- (e) prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar-General of Births, Deaths, and Marriages true copies of the entries of births and deaths in the registers kept by them;
- (f) prescribe the conditions and circumstances on and in which Registrars of Births and deaths may correct entries of births and deaths in registers kept by them;
- (g) prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V. are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, or positions of registers or records, to which they relate; and
- (h) prescribe the custody in which those registers or records are to be kept,

(3) Every power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication,

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

Repeal of section.

5. Section 37 of the said Act is hereby repealed.

Continuation of rules heretofore made by Governor-General in Council.

6. All rules heretofore made under the said Act by the Governor-General in Council shall, after the commencement of this Act, be deemed to have been made by the Local Government.

## ACT NO. X. OF 1911.

### The Prevention of Seditious Meeting Act, 1911.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL  
ON THE 22ND MARCH 1911.]

*An Act to consolidate and amend the Law relating to the Prevention of Public Meetings likely to promote Sedition or to cause a Disturbance of Public Tranquillity.*

WHEREAS it is expedient to consolidate and amend the law relating to the prevention of public meetings likely to promote sedition or to cause a disturbance of public tranquillity; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Prevention of Seditious Meetings Act, 1911.

(2) It extends to the whole of British India, but shall have operation only in such Provinces or parts of Provinces as the Governor-General in Council may from time to time notify in the *Gazette of India*.

2. (1) The Local Government may, with the previous sanction of the Governor-General in Council by notification in the local official Gazette, declare the whole or any part of a province, in which this Act is for the time being in operation, to be a proclaimed area.

(2) A notification made under sub-section (1) shall not remain in force for more than six months; nothing in this sub-section shall be deemed to prevent the Local Government, with the previous sanction of the Governor-General in Council, from making any further notifications in respect of the same area from time to time as it may think fit.

3. (1) In this Act, the expression "public meeting" means a meeting which is open to the public or any class or portion of the public.

(2) A meeting may be a public meeting notwithstanding that it is held in a private place, and notwithstanding that admission thereto may have been restricted by ticket or otherwise,

4. (1) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject shall be held in any proclaimed area—

- (a) unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Magistrate or the Commissioner of Police as the case may be, at least three days previously; or
- (b) unless permission to hold such meeting has been obtained in writing from the District Magistrate or the Commissioner of Police, as the case may be.
- (2) The District Magistrate or any Magistrate of the first class authorized by the District Magistrate in this behalf may, by order in writing, depute one or more Police-officers, not being below the rank of head constable, or other persons to attend any such meeting for the purpose of causing a report to be taken of the proceedings.
- (3) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority, or to public meetings convened by a Sheriff, or to any public meetings or class of public meetings exempted for that purpose by the Local Government by general or special order.

5. The District Magistrate or the Commissioner of Police, as the case may be, may at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area if, in his opinion, such meeting is likely to promote sedition or disaffection, or to cause a disturbance of the public tranquility.

6. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of section 4 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Any public meeting which has been prohibited under section 5 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII, of the Indian Penal Code,\* and of Chapter IX. of the Code of Criminal Procedure, 1898.†

7. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from, the provisions of section 4, without the permission in writing of the Magistrate of the District or of the Commissioner of Police, as the case may be, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then

present, may be arrested without warrant, and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

8. No Court inferior to that of a Presidency<sup>1</sup> Magistrate or of a Magistrate of the first class or Cognizance of offences. Sub-divisional Magistrate shall try any offence against this Act.

9. The Prevention of Seditious Meetings Act, 1907,\* and the Continuing Act, 1910,† are hereby repealed.

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\* Act V. of 1907.

† Act XIII. of 1910.

## ACT NO. XI. OF 1911.

### The Indian Universities (Amendment) Act, 1911.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE  
21ST MARCH 1911.]

#### *An Act to amend the Indian Universities Act, 1904.\**

WHEREAS it is expedient to amend the Indian Universities Act, 1904; \* It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Universities (Amendment) Act, 1911.

Amendment of section  
6, Act VIII of 1904.

2. To section 6, sub-section (2), of the said Act,\* the following proviso shall be added, namely :—

“ Provided that, in the case of the University of Allahabad, the Chancellor may direct that such number as he may specify of the ordinary Fellows referred to in clause (a) shall be elected by the Senate, and the remainder by registered Graduates.”

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\* Act VIII of 1904.

**ACT NO. XII. OF 1911.**  
**The Indian Factories Act, 1911.**

[PASSED BY THE GOVERNOR-GENERAL IN COUNCIL.]  
*Received His Excellency's Assent on the 24th March 1911.*

*An Act to consolidate and amend the Law regulating labour in factories.*

WHEREAS it is expedient to consolidate and amend the law regulating labour in factories ; It is hereby enacted as follows :—

**CHAPTER I.**

**PRELIMINARY.**

1. (1) This Act may be called the Indian Factories Act, 1911.

Short title, Commence- (2) It shall come into force on the first  
 ment and extent. day of July 1912 ; and \*

(3) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

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

"Child." (1) "child" means a person who is under the age of "fifteen"\* years :

"Employed." (2) a person who works in a factory, whether for wages or not.—

(a) in a manufacturing process or handicraft, or

(b) in cleaning any part of the factory used for any manufacturing process or handicraft, or

(c) in cleaning or oiling any part of the machinery, or

(d) in any other kind of work whatsoever, incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein,

shall be deemed to be employed therein :

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\* The word within quotations has been inserted by Act 2 of 1922.



*Explanation.*—The term “manufacturing process” shall be deemed to include the bailing of any material for transport :

“Factory.”

(3) “Factory means—

(a) any premises wherein, and within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or the chemical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adopting for use, for transport or for sale any article or part of an article ; or.

(b) any premises wherein, or within the precincts of which on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether such power is used in aid thereof or not which have been declared by the Local Government, by notification in the local official Gazette, to be a factory ;

A declaration under clause (b) may be made in respect of any class of premises, or in respect of any particular premises.”\*†

(5) “mill-gearing” includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, chain, wire, driving strap or band by which the motion of the first moving power is communicated to any machine appertaining to any manufacturing process :

“Occupier.”

(6) “occupier” includes a managing agent or other person authorized to represent

the occupier :

“Prescribed.”

(7) “prescribed” means prescribed by this Act or by rules made thereunder :

“(8) ‘week’ means the period between mid-night on Saturday night and the mid night on the succeeding Saturday night.”\*†

3. “Nothing in this Act shall apply to any mine subject to the operation of the Indian Mines Act, 1901”.\*†  
Application of Act.

\* The words within quotations have been substituted by Act 2 of 1922.

† Certain words after this repealed by Act 2 of 1922 have been omitted.

‡ Act VIII. of 1901.

## CHAPTER II.

## INSPECTORS AND CERTIFYING SURGEONS.

4. (1) The Local Government may, by notification in the local official Gazette appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an inspector under subsection (1), or, having been so appointed, shall continue to hold the office of inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) The District Magistrate shall be an inspector under this Act.

(4) The Local Government may also, by notification as aforesaid, and subject to the control of the Governor-General in Council, appoint such public officers as it thinks fit to be additional inspectors for all or any of the purposes of this Act within such local limits as it may assign to them respectively.

(5) In any area where there are more inspectors than one, the Local Government may, by notification as aforesaid, declare the powers which such inspectors shall respectively exercise, and the inspector to whom the prescribed notices are to be sent.

(6) Every inspectors shall be deemed to be a public servant within the meaning of the Indian Penal Code\* and shall be officially subordinate to such authority as the Local Government may indicate in this behalf.

Powers of Inspector.

5. Subject to any rules in this behalf, an inspector may, with the local limits for which he is appointed,—

- (a) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory;
- (b) make such examination of the premises and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

6. The Local Government may appoint such qualified medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Act within such Local limits as it may assign to them respectively.

7. (1) A certifying surgeon shall, at the request of any persons desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

"(2) A certifying surgeon may revoke any certificate granted to a child under sub section (1) if, in his opinion, the child is no longer fit for employment in a factory."

(3) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory or revokes a certificate granted to a child in this behalf, he shall, if required by such person or child, or by the parent or guardian of such person or child, or by the manager of the factory in which such person or child desires to be employed, state in writing his reasons for such a refusal or revocation."†

8. A certifying surgeon may authorize any "registered practitioner,"\* to exercise the functions assigned to him by section 7, and may revoke such authority :

• Provided that no certificate granted under this section shall, unless confirmed, on personal examination of the person named therein, by the certifying surgeon who conferred the authority, be valid for a period of three months."\*

*Explanation*—In this section the expression registered practitioners, means any person registered under the Medical Act, 1858, or any Act amending the same or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such last-mentioned Act is in force, any person declared by the Government, by notifications in the local official Gazette, to be a registered practitioner for the purposes of this section,"†

"8A. Where an Inspector is of opinion that a child employed in a factory is no longer fit for employment, he may serve on the manager of the factory a notice requiring that such child shall cease to be employed until he has been re-examined by a

Compulsory  
Examination.

certifying surgeon or by a registered practitioner authorized by a certifying surgeon in this behalf."\*

### CHAPTER III.

#### HEALTH AND SAFETY.

Sanitary provisions.

9. The following provisions shall apply to every factory :—

- (a) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance ;
- (b) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein ;
- (c) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health ;
- (d) the atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the person employed therein."\*

10. If in a factory, in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may serve on the manager of the factory an order in writing directing that a fan or other mechanical means of a proper construction for preventing such inhalation be provided, maintained and used before a specified date.

Provisions as to ventilation by fans in certain factories.

Lighting.

11. (1) Every factory shall be sufficiently lighted.

(2) In the case of any factory which is not in the opinion of the inspector so lighted, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

\* The words within quotations have been substituted by Act 2 of 1922.

**12. (1)** In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified before being used for the purpose of producing humidity.

(2) In the case of any factory in which any water required under sub-section (1) to be effectively purified is not in the opinion of the inspector so purified, the inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for effectively purifying the water and requiring him to carry them out before a specified date.

**13.** Every factory shall be provided with sufficient and suitable latrine accommodation, and if the Local Government so requires, with separate urinal accommodation for the person employed in the factory ;

Provided that the inspector may, subject to such conditions as the Local Government may lay down in this behalf, by an order in writing exempt any factory from the provisions of this section.

**14.** In every factory there shall be maintained a sufficient and suitable supply of water fit for drinking for the use of the persons employed in the factory.

**15.** In every factory, the construction of which is commenced after the commencement of this Act, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

**16. (1)** Every factory shall be provided with such means of escape in case of fire for the persons employed therein as can reasonably be required in the circumstances of each case.

(2) In the case of any factory which is not in the opinion of the inspector so provided, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for providing such means of escape, and requiring him to carry them out before a specified date.

**17.** No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

18. (1) (a) Every fly-wheel directly commenced with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of any water wheel or engine worked by any such power.

(b) every hoist or teagle and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed, and

(c) every part of the machinery "and electrical fittings including line wires and switches" which the Local Government may by rule shall be kept fenced, shall be securely fenced.

(2) If in any factory there is any other part of the machinery or mill-gearing which may in the opinion of the inspector be dangerous if left unfenced, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for fencing such part in order to remove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machinery.

(4) Such provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery or boilers of any factory.

"18A. (1) If an inspector is of opinion—

(a) that any factory or part thereof is in such a condition as to be dangerous to human life or safety, or

(b) that any part of the ways, works, machinery or plant used in a factory is in such a condition that it cannot be used without danger to human life, or safety.

he may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for removing the danger and requiring him to carry them out before such date as may be specified therein.

(2) If, in the opinion of the inspector, the use of any part of the ways, works, machinery or plant in a factory involves imminent-danger to human life, he may serve on the manager of the factory an order in writing prohibiting the use thereof until it is duly registered or altered." \*

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\* The words within quotations have been added by Act II of 1922.

**19.** No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

**19A.†** Where, in the opinion of the Inspector, the presence in any factory or any part thereof of children, who, by reason of their age, cannot, under the provisions of this Act, be lawfully employed therein, involves danger to or injury to the health of, such children, he may serve on the manager of such factory an order in writting, prohibiting the admission of such children to the factory or part thereof.

**19B.†** No person under the age of eighteen years and no woman shall be employed in any factory in any of the operations specified in Part I of the schedule, or save in accordance with the regulations contained in Part II of the schedule, in any operates involving the use of lead compounds.

Prohibition of employment of women and children where cotton-openers are at work.

**20.** No woman or child shall be employed in the part of a factory for pressing cotton in which a cotton-opener is at work :

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending from the floor to the roof, "or to such height as the inspector may, in any particular case, specify," \* women and children may be employed in the room in which the feed end is situated.

## CHAPTER IV.

### HOURS OF EMPLOYMENT AND HOLIDAYS.

**21.†** (1) In every factory there shall be fixed—

(a) for each person employed on each working day—

(i) at intervals not exceeding six hours, periods of rest of not less than one hour, or

\* The words within quotations have been added by Act II of 1922.

† Sections 19A and 19B have been added and section 21 has been substituted by Act 2 of 1922.



- (ii) at the request of the employers concerned, periods of rest of not less than half an hour, each so arranged that, for each period of six hours work done, there shall be periods of rest of not less than one hour's duration in all, and that no person shall work for more than five hours continuously, and

(2) The periods of rest under clause (b) shall be so fixed that no such child shall be required to work continuously for more than four hours.

Weekly holiday.

22. (1) No person shall be employed in any factory on a Sunday, unless—

- (a) he has had, or will have, a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday, and
- (b) the manager of the factory has previous to the Sunday or the substituted day, whichever is earlier, given notice to the inspector of his intention so to employ the said person and of the day which is to be substituted and has at the same time affixed a notice to the same effect in the place mentioned in section 36.

"Provided that no such substitution shall be made as will result in any person working for more than ten consecutive days without a holiday for a whole day."

Employment of children.

23. With respect to the employment of children in factories the following provisions shall apply :—

- (a) no child shall be employed in any factories unless he is in possession of a certificate granted under section 7 or section 8 showing that he is not less than "twelve"† years of age and is fit for employment in a factory, and while at work carries either the certificate itself or a token given reference to such certificate ;
- (b) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening ;
- (c) no child shall be employed in any factory for more than "six"† hours in any one day.

\* Certain words after this repealed by Act 14 of 1922 have been omitted.

† The words within quotations have been added by Act 2 of 1922.

Employment of women.

**24.** With respect to the employment of women in factories the following provisions shall apply :—

(a) no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening ;

(b) no woman shall be employed in any factory for more than eleven hours in any one day.

**25.** No person shall employ, or permit to be employed, in any factory any woman or child "or, save in such circumstances as may be prescribed, any other person"\* whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

**26.** The manager of a factory shall fix specified hours for the employment of each "person"† employed in such factory, and no "person"‡ shall be employed except during such hours.

Limitation of working hours per week.

**27.†** No person shall be employed in a factory for more than sixty hours in any one week.

**28.†** No person shall be employed in any factory for more than eleven hours in any one day."

Limitation of working hours per day.

## " CHAPTER V.†

### EXCEPTIONS.

**29.** Nothing in any of the following sections namely, 21, 22, 24, 26, 27 and 28 shall apply to persons who may, by rules made by the Local Government under this Act, be defined to be persons holding positions of supervision or management or to persons employed in a confidential capacity.

**30.** (1) Where it is proved to the satisfaction of the Local Government—

(a) that any class of work in a factory is in the nature of preparatory or complementary work which must neces-

\* The words within quotations have been inserted by Act 2 of 1922.

† Sections 27 and 28 have been substituted by Act 2 of 1922.

‡ Chapter V has been substituted by Act 2 of 1922.

- sarily be carried on outside the limits laid down for the general working of the factory, or
- (b) that the work of any class of workers is essentially intermittent; or
  - (c) that there is in any class of factories any work which necessitates continuous production for technical reasons, or
  - (d) that any class of factories supplies the public with articles of prime necessity which must be made or supplied every day, or
  - (e) that in any class of factories the work performed, by the exigencies of the trade or by its nature, can not be carried on except at stated seasons or at times dependent on the irregular action of natural forces,

the Local Government may, subject to the control of the Governor-General in Council, by notification in the local official Gazette, exempt or such conditions, if any, as it may impose—

- in case (a) such class of works from all or any of the provisions of sections 27 and 28 ;
- in case (b) work of the nature described from all or any of the provisions of sections 22, 27 and 28 ;
- in case (c) work of the nature described from the provisions of sections 21 and 22.
- in cases (d) and (e) such class of factories from this provisions of section 22.

(2) The Local Government may, by general order exempt for such periods or may be specified in the order and in such conditions, if any, as it may impose, any factory from all or any of the provisions of sections 21, 22, 27 and 28, on the ground that such exemption is necessary in order to enable such factory to deal with an exceptional press of work.

(3) In such circumstances and subject to such conditions as may be prescribed, nothing in section 21, section 22, section 27 or 28 shall apply to work in urgent repairs.

**31.** Where under the provisions of sub-section (1) of section 31, any factory has been exempted from the provisions of section 27, every person employed in such factory for more than sixty hours in any one work shall be paid, in respect of the overtime, at a rate which shall be at least one and a quarter times the rate at which he is normally paid.

**32.** The Local Government may, subject to the control of the Governor-General in Council, by notification in the local official Gazette, exempt any indigo factory or any factory situated on, and used solely for the purposes of a tea or coffee plantation, from all or any of the provisions of sections 21 and 22, on such conditions, if any, as it may impose."

Special exemptions for  
Indigo, tea and coffee  
factories.

## CHAPTER VI.

## NOTICES AND REGISTERS.

Person occupying factory to give notice. **33.** (1) Every person occupying a factory shall,—

(a) in the case existing factories, within one month after the commencement of this Act, or

(b) in the case of a factory which starts work after the commencement of this Act, within one month after he begins to occupy the factory,

send to the inspector a written notice containing

(i) the name of the factory and of the place where it is situate,

(ii) the address to which he desires his letters to be directed,

(iii) the nature of the work performed in such factory,

(iv) the nature and amount of the moving power therein, and

(v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Act;

Provided that in the case of a seasonal factory such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Act.

**34.** When any accident occurs in a factory causing death or bodily injury, whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of the accident to such authorities in such form and within such times as may be prescribed.

**35.** In every factory there shall be kept in the prescribed form, a register of all the persons employed in such factory, of their hours of work and of the nature of their respective employment.”\*

The words within quotations have been substituted by Act 2 of 1922.

**36. (1)** There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority\* of the operatives in such factory, the prescribed abstracts of this Act and of the rules made thereunder, and also a notice containing the standing orders of the factory upon the following matters, namely :—

- (a) the time of beginning and ending work on each day ;
  - "(b) the periods of rest fixed under section 21"\*
  - (c) the hours of beginning and ending work for each shift (if any) ; and
  - (d) the hours of employment of "all persons employed"\*
  - "(e) the weekly holidays fixed under section 22"\*
- (2) A copy of the said notice shall be sent to the inspector within one month of the commencement of this Act, or, in the case of a factory which starts work after the commencement of this Act, within one month of commencing work.
- (3) The said notice shall be correctly maintained and kept up to date and intimation of any change therein shall be sent by the manager to the inspector within seven days.†

## CHAPTER VII.

### RULES.

**37. (1)** Subject to the control of the Governor-General in Council, the Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the inspection of factories ;
- (b) the manner in which inspectors are to exercise the powers conferred on them by this Act ;
- (c) the duties to be performed by certifying surgeons ;
- (d) the form of the certificate prescribed by section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate ;
- (e) the methods including lime-washing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia ;

\* The words within quotations have been inserted by Act 2 of 1922.

† Certain words after this repealed by Act 2 of 1922 have been omitted.

- (f) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein ;
- (g) standards of ventilation, "and artificial humidification"\* and the methods to be adopted in order to secure their observance ;
- (h) standards of latrine and urinal accommodation ;
- (i) standards of water-supply ;
- (j) the parts of the machinery to be kept fenced in accordance with section 18, sub-section (1), clause (c), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers ;
- (j) the definition of person under section 29, who shall be deemed to be persons holding position of supervision or management or persons employed in a confidential capacity ;"†
- (k) the form of the notice prescribed by section 34, and the time within which and the authorities to whom it shall be sent ;
- (l) the form of the register prescribed by section 35 ;
- (m) the abstracts of the Act and of the rules required by section 36 :
- (n) the procedure to be followed in presenting and hearing appeals under this Act, including the appointment and remuneration of assessors ; and
- (o) the manner of service of notice and orders upon occupiers or manager of factories.

**38.** The Governor-General in Council may ‡ make rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical, as may in his opinion be necessary for the effectual carrying out of this Act.

**38A.** The Governor-General in Council may make rules for the adequate disinfection of wool used in factories which may be infected with anthrax spores."\*

**39.** (1) The power to make rules conferred by section 37, except clauses (k), (l) and (m) of sub-section (2) thereof, and by "sections 38 and 38A"† is subject to the condition of the rules being made after previous publication.

Act X. of 1897.

† The words within quotations have been added by Act 2 of 1922.

‡ Certain words after this repealed by Act 2 of 1922 have been omitted.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897\* as that after which a draft of rules proposed to be made under section 37, 38 and 38A† will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

40. Rules made under this Chapter shall be published in the local official Gazette or the *Gazette of India*, as the case may be, and shall thereupon have effect as if enacted in this Act.

## CHAPTER VIII.

### PENALTIES AND PROCEDURE

Penalties.

41. If in any factory—

- (a) any person is employed or allowed to work contrary to any of the provisions of this Act ;
- (b) any of the provisions of section 9 are not complied with ;
- (c) latrine or urinal accommodation in accordance with the provisions of section 13 is not provided ;
- (d) a supply of water for the persons employed is not maintained in accordance with the provisions of section 14 ;
- (e) any door is constructed in contravention of section 15 ;
- (f) any of the provisions of section 18, sub-sections (1), (3) and (4), regarding fencing and the protection from danger of persons employed in attending to the "machinery, electrical fittings or boilers"\* are not complied with ;
- (g) any order of an inspector under section 10, section 11, section 12, section 16 or section 18, section 18A or 19B\* is not complied with ;
- (h) the register prescribed by section 35, is not kept up to date ;
- (i) any of the provisions of section 36 are not complied with ;
- (j) any notice or return required by this Act or by rules made thereunder to be furnished is not furnished ;

the occupier and manager shall jointly and severally liable to a fine which may extend to "five hundred"\* rupees ;

\* The words within quotations have been added by Act 2 of 1923.

Provided that in cases where an appeal is allowed by section 50 no prosecution under clause (g) of this section shall be instituted until either the time prescribed by section 50 for the presentation of an appeal has expired or such appeal, if made, has been determined.

**42. (1)** Where the occupier or manager of a factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

Exemption of occupier or manager from liability in certain cases.

(a) that he has used due diligence to enforce the execution of this Act, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the inspector at any time prior to the institution of the proceedings—

(a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Act, and

(b) by what person the offence has been committed and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Penalties for certain offences.

**43. Any person who—**

(a) wilfully obstructs an inspector in the exercise of any power under section 5, or fails to produce, on demand by an inspector, any registers or other documents kept in pursuance of this Act or the rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an inspector.



(b) smokes, or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of section 17 ;  
or

(c) does or omits to do any other act prohibited or prescribed by this Act or any order or rule made thereunder ;

shall be punishable with fine which may extend to " five hundred rupees."\*

"43A. Where under this Act a Criminal Court imposes a fine Power of Court to pay or confirms in appeal, revision or otherwise, compensation out of a sentence of fine in respect of an offence fine. causing bodily injury or death, the Court may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured or, in the case of death, to his legal representative :

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal."\*

44. Any person who knowingly uses or attempts to use, as a certificate granted to himself under section 7 or section 8, a certificate granted to another person under either of those sections, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees

45. A person shall not be liable in respect of a repetition of Limit to penalty in the same kind of offence from day to day case of repetition of to any larger amount of fines than the high-offence. est fine fixed by this Act for the offence, except—

(a) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(b) where the offence is one of employing or allowing to be employed two or more persons contrary to the provisions of this Act.

46. If a child over the age of six years is found inside any room or part of a factory in which room or part children are employed and in which any manufacturing process or work incidental to any manufacturing process is being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory. Presumption as to employment.

\* The words within quotations have been added by Act 2 of 1929.

**47.** (1) When an Act or omission would, if a person were under or over a certain\* age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that person.

**48.** (1) No prosecution under this Act, except a prosecution under section 43, clause (b) shall be instituted except by or with the previous sanction of the inspector.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try any offence against this Act or any rule or order thereunder, other than an offence against section 43, clause (b) "or section 44." \*

**49.** No Court shall take cognizance of any offence against this Act or any rule or order thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

## CHAPTER IX.

### SUPPLEMENTAL PROVISIONS.

**50.** (1) Any person on whom an order under section 10, section 11, section 12, section 16, section 18 Appeals. "section 18A or section 19A" \* has been served may, within fourteen days from the date of service of the order, appeal against such order to the Local Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(2) Where an inspector refuses to approve a system of shifts, he shall, if required by the manager of the factory, record his order of refusal with the reasons therefor and the manager of the factory may, within fourteen days from the date of such order, appeal against it to the Local Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

\* The words within quotations have been added by Act 2 of 1922

(3) In the case of any appeal under sub-section (1) the appellate authority may, and if so requested by the appellant in the petition of appeal shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Local Government may in this behalf prescribe :

Provided that if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

(4) Except in the case of an appeal against an order under section 19A, the appellate authority may, on the application of the appellant, suspend the operation of an order of the inspector pending the decision of the appeal. But where no such suspension has been granted, such order shall be complied with notwithstanding the fact that an appeal has been presented." \*

**51.** (1) In respect of any area in which the hours of the day are not ordinarily reckoned according to local mean time, the times and hours referred to in section 2, sub-section (8), section 26 and section 36 shall be reckoned according to the standard of time ordinarily observed in such area.

(2) The Local Government may, by notification in the local official Gazette, direct that, for any specified area and during any specified months, for the morning and evening hours mentioned in section 23, clause (b) "and" \* section 24, clause (a), such one of the following sets of morning and evening hours, as it deems suitable, reckoned according to the standard of time ordinarily observed in such area, shall be substituted, namely :

five o'clock in the morning and half past six o'clock in the evening ;

six o'clock in the morning and half past seven o'clock in the evening ;

half past six o'clock in the morning and eight o'clock in the evening ;

seven o'clock in the morning and half past eight o'clock in the evening.

**52.** In computing the hours referred to in section 23, clause (c), section 24, clause (b), "section 27, section 28 and section 31," \* any interval by which work is interrupted for half an hour or more shall be excluded.

Computation of hours of employment.

\* The words within quotations have been inserted by Act II of 1922.

**53.** The Local Government may, subject to the control of the Governor-General in Council, by special order in writing, direct, with respect to any factory or class of factories, that different branches or departments of work carried on in the same factory shall for all or any of the purposes of this Act be treated as if they were separate factories.

**54.** The Act shall apply to factories belonging to the Crown.

Application to Crown factories.

**55.** *Repealed by Act 2 of 1922.*

**56.** In case of any public emergency, the Local Government may, by an order in writing, exempt any factory from this Act to such extent and during such period as it thinks fit.

Power to exempt from Act.

**57.** The Governor-General in Council may, if he thinks fit, exercise any power which is by this Act conferred upon the Local Government.

Exercise of power by Governor-General in Council.

**58.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection to persons acting under Act.

**59.** *Repealed by Act 2 of 1922.*

## SCHEDULE.\*

(See section 19B).

### PART I.

1. Works at a furnace when the reduction or treatment of zinc or lead ores is carried on ;

2. The manipulation, treatment, or reduction of ashes containing lead, the desilversing of lead or the melting of scrap lead or zinc ;

3. The manufacture of solder or alloys containing more than ten per cent of lead ;

4. The manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate or silicate of lead ;

5. Mixing or pasting in connection with the manufacture or repair of electric accumulators ;

\* This schedule has been substituted by Act 2 of 1922.

6. The cleaping of work-rooms where any of the processes aforesaid are carried on.

PART II.

1. Where dust or fume from a lead compound is produced in the process, provision must be made for drawing the fume or dust away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin.

2. The person employed must under go the prescribed medical examination at the prescribed intervals, and the prescribed record must be kept with respect to their health ;

3. No food, drink, or tobacco, shall be brought into, or consumed in, any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times.

4. Adequate protection clothing in a clean condition shall be provided by the employer and work by the persons employed ;

5. Such suitable cloak-room, mess-room and washing accommodation as may be prescribed shall be provided for the use of the persons employed ;

6. The rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean condition."

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# **ACT No. XIII. OF 1911.**

## **The Indian Christian Marriage (Amendment) Act, 1911.**

[PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.]

*Received His Excellency's assent on the 8th September, 1911.*

*An Act further to amend the Indian Christian Marriage Act,  
1872.*

WHEREAS it is expedient further to amend the Indian Christian Marriage Act, 1872;\* It is hereby enacted as follows :—

Short title.

**1.** This Act may be called the Indian Christian Marriage (Amendment) Act, 1911.

Substitution of new section 81, Act XV. of 1872.

**2.** For section 81 of the Indian Christian Marriage Act, 1872,\* the following section shall be substituted, namely :

“ 81. The Registrar General of Births, Deaths and Marriages and the officers appointed under section 56 shall, at the end of every quarter in each year, select, from the certificates of marriages forwarded to them, respectively, during such quarter, the certificates of the marriages of which the Governor-General in Council may desire that evidence shall be transmitted to England, and shall send the same certificates, signed by them respectively, to the Secretary of State for India.

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Act XV. of 1872.

# ACT NO. IV OF 1911.

## The Court-Fees (Amendment) Act, 1911.

[PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL]

*Received His Excellency's assent on the 18th September, 1911.*

*An Act further to amend the Court-Fees Act, 1870.*

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

Short title.

1. This Act may be called the Court-Fees (Amendment) Act, 1911

Amendment of Schedule II., Act VII. of 1870.

2. In Schedule II. of the Court-Fees Act, 1870 after article 1 the following article shall be inserted, namely :—

"IA. Application to any Civil Court that records may be called for from another Court.

When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.

Twelve annas in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of article 1 of this Schedule."

\* Act VII. of 1870.

## ACT No. XV. OF 1911.

### The Indian Forest (Amendment) Act, 1911.

[PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL]

*Received His Excellency's assent on the 18th September, 1911.*

*An Act further to amend the Indian Forest Act, 1878.*

Whereas it is expedient further to amend the Indian Forest Act, 1878 ;\* It is hereby enacted as follows:—

- Short title.                      1. This Act may be called the Indian Forest (Amendment) Act, 1911.
- Amendment of section 2, Act VII., 1878.      2. In section 2 of the Indian Forest Act, 1878,\* in sub-clause (a) of the definition of "forest produce," after the words "mahua flowers" the words "mahua seeds" shall be inserted.
- Amendment of section 26, Act VII., 1878.      3. In section 26 of the said Act, for the words "with the previous sanction" the words "subject to the control" shall be substituted.
4. *Rep. by Act 38 of 1920.*
- Amendment of section 39, Act VII., 1878.      5. In section 39 of the said Act :†  
 (b) after sub-clause (b) the following proviso shall be inserted, namely :—  
 "Provided that a notification directing the levy of a duty, in the case of timber and other forest-produce brought from any place beyond the frontier of British India, which is not under the control of the Local Government, shall not be issued without the previous sanction of the Governor General in Council ;"†
- Repeal of proviso to section 77, Act VII., 1878.      6. The proviso to section 77 of the said Act is hereby repealed.

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\* Act VII. of 1878.

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



## ACT NO. XVI. OF 1911

### Bengal, Agra and Assam Civil Courts (Amendment) Act, 1911.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received His Excellency's assent on the 18th September. 1911.*

*An Act further to amend the Bengal, N.-W. P. and Assam  
Civil Courts Act, 1887.*

Whereas it is expedient further to amend the Bengal, N.-W. P. and Assam Civil Courts Act, 1887;\* It is hereby enacted as follows :—

Short title. 1. This Act may be called the Bengal,  
Agra and Assam Civil Courts (Amendment)  
Act, 1911.

Amendment of section 2. In sub-section (1) of section 1 of the Bengal, North-Western  
Provinces and Assam Civil Courts Act,  
1887,\* for the words "North-Western Pro-  
vinces" the word "Agra" shall be substi-  
tuted.  
1 (1), Act XII., 1887.

Amendment of section 3. In sub-section (3) of section 8 of the said Act, the words  
"and with the previous sanction of the  
Governor-General in Council" are hereby  
repealed.  
8 (3), Act XII., 1887.

Amendment of section 4. In section 25 of the said Act, for the words "one hundred  
rupees" the words "two hundred and fifty  
rupees" shall be substituted.  
25, Act XII., 1887.

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\* Act XII. of 1887.

## ACT NO. XVII. OF 1911.

### The Indian Aircraft Act, 1911.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received His Excellency's assent on the 23rd September 1911.*

*An Act to control the manufacture, possession, use, sale, import and export of airships.*

Whereas it is expedient to take power to control the manufacture, possession, use, sale, import and export of aircraft; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Indian Airships Act, 1911.

(2) It extends to the whole of British India, including British Baluchistan, the Santhal Parganas and the Pargana of Spiti.

(3) It shall come into force on such date as the Governor-General in Council may, by notification in the *Gazette of India*, direct in this behalf.

Definitions.

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

(1) "aircraft" means any machine fitted with mechanical or other means of propulsion designed to fly or float in the air without connection with the earth, and includes any part of any such machine;

(2) "export" means taking out of British India:

(3) "import" means bringing into British India: and

(4) "prescribed" means prescribed by rules under this Act.

3. (1) The Governor-General in Council, or the Local Government subjects to the control of the Governor-General in Council, may make rules consistent with this Act to regulate or prohibit, except under and in accordance with the conditions of a license, granted as provided by such rules, the manufacture, possession, use, sale, import and export of aircrafts or any specified class of aircrafts.

(2) In particular and without prejudice to the generality of the foregoing power, the Governor-General in Council or the

Local Government, as the case may be, may make rules for all or any of the following, among other matters, that is say—

- (a) the authority by which licenses may be granted ;
- (b) the fees to be charged for licenses, and the other sums (if any) to be paid for expenses by applicants for licenses ;
- (c) the manner in which applicants for licenses shall be made, and the matters to be specified in such application ;
- (d) the forms in which, and conditions subject to which licenses may be granted :
- (e) the period for which licenses shall continue in force ;
- (f) the keeping by the holder of any such license of a record or account in the prescribed form of any thing done under such license, and the exhibition of such record or account when called upon to do so by any officer of Government specially empowered by any such rule in this behalf ;
- (g) the production by the person holding any license of such license, and the production or accounting for by him of the aircraft covered by such license, when called upon to do so by any officer of Government specially empowered by any such rule in this behalf ;
- (h) the prohibition either absolutely or subject to conditions, of the carrying in aircrafts of all or any of the following things, namely :—explosives, arms, ammunition, carrier-birds, photographic or wireless telegraphic apparatus or such other things as may hereafter be prescribed in this behalf ; and
- (i) the carrying of a number or other means of identification by aircrafts and the registration of such number or means of identification.

(3) In making any rule under this section, other than under clause (h) thereof, the authority making the rule may direct that a breach of it shall be punishable with imprisonment, for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

4. (1) Notwithstanding anything in any rule made under section 3, the Governor-General in Council may, by notification in the *Gazette of India*, prohibit the import or export of aircrafts for public good.   
Powers to Governor-General in Council to prohibit the import or export of aircrafts for public good.   
 may, by notification in the *Gazette of India*, prohibit either absolutely or subject to conditions the import or export of all or any aircrafts or any class of aircrafts if, in his opinion, the issue of such a notification is expedient in the interest of the public safety or tranquility.

(2) When a notification has been issued under sub-section (1),

the officers of sea customs shall have the same power in respect of aircrafts specified therein, and in respect of any vessel containing any such aircrafts as they have for the time being in respect of any article the import or export of which is prohibited or regulated by the law relating to sea customs and the vessel containing the same; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly.

Power to Governor-General in Council to cancel or suspend licenses and to acquire aircrafts for the public service.

5. (1) If the Governor-General in Council is of opinion, that in the interest of the public safety or tranquillity the issue of all or any of the following orders is expedient, he may by, notification in the *Gazette of India*—

- (i) cancel or suspend all any or licenses issued under this Act either absolutely or subject to such conditions as he may think fit to prescribe;
- (ii) direct that all or any aircrafts or any specified class of aircrafts shall be delivered either forthwith or within a specified time, to such authority as he may appoint in this behalf;
- (iii) direct that all or any aircrafts delivered to any authority in accordance with a direction under sub-clause (ii) shall be at the disposal of His Majesty for the public service.

(2) On the issue of a notification under clause (ii) of sub-section (1) any person in whose possession any aircraft referred to in such notification may be, shall forthwith, or within the time specified in such notification, deliver the same to the authority specified therein.

(3) On the issue of a notification under clause (iii) of sub-section (1) in respect of any aircraft, the owner thereof shall be paid such compensation as may be determined by such officer as the Local Government may appoint in this behalf.

(4) In determining the amount of any compensation payable under sub-section (3), such officer shall have regard to any rules regulating the assessment and payment of compensation which the Governor-General in Council or the Local Government, subject to the control of the Governor-General in Council may make in this behalf.

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

6. (1) The Governor-General in Council, or the Local Government subject to the control of the Governor-General in Council, may make rules consistent with this Act authorising any officer—

(a) to enter, inspect and examine any place, carriage or vessel in which an aircraft is being manufactured, possessed, used, sold, imported or exported under a license granted under this Act or in which he has reason to believe that an aircraft has been or is being manufactured possessed, used, sold, imported or exported in contravention of this Act or of any rule made thereunder ;

(b) to search for aircraft therein

(c) to seize, detain and remove any aircraft found therein; and

(d) to search any aircraft for explosives, arms, ammunition, carrier-birds, photographic or wireless telegraphic apparatus or such other things as may hereafter be prescribed in this behalf, and to seize, detain and remove any such things if found thereon.

(2) The provisions of the Code of Criminal Procedure, 1898,\* relating to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorised by rules under this section.

7. (1)\* The Governor-General in Council may, by notification in the Gazette of India, prohibit or regulate the navigation of air-craft over, or the entry of air-craft by flight into, British India or any port thereof, including the territorial waters adjacent thereto.

(2) Subject to the control of the Governor General in Council the Local Government of a province may, by notification in the local official Gazette, exercise in respect of the province the like powers of prohibiting or regulating navigation as are conferred by sub-section (1) on the Governor-General in Council.

(3) Any notification issued under sub-section (1) or (2) may apply either to all air-craft or to any specified class or description of air craft, and may prohibit navigation or entry as aforesaid, as the case may be, either at all times or at specified times or on specified occasions and either absolutely or subject to specified exceptions or conditions, and such conditions may, without prejudice to the generality of the foregoing provision, require any air craft—

(a) to display specified signals or marks,

(b) to comply with specified signal in a specified manner,

(c) to land within a specified area or at a specified place, and

(d) in the case of air craft entering British India by flight, also to enter at a specified place.

\* Act V of 1898.

\* The words within quotations and sections 7 and 7A have been substituted by Act 15 of 1914.

**7A.\*** (1) Whenever an air craft contravenes the conditions of a notification issued under section 7 requiring it to comply with specified signals in a specified manner, any person appointed in this behalf by the Governor General in Council may fire at or into such air craft, and use any and every other means necessary to compel compliance.

(2) The Governor General in Council may delegate to any authority the power of making appointments under sub-section (1).\*

Penalty for certain offences.

**8.** Whoever in contravention of—

- (1) a rule made under section 3, sub-section (2), clause (b), carries in an aircraft, explosives, fire-arms, ammunition, carrier-birds, photographic or wireless telegraphic apparatus or such other things as may hereafter be prescribed in this behalf, or
  - (2) a notification issued under section 4, imports or exports an aircraft, or
  - (3) a notification issued under section 5, sub-section (1), clause (i), does or abstains from doing any act, or
  - (4) a notification issued under section 5, sub-section (1), clause (ii), fails to deliver to the proper authority any aircraft in his possession, or
  - (5) a notification issued under section 7, does or abstains from doing any act unless, in case of contravening a condition relating to navigation or landing he proves that he was compelled thereto by stress of weather or other circumstances over which he had no control."†
- shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

**9.** Whoever, in any case not provided for in section 8, manufactures, possesses, uses, sells, imports, or exports an aircraft in contravention of this Act or of the conditions of a license granted thereunder, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**10.** When a person is convicted of an offence punishable under this Act or \* the rules made thereunder, the Court before which he is convicted may direct that the aircraft or the thing (if any) in respect of which the offence has been committed, or any part of such thing, shall be forfeited to His Majesty.

\* The words within quotations and section 7 and 7A have been substituted by Act 15 of 1914.

† Certain words after this repealed by Act 17 of 1914 have been omitted.

**11.** Whoever abets the commission of an offence punishable under this Act, or the rules made thereunder, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punishable as if he had committed the offence.

Saving for acts done by Government or Government officers.

**12.** Nothing in this Act shall apply to the manufacture, possession, use, sale, import or export of any aircraft—

(a) by order of the Government; or

(b) by any person employed under the Government in the execution of this Act or "by" \* a public servant in the course of his employment or duty as such.

**13.** (1) The power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication.

(2) All rules made under this Act shall be published in the *Gazette of India* or the local official Gazette, as the case may be, and shall thereupon have effect as if enacted in this Act

**14.** No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Saving for acts done in good faith under Act.

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\* The words within quotations has been substituted by Act 10 of 1914.





(2) An appeal under clause (b) of sub-section (1) shall only lie on the following grounds, namely—

- (i) the decision being contrary to law or to some usage having the force of law ;
- (ii) the decision having failed to determine some material issue of law or usage having the force of law ;
- (iii) a substantial error or defect in the procedure provided by the said Act which may possibly have produced error or defect in the decision of the case upon the merits.

4. Subject to the provisions of section 38, \* the provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as may be, apply to appeals under this Act.

5. The Chief judge of the Court of Small Causes of Calcutta shall, on application, execute any order passed by the Court on appeal as if it was a decree made by himself.

6. An appeal under section 3 shall be deemed to be an appeal under the Code of Civil Procedure, 1908,† within the meaning of No. 156 of the First Schedule to the Indian Limitation Act, 1908.†

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\* Act V, 1908.

† Act IX. of 1908.

## ACT NO. XIX OF 1911.

### The Cowasjee Jahangir Baronetcy Act, 1911.

[PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.]

*Received His Excellency's Assent on the 23rd of September, 1911.*

*An Act for settling an annuity of fifty thousand rupees payable by the Secretary of State in Council of India in perpetuity and being of the value of fifteen lakhs of rupees and securities, being Promissory notes of the Government of India or Bonds of the Municipal Corporation of the City of Bombay, the Trustees of the Port of Bombay and the Trustees for the Improvement of the City of Bombay, of the nominal value of ten lakhs of rupees and producing a further annual income of about forty thousand rupees, and two Mansion-houses and hereditaments called respectively "Readymoney House" and "Fort Mansion" in the Islands of Bombay, the property of Sir Cowasjee Jahangir, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred on him by His late Majesty King Edward VII. to hold to him and the heirs male of his body lawfully begotten and to be begotten and for other purposes connected therewith.*

WHEREAS by Letters Patent of His Majesty King Edward VII. by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, dated at Westminster on or about the 16th day of July in the eighth year of His Reign, and by Warrant under the King's sign-manual, His said Majesty made known that He of His special Grace, certain knowledge and mere motion, had erected, appointed and created His trusty and well beloved Sir Cowasjee Jahangir of Bombay Knight, to the dignity, state and decree of a Baronet, and him, the said Sir Cowasjee Jahangir, for His Majestys, His heirs and successors. He 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 and the heirs male of his body lawfully begotten and to be begotten ;

and whereas the said Sir Cowasjee Jahangir is desirous of settling in perpetuity such property on himself and the heirs male of his body 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 Cowasjee Jehangir is seised of two Mansion-houses and hereditaments both situate in the Island of Bombay called respectively "Readymoney House" and "Fort Mansion" and has an absolute estate of inheritance therein and is entitled, by an indenture made the 20th day of October in the year one thousand eight hundred and seventy-seven, to an annuity of fifty thousand rupees payable by the Secretary of State in Council of India in perpetuity and being of the value of fifteen lakhs of rupees and is desirous of settling the said annuity of fifty thousand rupees and securities, being promissory notes of the Government of India or bonds of the Municipal Corporation of the City of Bombay, the Trustees of the Port of Bombay and the Trustees for the Improvement of the City of Bombay, of the nominal value of ten lakhs of rupees and producing a further annual income of about forty thousand rupees and the said Mansion houses 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 Cowasjee Jehangir is desirous that the heirs male of his body, to whom the said title and dignity of Baronet shall descend, shall descend, shall, at the time of such descent upon them respectively, take and bear the names of "Cowasjee Jehangir" 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 Accountant-General, Bombay, the Collector of Bombay and the Chief Presidency Magistrate, Bombay, all for the time being shall be trustees of the aforesaid annuity, securities, Mansion-houses and hereditaments, and be likewise the trustees for carrying into execution the general purposes and powers of this Act, with relation to the said annuity and securities and also with relation to the said Mansion-houses and hereditaments ;

and whereas the said Sir Cowasjee Jehangir is desirous of settling the said annuity and the said securities and the said Mansion-houses 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 Regulation ;

-It is hereby enacted as follows :--

Short title.

1. This Act may be called the Cowasjee Jehangir Baronetcy Act, 1911.

2. Lionel Edward Pritchard, Esquire, the Accountant-General of Bombay, Edward Little Sale, Esquire, the Collector of Bombay and Arthur Henry Southcote Aston, Esquire, the Chief Presidency Magistrate of Bombay, and their successors, and 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 Sir Cowasjee Jehangir Baronetcy," and the said Lionel Edward Pritchard, Esquire, Edward Little Sale, Esquire, and Arthur Henry Southcote Aston, Esquire, 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.

3. The heirs male of the body of Sir Cowasjee Jehangir to whom the said title and dignity shall descend, pursuant to the limitations of the Patent whereby the said dignity has been granted, shall take upon themselves respectively the names of "Cowasjee Jehangir" in lieu and in the place of any other name or names whatever; and such heirs male, severally and successively, shall be called by the names of "Cowasjee Jehangir" and by those names shall name, style and write themselves, respectively, upon all occasion whatever.

4. Immediately from and after the passing of this Act, the said annuity of fifty thousand rupees and securities, being promissory notes of the Government of India or bonds of the Municipal Corporation of the City of Bombay the Trustees of the Port of Bombay and the Trustees for the Improvement of the City of Bombay, of the nominal value of ten lakhs of rupees and producing a further annual income of about forty thousand rupees shall be assigned and 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 annuity and securities and as the said securities until such time as the same shall be discharged by the Secretary of State in Council of India or the Municipal Corporation of the City of Bombay or the Trustees of the Port of Bombay or the Trustees for the Improvement of the City of Bombay, as the case may be, or shall be sold by the said Trustees with the previous consent in writing of the person who shall for the time being in the enjoyment of the income of the said securities and on such discharge or sale to invest the sum to be received on such occasion, with the like consent of the person for the time being in the enjoyment of the said income, in or on 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 ; and in like manner, as often as the same shall become necessary, to alter, vary and change with like consent 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 said annuity of fifty thousand rupees and the dividends, interest and annual income of the said promissory notes, bonds, stocks, funds and securities unto and for the benefit of the said Sir Cowasjee Jehangir or the person who, as heir male of his body, shall for the time being have succeeded to, and be in the enjoyment of, the title of Baronet conferred by the said Letters Patent aforesaid, notwithstanding any rule of law or equity to contrary, and upon failure and in default of heirs male of the body of the said Sir Cowasjee Jehangir, to whom the same title and dignity of Baronet may descend, upon trust for the said Sir Cowasjee Jehangir, his executors, administrators and assigns, which ultimate remainder or reversion it shall be lawful for the said Sir Cowasjee Jehangir, 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 Cowasjee Jehangir, to assign, transfer, bequeath and dispose of by deed or will or other assurance or assurances.

5. 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 interest, dividends, and income of the said Trust Funds and premises in and upon stocks, funds and 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, 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.

6. The Mansion-houses and other hereditaments called respectively "Readymoney House" and "Fort Mansion" situate in the Island of Bombay, with their rights, members, and appurtenances, of which the said Sir Cowasjee Jehangir 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 Cowasjee Jehangir, for and during the term of his natural life and from and immediately after his decease upon trust for the heirs male of the body of the said Sir Cowasjee 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 Sir Cowasjee Jehangir to whom the same title and dignity of Baronet may descend as aforesaid, upon trust for the said Sir Cowasjee Jehangir, his heirs and assigns for ever, which ultimate remainder or reversion it shall be lawful for the said Sir Cowasjee Jehangir 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 Cowasjee Jehangir as aforesaid, to grant, convey, devise and dispose of by deed or will or by any other 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.

7. 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 said annuity of fifty thousand rupees and the said dividends, interest and income of the said promissory notes bonds stocks, funds and securities, or to the possession or receipt of the rents and profits of the said hereditaments of 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 "Cowasjee Jehangir" as hereinbefore enacted or in case any 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 "Cowasjee Jehangir" shall during the remainder of his respective natural life be suspended; and that, during any and every such suspension the said annuity of fifty thousand rupees and the interest, dividends and income of the said promissory notes, bonds, 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 would for the time being be entitled to succeed to the said title of Baronet next after the person so refusing or discontinuing to use the said name or in default of any such person to the person or persons who would be entitled to the same in case there had been a total failure of issue male of the said Sir Cowasjee Jehangir.

8. It shall be lawful for the said Sir Cowasjee Jehangir and Power to charge settled for any person to whom the said title of property for jointure of Baronet shall from time to time descend widow, 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 "Cowasjee Jehangir" 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 the 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 into 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 said annuity of fifty thousand rupees and the dividends, interest and annual income of the said promissory notes, bonds, 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 income; Provided always that in case any person on whom such title shall descend shall have refused or neglected to use the names of "Cowasjee Jehangir" 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 trust funds and premises notwithstanding any such limitation or appointment.

9. Provided always that the said annuity of fifty thousand rupees and the interest, dividends and annual income of the said promissory notes, bonds, 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 the said annuity of fifty thousand rupees and interest, dividends 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.

10. The said Mansion-houses and hereditaments called respectively "Readymoney House" and "Fort Mansion" with their rights, members and appurtenances, shall not be subject to any right, inheritance or estate whatsoever which the wife of the said Sir Cowasjee Jehangir, or the wives of any of the person who shall successively become entitled thereto, may or might have or claim to have in the said Mansion-houses and hereditaments under any custom or law of the Parsees, or otherwise howsoever.

11. Save as regards the ultimate remainders or reversion here in before limited in trust for the said Sir Cowasjee Jehangir, 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 Cowasjee Jehangir, 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 Cowasjee Jehangir nor any of the heirs male of his body in whose favour trusts are hereinbefore declared of the said annuity of fifty thousand rupees and the interest, dividends and annual income of the said promissory notes, bonds stocks, funds and securities or of the said Mansion-houses and hereditaments called respectively "Readymoney House" and "Fort Mansion shall transfer, dispose of, alien, convey, charge or encumber the said trust funds and premises or any part thereof, or the interest dividends and annual income thereof, or any part thereof, or the said Mansion-houses 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 "Cowasjee Jehangir", 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 body of the said Sir Cowasjee Jehangir, 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 said annuity of fifty thousand rupees and the interest, dividends and annual income of the said promissory notes, bonds, stocks, funds and securities, or of the said Mansion-houses, 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 'Cowasjee Jehangir', 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.

12. If at any time or times hereafter the said Sir Cowasjee Jehangir 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 and 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 trust funds and premises or upon such of them as shall then be subsisting and capable of taking effect; Provided always that the total amount of the promissory notes bonds, stocks, funds and securities for the time being subject to the trusts of this Act, shall at no time exceed fifty lakhs of rupees.

13. The said Mansion-houses called respectively "Ready-money House" and "Fort Mansion," and all the out-buildings and offices thereof, and also all other messuages, or 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, shall be kept 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, in such sum as the Corporation may deem adequate by, and at the expense of the person, for the time being in the enjoyment of the said title of Baronet, and in case any such person shall at any time neglect or refuse to insure the same in such amount, it shall be lawful for the Corporation to get the same insured, and to 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