

**THE  
UNREPEALED ACTS  
OF THE  
INDIAN LEGISLATURE**

**For the year 1922.**

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**CALCUTTA  
PUBLISHED BY N. D. BASU, KONNAGAR.**

1923.

*Price Re. 1—8 As.*



Printed by—A. C. Bag, at the Rasik Law Printing Works,  
21, Kenderdine Lane, Bowbazar, Calcutta.



# ACTS OF THE INDIAN LEGISLATURE

PASSED IN 1922.

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# ACT NO I OF 1922.

PASSED BY THE INDIAN LEGISLATURE.

*Received the assent of the Governor General on the 25th  
January 1922.*

## **An Act further to amend the Indian Electricity Act, 1910.**

WHEREAS it is expedient further to amend the Indian Electricity Act 1910 ; It is hereby enacted as follows :—

**1.** This Act may be called the Indian Electricity (Amendment) Act 1922.  
Short title.

**2.** For clause (i) of section 2 of the Indian Electricity Act 1910 \* (herein after referred to as the said Act), the following shall be substituted namely :—  
Amendment of section 2,  
Act IX of 1910.

“(i) ‘service line’ means any electric supply line through which energy is, or is intended to be, supplied by a licensee—

(i) to a single consumer either from a distributing main or immediately from the licensee’s premises, or

(ii) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main.”

**3.** In sub-clause (ii) of clause (a) of sub-section (2) of section 3 of the said Act for the words “General Officer Commanding the Division,” the words “Director of Military works” shall be substituted.  
Amendment of section 3  
Act IX of 1910.

**4.** In section 17 of the said Act,—

(a) in sub-section (1), for the words “not being service lines immediately attached or intended to be immediately attached to a distributing main,” the words “not being either service lines” shall be substituted ; and  
Amendment of section 17  
Act IX of 1910.

(b) in sub-section (2), after the word “laying” the words “or placing” shall be inserted and the words “underground” and “immediately attached or intended to be immediately attached to a distributing main” shall be omitted.

\* IX of 1910.



**5. In section 18 of the said Act,—**

Amendment of section 18, Act IX of 1910. (a) for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) Where any tree standing or lying near an aerial line, or where any structure or other object which has been placed or or has fallen near an aerial line subsequently to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with the conveyance or transmission of energy or the accessibility of any works, a Magistrate of the first class or, in a Presidency-town or Rangoon, the Commissioner of the Police, may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit"; and

(b) after sub-section (4), the following *Explanation* shall be added namely:—

*"Explanation.*—For the purposes of this section, the expression "tree" shall be deemed to include any shrub, hedge, jungle-growth or other plant."

Insertion of new section 19A in Act IX of 1910.

**6. After section 21 of the said Act,** the following section shall be inserted under the heading "*Supply*," namely:—

"19A. For the purposes of this Act, the point at which the supply of energy by a licensee to a consumer shall be deemed to commence shall be determined in such manner as may be prescribed."

**7. In section 20 of the said Act,—**

Amendment of section 20, Act IX of 1910.

(a) in clause (c) of sub-section (1), after the word "supply lines" the word "meters" shall be inserted and

(b) after sub-section (2), the following sub-section shall be added, namely:—

"(3) Where a consumer refuses to allow a licensee or any person authorised as aforesaid to enter his premises in pursuance of the provisions of sub-section (1) or sub-section (2), or, when such licensee or person has so entered, refuses to allow him to perform any act which he is authorised by those sub-sections to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer."

Amendment of section 21, Act IX of 1910.

**8. In section 21 of the said Act,** sub-section (2) shall be re-numbered (4), and after sub-section (1), the following sub-section shall be inserted, namely:—

"(2) Subject to the provisions of sub-section (1), a licensee may, with the previous sanction of the Local Government, given after consulting the local authority, where the licensee is not the local authority, make conditions not inconsistent with this Act or with his licence or with any rules made under this Act, to regulate his relations with persons who are or intend to become consumers, and may with the like sanction given after the like consultation add to or alter or amend any such conditions; and any conditions made by a licensee without such sanction shall be null and void :

Provided that any such conditions made before the 23rd day of January 1922 shall, if sanctioned by the Local Government on application made by the licensee before such date as the Local Government may, by general or special order, fix in this behalf, be deemed to have been made in accordance with the provisions of this sub-section.

(3) The Local Government may, after the like consultation, cancel any condition or part of a condition previously sanctioned under sub-section (2) after giving to the licensee not less than one month's notice in writing of its intention so to do."

Amendment of section 23,  
Act IX of 1910.

9. To section 23 of the said Act, the following sub-sections shall be added, namely:—

"(3) In the absence of an agreement to the contrary, a licensee may charge for energy supplied by him to any consumer—

- (a) by the actual amount of energy so supplied, or
- (b) by the electrical quantity contained in the supply, or
- (c) by such other method as may be approved by the Local Government.

(4) Any charges made by a licensee under clause (c) of sub-section (3) may be based upon, and vary in accordance with, any one or more of the following considerations, namely:—

- (a) the consumer's load factor, or
- (b) the power factor of his load, or
- (c) his total consumption of energy during any stated period, or

(d) the hours at which the supply of energy is required."

Amendment of section 24,  
Act IX of 1910.

10. In section 24 of the said Act,—  
(a) the first paragraph ending with the words "but no longer" shall be renumbered as sub-section (1), and, in that sub-section as re-numbered, for the words "other sum" where they first occur, the words "sum, other than a charge for energy," shall be substituted; and

(b) the proviso shall be re-numbered sub-section (2), and, in that sub-section as re-numbered, the words "Provided that" shall be omitted, and to the sub-section the following proviso shall be added, namely:—

"Provided that the prohibition contained in this sub-section shall not apply in any case in which the licensee has made a request in writing to the consumer for a deposit with the Electric Inspector of the amount of the licensee's charges or other sums in dispute or for the deposit of the licensee's further charges for energy as they accrue, and the consumer has failed to comply with such request."

Amendment of section 26,  
Act IX of 1910.

11. In sub-section (6) of section 26 of the said Act, the words "on the basis of the previous supply" shall be omitted, and to the sub-section the following proviso shall be added, namely:—

"Provided that, before either a licensee or a consumer applies to the Electric Inspector under this sub-section, he shall give to other party not less than seven days' notice of his intention so to do."

Amendment of section 27,  
Act IX of 1910.

12. To the third proviso to section 27 of the said Act, the following shall be added, namely:—

"unless the Local Government, after such inquiry as it thinks fit, considers that such consent has been unreasonably withheld."

Amendment of section 28,  
Act IX of 1910.

13. In sub-section (1) of section 28 of the said Act, the first proviso and the word "also" in the second proviso be omitted.

Amendment of section 30,  
Act IX of 1910.

14. I clause (b) of sub-section (1) of section 30 of the said Act,—

(a) in sub-clause (ii) for the figures "1881" the figures "1911" shall be substituted; and

(b) after sub-clause (iii), the following shall be inserted, namely:—

"or

(iv) to which the Local Government, by general or special order, declares the provisions of this sub-section to apply."

Amendment of section 33,  
Act IX of 1910.

15. For sub-sub-section (1) of section 33 of the said Act, the following sub-section shall be substituted, namely.

"(1) If any accident occurs in connection with the generation, transmission, supply or use of energy in or in connection with, any part of the electric supply-lines or other works of any person,

and the accident results or is likely to have resulted in loss of life or personal injury, "such person shall give notice of the occurrence and of any loss of life or personal injury actually occasioned by the accident, in such form and within such time and to such authorities as the Local Government may, by general or special order, direct."

Amendment of section 35, Act IX of 1910. **16.** In section 35 of the said Act, sub-section (3) shall be omitted, and sub-section (4) shall be re-numbered (3), and in sub-section (3) as re-numbered, clauses (a), (b) and (c) shall be re-numbered (b), (c) and (d), respectively, and the following shall be inserted as clause (a), namely:—

"(a) determine the number of members of which any such Board shall be constituted and the manner in which such members shall be appointed."

Amendment of section 36, Act IX of 1910. **17.** To sub-section (3) of section 36 of the said Act, the words "or, if the Governor General in Council or the Local Government, as the case may be, by general or special order, so directs, to an Advisory Board" shall be added.

Amendment of section 37, Act IX of 1910. **18.** In section 37 of the said Act,—  
(a) in clause (f) of sub-section (2), the word "and" at the end shall be omitted, and after clause (k) of the same sub-section the following shall be inserted, namely:—

"and

(l) provide for any matter which is to be or may be prescribed"; and

(b) sub-section (3) shall be re-numbered (4), and the following sub-section shall be inserted after sub-section (2), namely:—

"(3) Any rules made in pursuance of clause (f) or clause (k) of sub-section (2) shall be binding on the Crown."

Amendment of section 44, Act IX of 1910. **19.** In section 44 of the said Act,—  
(a) for the words "three hundred", and "thirty," the words "five hundred" and "fifty" respectively, shall be substituted,

(b) for the words "the existence of artificial means," the words "if it is proved that any artificial means exist" shall be substituted;

(c) for the words "shall, where," the words "and that" shall be substituted; and

(d) for the words "be *prima facie* evidence," the words "it shall be presumed, until the contrary is proved," shall be substituted.

**20.** In section 51 of the said Act, for the words "Governor General in Council" in both places where they occur, the words "Local Government" shall be substituted.

Amendment of section 51,  
Act IX of 1910.

**21.** In clause (a) of sub-section (1) of section 53 of the said Act, for the words "the Secretary in the Public Works Department," the words "such officer as the Governor General in Council or the Local Government, as the case may be, may designate in this behalf" shall be substituted.

Amendment of section  
53, Act IX of 1910.

**22.** In section 55 of the said Act, after the word and figures "section 18," the words, figures and brackets "or section 34, sub-section (2)," shall be inserted.

Amendment of section  
55, Act IX of 1910.

**23.** In sub-clause (1) of clause VI of Schedule to the said Act,—

Amendment of clause VI  
of the Schedule to Act IX  
of 1910.

(a) after the word "where" where it first occurs, the words "after distributing mains have been laid down under the provisions of clause IV or clause V and the supply of energy through those mains or any of them has commenced," shall be inserted.

(b) for the words "one hundred yards from any distributing main," the words "the area of supply" shall be substituted ;

(c) after the words "within one month from the making of the requisition," the words "or within such longer period as the Electric Inspector may allow" shall be inserted ;

(d) to clause (d) of the second proviso, the following words shall be added, namely :—

"but the licensee shall re-connect the supply with all reasonable speed on the cessation of the act or default or both, as the case may be, which entitled him to discontinue it"; and

(e) in the fourth proviso—

(i) for the words "in the event of any requisition being made for a supply of energy from any distributing main of which," the words "if any requisition is made for a supply of energy and" shall be substituted ; and

(ii) for the word "it" in clause (a), the words "the nearest distributing main" shall be substituted.

Substitution of new clause  
VII of the Schedule to Act  
IX of 1910.

**24.** For clause VII of the Schedule to the said Act, the following shall be substituted, namely :—

**"VII. The licensee shall, before commencing to lay down or place a service line in any street in which a distributing main has not already been laid down or placed, serve upon the local authority (if any) and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the service line so to be laid down or placed twenty-one days' notice stating that the licensee intends to lay down or place a service line, and intimating that, if within the said period the local authority or any five or more of such owners or occupiers require, in accordance with the provisions of the licence, that a supply shall be given for any public lamps or to their premises, as the case may be, the necessary distributing main will be laid down or placed by the licensee at the same time as the service line."**

Amendment of clause VIII of Schedule to Act IX of 1910.

**25. In sub-clause (1) of clause VIII of the Schedule to the said Act,—**

(a) after the word "where" the words "after distributing mains have been laid down under the provisions of clause IV or clause V and the supply of energy through those mains or any of them has commenced" shall be inserted ; and

(b) for the words "distance of one hundred yards from any distributing main," the words "area of supply" shall be substituted.

Amendment of clause X of Schedule to Act IX of 1910.

**26. In clause X of the Schedule to the said Act,—**

(a) the first part of the clause up to and including sub-clause (c) shall be omitted ;

(b) the first proviso shall be re-numbered sub-clause (1), and in that sub-clause as re-numbered—

(i) the words " Provided, first, that " shall be omitted, and

(ii) for the words " so approved by the Local Government," the words, figures and brackets " approved by the Local Government in accordance with section 23, sub-section (3), clause (c), of the Indian Electricity Act, 1910 " shall be substituted ;

(c) the second proviso shall be re-numbered sub-clause (2), and from that sub-clause as re-numbered the words " Provided, secondly, that " shall be omitted ; and

(d) the third proviso shall be re-numbered sub-clause (3), and from that sub-clause as re-numbered the words " Provided, thirdly, that," shall be omitted.

Amendment of clause XI of Schedule to Act IX of 1910. **27.** In the first proviso to clause XI of the Schedule to the said Act,—

(a) the words "or is satisfied" shall be omitted ; and

(b) for the words " may, after such inquiry (if any) as it thinks, fit. make an order accordingly," the following shall be substituted, namely :—

" shall refer the matter to an Advisory Board and, if the Board recommends any alteration, may make an order in accordance with such recommendation."

Insertion of new clause XIA in Schedule to Act IX of 1910.

Minimum charges.

**28.** After clause XI of the Schedule to the said Act, the following clause shall be inserted, namely :—

"**XIA.** A licensee may charge a consumer a minimum charge for energy of such amount and determined in such manner as may be specified by his licence, and such minimum charge shall be payable notwithstanding that no energy has been used by the consumer during the period for which such minimum charge is made."

Amendment of clause XVI of Schedule to Act IX of 1910.

**29.** In clause XVI of the Schedule to the said Act,—

(a) in sub-clause (1) for the words "and the approximate height above or depth," the words "and, in the case of underground works, the approximate depth " shall be substituted ;

(b) for sub-clause (2), the following shall be substituted, namely :—

" (2) Every such plan shall be drawn to such scale as the Local Government may require : provided that no scale shall be required unless maps of the locality on that scale are for the time being available to the public " ; and

(c) for sub-clause (3), the following shall be substituted, namely :—

" (3) Every such section shall be drawn to horizontal and vertical scales which shall be such as the Local Government may require."

## ACT NO. II OF 1922.

[PASSED BY THE INDIAN LEGISLATURE.]

*(Received the assent of the Governor General on the 25th January, 1922).***An Act further to amend the Indian Factories Act, 1911.**

Whereas it is expedient further to amend the Indian Factories Act, 1911\* ; It is hereby enacted as follows :—

Short title, extent and commencement. **1. (1)** This Act may be called the Indian Factories (Amendment) Act, 1922.

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

**(3)** It shall come into force on the first day of July, 1922.

Amendment of section 2, Act XII of 1911. **2.** In section 2 of the Indian Factories Act, 1911\* (hereinafter referred to as the said Act),—

**(a)** in clause (1) for the word "fourteen" the word "fifteen" shall be substituted ;

**(b)** for clause (3) the following clause shall be substituted, namely :—

"(3) 'factory' means—

**(a)** any premises wherein, or 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 electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting 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 any 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" ;

\* XII of 1911.



(c) for clauses (8) and (9), the following clause shall be substituted, namely :—

“(8) ‘week’ means the period between midnight on Saturday night and midnight on the succeeding Saturday night.”

Substitution of new  
section for section 3, Act  
XII of 1911.

3. For section 3 of the said Act, the following section shall be substituted, namely :—

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

Amendment of section 7,  
Act XII of 1911.

4. In section 7 of the said Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

“(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.’

Amendment of section 8,  
Act XII of 1911.

5. In section 8 of the said Act.—

(a) for the words “any person practising medicine or surgery,” the words ‘any registered practitioner’ shall be substituted ;

(b) in the proviso for the words “after the first date” to the end of the section, the words “for a period of more than three months” shall be substituted ;

(c) after the proviso, the following *Explanation* shall be added, namely :—

21 & 22 Vict., C, 90.

“*Explanation*—In this section the expression registered practitioner, 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 Local Government, by notification in the local official Gazette, to be a registered practitioner for the purposes of this section.’

Insertion of new section  
8A in Act XII of 1911.

6 After section 8 in Chapter II of the said Act the following section shall be inserted, namely :—

Compulsory medical  
examination.

"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 certifying surgeon or by a registered practitioner authorised by a certifying surgeon in this behalf.

Amendment of section 9,  
Act XII of 1911.

7, To section 9 of the said Act, the following clause shall be added, namely :—

(d) the atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the persons employed therein,"

Amendment of section 18,  
Act XII of 1911

8. In 'clause (c) of sub-section (1) of section 18 of the said Act, after the word "machinery," the words "and electrical fittings including live wires and switches" shall be inserted.

Insertion of new section  
18A in Act XII of 1911.

9 After section 18 of the said Act, the following section shall be inserted, namely :—

Repairs to buildings or  
machinery.

" 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 repaired or altered."

Insertion of new sections  
19A and 19B in Act XII of  
1911.

10. After section 19 of the said Act, the following sections shall be inserted, namely :—

Power to prohibit presence  
of children in factories.

"19 A. Where, in the opinion of the Inspector, the presence in any factory or any part thereof 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 writing prohibiting the admission of such children to the factory or part thereof.

Prohibition of employment of women and persons under eighteen years in certain processes.

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 operation involving the use of lead compounds."

Amendment of section 20, Act XII of 1911.

11. In the proviso to section 20 of the said Act, after the word "roof," the words "or to such height as the Inspector may, in any particular case, specify" shall be inserted.

Substitution of new section for section 21, Act XII of 1911.

12. For section 21 of the said Act, the following section shall be substituted, namely:—

Rest periods in factories.

"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

(ii) at the request of the employees 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

(b) for each child working more than five and a half hours in any day, a period of rest of not less than half an hour.

(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.

Amendment of section 22, Act XII of 1911.

13. The clause (b) of sub-section (1) of section 22 of the said Act, the following proviso shall be added namely :—

"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."

Amendment of section 23,  
Act XII of 1911.

14. (1) In clause (a) of section 23 of the said Act, for the word "nine" the word "twelve" shall be substituted.

(2) In clause (c) of section 23 of the said Act, for the word "seven" the word "six" shall be substituted.

(3) The provisions of clause (a) of section 23 of the said Act, as hereby amended, shall not apply to any child lawfully employed in a factory on or before the first day of July, 1921.

Amendment of section 25,  
Act XII of 1911.

15. In section 25 of the said Act, after the word "child" the words "or, save in such circumstances as may be prescribed, any other person" shall be inserted.

Amendment of section 26,  
Act XII of 1911.

16. In section 26 of the said Act for the work "woman or child" and the words "woman and child" the word "person" shall be substituted.

Substitution of new  
section for section 27,  
Act XII of 1911.

17. For section 27 of the said Act, the following sections shall be substituted, namely :—

Limitation of working  
hours per week.

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

Limitation of working  
hours per week.

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

Substitution of new Chap-  
ter for Chapter V, Act XII  
of 1911.

18. For Chapter V of the said Act, the following Chapter shall be substituted, namely :—

## "CHAPTER V.

### EXCELTIONS,

Exceptions for persons  
holding positions of super-  
vision, etc.

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,

Exemptions.

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

necessarily 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, cannot 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 on such conditions, if any, as it may impose—

in case (a) such class of work 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 the provisions of section 22.

(2) The Local Government may, by general or special order, exempt for such period as may be specified in the order and on 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 section 28 shall apply to work on urgent repairs,

31. Where, under the provisions of sub-section (1) of section 30, 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 week 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,

Special exemptions for Indigo, tea and coffee factories.

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."

**19.** In sub-section (1) of section 33 of the said Act, for clauses (a) and (b), the words "on or before the date on which the factory commences working as such" shall be substituted.

Amendment of section 33,  
Act XII of 1911.

Substitution of new section  
for section 35, Act XII of  
1911.

**20.** For section 35 of the said Act, the following section shall be substituted, namely :—

Register of workers.

"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,"

Amendment of section 36,  
Act XII of 1911.

**21.** In section 36 of the said Act,—

(a) for clause (b) of sub-section (1), the following shall be substituted, namely :—

"(b) the periods of rest fixed under section 21";

(b) in clause (d) of sub-section (1), for the words "women and children, respectively, if not employed in shifts," the words "all persons employed" shall be substituted;

(c) after clause (a) of sub-section (1), the following shall be inserted, namely :—

"(e) the weekly holidays fixed under section 22."

Amendment of section 37,  
Act XII of 1911.

**22.** In sub-section (2) of section 37 of the said Act,—

(a) in clause (g) after the word "ventilation," the words "and artificial humidification" shall be inserted;

(b) in clause (j), after the word "machinery," the words "and electrical fittings" shall be inserted;

(c) after clause (j), the following clause shall be inserted, namely:—

"(j) the definition of 'person' under section 29 who shall be deemed to be persons holding positions of supervision or management or persons employed in a confidential capacity."

Insertion of new section  
38 A in Act XII of 1911.

**23.** After section 38 of the said Act, the following section shall be inserted, namely:—

Rules for prevention of  
anthrax.

"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."

**24.** In section 39 of the said Act,—

Amendment of section 39,  
Act XII of 1911.

(a) in sub-section (7) for the word and figures "section 38," the words and figures "section 38 and 38A" shall be substituted;  
(b) in sub-section (a), for the words and figures "sections 37 and 38," the words and figures "sections 37, 38 and 38A" shall be substituted.

**25.** In section 41 of the said Act,—

Amendment of section 41,  
Act XII of 1911.

(a) in clause (f), for the words "machinery or boilers," the words "machinery, electrical fittings or boilers" shall be substituted;

(b) in clause (g), for the words and figures "or section 18," the words and figures "section 18, section 18A or 19B" shall be substituted;

(c) for the words "two hundred," the words "five hundred" shall be substituted.

Amendment of section 43,  
Act XII of 1911.

**26.** In section 43 of the said Act, for the words "two hundred" the words "five hundred" shall be substituted.

Insertion of new section  
43A in Act XII of 1911.

**27.** After section 43 of the said Act, the following section shall be inserted, namely:—

Power of Court to pay  
compensation out of fine.

"43A. Where under this Act a Criminal Court imposes a fine or confirms in appeal, revision or otherwise, a sentence of fine in respect of an offence 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 his 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."

Amendment of section  
48, Act XII of 1911.

**28.** In section 48 of the said Act, at the end of sub-section (2), the words and figures "or section 44" shall be added.

Amendment of section  
50, Act XII of 1911.

**29.** In section 50 of the said Act,—

(a) in sub-section (i), for the words and figures "or section 18," the words and figures "section 18, section 18A or section 19A" shall be substituted ;

(b) after sub-section (3), the following sub-section shall be inserted, namely :—

"(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."

**30.** In sub-section (2) of section 51 of the said Act, for the words and figures "section 24, clause (a) and section 29," the words and figures "and section 24, clause (a)" shall be substituted.

**31.** In section 52 of the said Act, for the words and figures "section 28 and section 32," the words and figures "section 27, section 28 and section 31" shall be substituted.

**32.** For Schedules I and II to the said Act, the Schedule contained in Schedule I to this Act shall be substituted.

**33.** The provisions of the said Act specified in Schedule II are hereby repealed to the extent shown in the second column thereof.

Repeals,

## SCHEDULE I.

SCHEDULE TO BE SUBSTITUTED IN THE INDIAN FACTORIES ACT, 1911.

(See Section 32.)

"THE SCHEDULE.

(See Section 19B.)

## PART I.

I. Work at a furnace where the reduction or treatment of zinc or lead ores is carried on :



2. The manipulation, treatment, or reduction of ashes containing lead, the desilverising 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 ;

6. The cleaning 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 undergo 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 protective clothing in a clean condition shall be provided by the employer and worn 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."

## SCHEDULE II.

(See section 33.)

### REPEALS.

Section 2	...	...	... Clause (4).
Section 22	...	...	... Sub-sections (2), (3) and (4).
Section 36	...	...	... Sub-section (4).
Section 38	...	...	... The words "from to time."
Section 55	...	...	... The whole.
Section 59	...	...	... Ditto.



## THE SCHEDULE.

## ENACTMENTS REPEALED.

(See section 3.)

Year.	No.	Short title.	Extent of repeal.
<i>Madras and Bengal Regulations.</i>			
1804	X	The Bengal State Offence Regulation, 1804.	So much as has not been repealed.
1808	VII	The Madras State Offences Regulation, 1808.	So much as has not been repealed.
<i>Acts of the Governor General in Council.</i>			
1857	XI	The State Offences Act, 1857.	So much as has not been repealed.
"	XXV	The Forfeiture Act, 1857.	So much as has not been repealed.
1872	IV	The Punjab Laws Act 1872.	So much of the First Schedule as relates to the Bengal State Offences Regulation, 1804.
1874	XV	The Laws Local Extent Act, 1874.	So much of the First, Second, Fourth and Fifth Schedules as relates to the Bengal State Offences Regulation, 1804, the Madras State Offences Regulation, 1808, the State Offences Act, 1857. and the Forfeiture Act, 1857.
1875	XX	The Central Provinces Laws Act, 1875.	So much of the Schedule as relates to the Bengal State Offences Regulation, 1804.
1876	XVIII	The Oudh Laws Act, 1876.	So much of the Second Schedule as relates to the Bengal State Offences Regulation, 1804.
1891	XII	The Amending Act, 1891.	So much of the Second Schedule as relates to the Forfeiture Act, 1857.
1894	XIII	The Amending (Army) Act, 1894.	So much of the Second Schedule as relates to the Madras State Offences Regulation, 1808.
1897	V	The Amending Act, 1897.	So much of the Third Schedule as relates to the Bengal State Offences Regulation, 1804.

THE SCHEDULE—*contd.*ENACTMENTS REPEALED—*contd.*(See section 3)—*contd.*

Year.	No.	Short title.	Extent of Repeal.
<i>Acts of the Governor General in Council—contd.</i>			
1897	XIV	The Indian Short Titles Act, 1897.	So much of the Schedule as relates to the State Offences Act, 1857, and the Forfeiture Act, 1857.
1898	XIII	The Burma Laws Act, 1898.	So much of the First Schedule as relates to the State Offences Act, 1857, and the Forfeiture Act, 1857.
1915	IV	The Defence of India (Criminal Law Amendment) Act, 1916.	The whole.
1916	II	The Defence of India (Amendment) Act, 1916.	The whole.
1919	XI	The Anarchical and Revolutionary Crimes Act, 1919.	The whole.
<i>Regulations by the Governor General in Council.</i>			
1872	III	The Sonthal Parganas Settlement Regulation, 1872.	So much of the Schedule as relates to the Bengal State Offences Regulation, 1804.
1877	III	The Ajmere Laws Regulations, 1877.	So much of the Second Schedule as relates to the Bengal State Offences Regulation, 1804.
1895	I	The Kachin Hill-tribes Regulation, 1895.	So much of the Schedule as relates to the State Offences Act, 1857.
1896	V	The Chin Hills Regulation, 1896.	So much of the Schedule as relates to the State Offences Act, 1857.
1901	VII	The North-West Frontier Province Law and Justice Regulation, 1901.	So much of the Second Schedule as relates to the Bengal State Offences Regulation, 1804.
1913	II	The British Baluchistan Laws Regulation, 1913.	So much of the First Schedule as relates to the State Offences Act, 1857.
1916	I	The Arakan Hill District Laws Regulation, 1916.	So much of the First Schedule as relates to the State Offences Act, 1857.

**ACT NO. VI OF 1922.**

[PASSED BY THE INDIAN LEGISLATURE.]

*(Received the assent of the Governor General on the 1st March, 1922.)***An Act further to amend the Indian Lunacy Act, 1912.**

WHEREAS it is expedient further to amend the Indian Lunacy Act, 1912 ;\* It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Lunacy (Amendment) Act, 1922.

Amendment of section 3, Act IV of 1912.

2. In section 3 of the Indian Lunacy Act,\* (hereinafter referred to as the said Act)—

(a) in clause (1), after the word "asylum" where it occurs for the second time, the words "or mental hospital" shall be inserted ; and

(b) to clause (2) the following shall be added, namely :—

"together with any other charges specified in this behalf by the Governor General in Council, in exercise of any power conferred upon him by this Act."

Amendment of section 84, Act IV of 1912.

3. To section 84 of the said Act, the following words shall be added, namely :—

"if it is satisfied that provision has been or will be made for the curative treatment therein of persons suffering from mental diseases."

Insertion of new section 84A in Act IV of 1912.

4. After section 84 of the said Act, the following section shall be inserted, namely :—

Power to cancel licence if provision for curative treatment is insufficient.

"84A. If in any licensed asylum no provision for curative treatment has been made, or the Local Government considers that the provision made is insufficient, the Local Government may require the person in charge of the asylum to take such measures for making or supplementing such provision as it may deem necessary, and, if such person does not comply with the requisition within a reasonable time, the Local Government may revoke the licence."

Insertion of new sections  
89A. and 89B. in Act IV  
of 1912.

5. After section 89 of the said Act. the following sections shall be inserted namely :—

Fixation of cost of main-  
tenance.

“89A. The Governor General in Council may, by general or special order, prescribe the amount payable on account of the cost of maintenance of lunatics detained in any asylum for the cost of whose maintenance any Local Government is liable, and the proportions in which such amount shall be payable respectively by the Local Governments so liable. Any such amount may include charges on account of the upkeep of the asylum and of the capital cost of the establishment of the asylum.

Incidence of costs of  
maintenance payable by  
Government.

89B. (1) When under the provisions of this Act the cost of the maintenance of a lunatic is payable by the Government, then such cost shall be payable—

- (a) in the case of a lunatic not domiciled in British India, by the Local Government of the province in which the reception order or the order under section 25, as the case may be, was made ; and
- (b) in the case of a lunatic domiciled in British India, by the Local Government of the province in which the lunatic has last resided for a period of five years before the reception order or the order under section 25, as the case may be, was made ; or, if the lunatic has not been resident in any one province for such period, by the Local Government of the province in which such order was made.

(2) If any question arises as to the incidence of the cost of maintenance of any lunatic under subsection (1), the question shall be referred to the Governor General in Council, and his decision thereon shall be final.’

## ACT NO. V OF 1922.

[PASSED BY THE INDIN LEGISLATURE.]

*(Received the assent of the Governor General on the 22nd  
February, 1922.)*

### An Act to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908.

Whereas it is expedient that certain provisions of the Indian Criminal Law Amendment Act 1908\* should be repealed ; It is hereby enacted as follows :—

\* XIV of 1908.

Short title.

1. This Act may be called the Indian Criminal Law Amendment Repealing Act, 1922.

Extent.

2. The repeal of an enactment by this Act shall have effect in every part of British India, including the Sonthal Parganas, in which the enactment was in force at the date of the commencement of this Act, and any notification, made under any law for the time being in force, whereby any such enactment has been declared to be in force in, or applicable to, or has been extended to any such part, shall on and from that date be deemed to have been cancelled in so far as it relates to that enactment.

Repeals.

3. Sub-section (3) of section 1 and the whole of Part I of, and the Schedule to the Indian Criminal Law Amendment Act, 1908,\* and so much of the First Schedule to the Devolution Act, 1920,† as relates to sub-section (3) of section 1 and to sub-section (1) of section 2 of the Indian Criminal Law Amendment Act, 1908,\* are hereby repealed.

## ACT NO. VII OF 1922.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th March, 1922).

### An Act to amend the law relating to emigration.

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

#### CHAPTER I.

##### PRELIMINARY.

Short title and extent.

1. (1) This Act may be called the Indian Emigration Act, 1922.

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

Definitions.

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

(a) "dependent" means any woman or child who is related to an emigrant and any aged or incapacitated relative of an emigrant ;

- (b) "emigrant" means any person who emigrates or has emigrated or who has been registered as an emigrant under this Act, and includes any dependent of an emigrant, but does not include—
- (i) any person emigrating to a country in which he has resided for not less than five years or the wife or child of such person, or
  - (ii) the wife or child of any person who has lawfully emigrated when such wife or child departs for the purpose of joining such person ;
- (c) "emigrate" and "emigration" mean the departure by sea out of British India of—
- (i) any person who departs under an agreement to work for hire in any country beyond the limits of India and
  - (ii) any person who is assisted to depart, otherwise than by a relative if he departs, for the purpose or with the intention of working for hire or engaging in agriculture in any country beyond the limits of India ;
- (d) "prescribe" means to prescribe by rules made under this Act ;
- (e) "work," with its grammatical variations means skilled or unskilled work ;
- (f) "skilled work" means—
- (i) working as an artisan ; or
  - (ii) working as a clerk or shop assistant; or
  - (iii) working for the purpose of any exhibition or entertainment; or
  - (iv) service in any restaurant, tea-house, or other place of public resort; or
  - (v) domestic service; or
  - (vi) any other occupation which the Governor General in Council may, by notification in the Gazette of India, declare to be skilled work ;
- (g) "unskilled work" includes engaging in agriculture.
- (2) In case of any doubt or dispute arising otherwise than in the course of any legal proceedings as to whether—
- (a) any person is an emigrant ; or
  - (b) any work is skilled or unskilled, or
  - (c) any person has been assisted otherwise than by a relative, within the meaning of this Act, the question shall be determined by such person and in such manner as the Local Government may prescribe, and such determination shall be final.



## CHAPTER II.

## PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

**3. (1)** Subject to the control of the Governor General in Council, the Local Government may appoint a person to be the Protector of Emigrants for any port situate within the territories administered by it from which emigration is lawful.

**(2)** The Local Government may define the area to which the authority of a Protector of Emigrants so appointed shall extend.

**(3)** Every Protector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

**4.** Every Protector of Emigrants, in addition to the special duties assigned to him by or under this Act, shall—

- (a)** protect and aid with his advice all emigrants ;
- (b)** cause, so far as he can, all the provisions of this Act and of the rules made thereunder to be complied with ;
- (c)** inspect, at the time of arrival, to such extent and in such manner as the Local Government may prescribe, vessels bringing return emigrants to the port for which he is Protector ;
- (d)** inquire into the treatment received by return emigrants both during the period of their residence in the country to which they emigrated, and also during the return voyage, and report thereon to the Local Government ;
- (e)** aid and advise return emigrants so far as he reasonably can ; and
- (f)** on being satisfied that any person intending to depart by sea out of British India, comes within one of the classes expressly excluded from the definition of emigrant in section 2, furnish such person with a certificate to the effect that such person is not an emigrant for the purpose of this Act.

**5. (1)** In any specified area where there is not a Protector or Emigrants, the Local Government, subject to the control of the Governor General in Council, may appoint any person to perform all or any of the duties of a Protector of Emigrants under this Act.

**(2)** Every person so appointed shall be public servant within the meaning of the Indian Penal Code.\*

Appointment of Medical Inspectors.

6. (1) The Local Government may appoint one or more Medical Inspectors of Emigrants at any port from which emigration is lawful or at any other place, and, where more than one are appointed, may apportion their respective duties.

(2) Every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.\*

Agents in foreign countries.

7. The Governor General in Council may, for the purpose of safeguarding the interests of emigrants in any place outside British India, appoint persons to be agents in such places, and may define their powers and duties.

Advisory Committees.

8. The Local Government may, for the purpose of assisting any Protector of Emigrants appointed by it or any person appointed by it under section 5, constitute an Advisory Committee in such manner as it may think fit, and may prescribe the procedure to be followed and the functions to be performed by such committee.

### CHAPTER III.

#### EMIGRATION FOR THE PURPOSE OF UNSKILLED WORK.

9. (1) Emigration, for the purpose of unskilled work, shall not be lawful except from the ports of Calcutta, Madras, Bombay, Karachi, Negapatam, Tuticorin and Dhanuskhodi and from such other ports as the Governor General in Council may, by notification in the Gazette of India, declare to be ports from which such emigration is lawful.

(2) The Local Government may, by notification in the local official Gazette, fix for the purposes of this Act the limits of any port from which such emigration is lawful.

10. (1) Emigration, for the purpose of unskilled work, shall not be lawful except to such countries and on such terms and conditions as the Governor General in Council, by notification in the Gazette of India may specify in this behalf.

(2) No notification shall be made under sub-section (1) unless it has been laid in draft before both Chambers of the Indian

Legislature and has been approved by a resolution of each Chamber, either without modification or addition, or with modifications and additions to which both Chambers agree, but, upon such approval being given, the notification may be issued in the form in which it has been so approved.

**11. (1)** Where the Governor General in Council has reason to believe that in any country to which emigration for the purpose of unskilled work is lawful plague or any other epidemic disease dangerous to human life has broken out, and that emigrants if allowed to emigrate to that country would be exposed to serious risk to life on arrival there, he may, by notification in the Gazette of India, declare that emigration to that country for the purpose of unskilled work shall cease to be lawful.

(2) Where a Local Government has reason to believe that such a state of affairs as is described in sub-section (1) exists in any country to which emigration for the purpose of unskilled work is lawful, it may, by notification in the local official Gazette, declare that emigration to that country for the purpose of unskilled work from any port in the territories administered by it shall cease to be lawful pending a reference to the Governor General in Council.

(3) The Local Government publishing a notification under sub-section (2) shall forthwith report such notification in the Gazette of India confirming or cancelling the notification published by the Local Government.

**12.** Where the Governor General in Council is satisfied that the ground on which a notification under sub-section (1) of section 11, or a notification under sub-section (3) of section 11 confirming a notification of a Local Government has been made with respect to any country, has ceased to exist, he may, by notification in the Gazette of India, declare that emigration to that country for the purpose of unskilled work shall again be lawful from a date to be specified in the notification.

**13. (1)** The Governor General in Council may by notification in the Gazette of India, prohibit, from a date, and for reasons, to be specified in the notification, all persons or any specified class of persons from emigrating to any specified country from the territories under the administration of any Local Government or any specified part thereof, for the purpose of unskilled work.

(2) Every notification issued under this section shall be laid before both Chambers of Indian Legislature as soon as may be after it is made.

**14.** A notification under section 10, section 11, section 12 or section 13 shall not affect any act done, offence committed; or legal proceeding commenced before the date on which such notification takes effect.

## CHAPTER IV.

### EMIGRATION FOR THE PURPOSE OF SKILLED WORK.

**15.** Emigration, for the purpose of skilled work, shall not be lawful except from a port from which emigration for the purpose of unskilled work is lawful and from such other ports as the Governor General in Council may, by notification in the Gazette of India, specify in this behalf.

Ports from which emigration of skilled workers is lawful.

**16.** (1) Whoever desires to engage, or to assist, any person to emigrate for the purpose of skilled work shall apply for the permission of the Local Government having jurisdiction at the port from which such person is to depart, and shall state in this application—

- (a) the number of persons whom he proposes so to engage or assist;
- (b) the place beyond the limits of India to which each such person and his dependents are to proceed;
- (c) the accommodation to be provided for each such person and his dependents until their departure out of India and during the voyage.

(2) Whoever desires to engage any person for the purpose described in sub-section (1) shall, in addition to the information which he is required by that sub-section to supply in his application, further state therein—

- (a) the provision to be made for the health and well-being of such person and his dependents during the period of the proposed engagement and for their repatriation at the end of such period;
- (b) the terms of the agreement under which such person is to be engaged;
- (c) the security in British India which he proposes to furnish for the due observance of such agreement and for the proper treatment of the person to be engaged and his dependents.

Applications how to be disposed.

**17.** On receiving an application under section 16, the Local Government may, after such inquiry as it may deem necessary, grant the permission applied for on such terms and conditions (if any) and on payment of such fees (if any) as it thinks fit or withhold such permission, and the decision of the Local Government shall be final.

**18.** (1) Before any person departs from British India in accordance with permission granted under section 17, the person by whom he has been engaged or assisted shall appear in person or by his duly authorised agent before the Protector of Emigrants at the port of embarkation with such first-mentioned person and with any persons intending to accompany him as his dependents.

Appearance of engaged persons before, and registration of names by, Protector of Emigrants.

(2) If it appears to the Protectors of Emigrants

- (a) that permission to engage or assist such person has been duly obtained,
- (b) in the case of an engagement, that the terms of the agreement under which such person has been engaged are in accordance with the terms of the permission granted and are understood by him, and
- (c) that the conditions on which the permission was granted have been complied with,

he shall register in a book to be kept for the purpose such particulars concerning the person engaged or assisted and his dependents (if any) and concerning the person engaging or assisting him and in such form, as the Local Government may prescribe.

**19.** Where such security as is referred to in sub-section (2) of section 16 has been furnished, the Local Government may, at any time after making such inquiry as it may deem necessary, pass orders in regard to the forfeiture of the security in whole or in part and the application of the same or any part thereof, and, on the expiry of the period to which the agreement relates and on being satisfied that that no ground exists for forfeiting the security in whole or in part, order the return of the security or of any part thereof to the person by whom it was furnished or to his representative.

Provisions as to security.

Delegation to Protector of Emigrants of authority to receive or dispose of applications.

**20.** The Local Government may, by notification in the local official Gazette, authorise a Protector of Emigrants to receive and dispose of applications made under this Chapter:

Provided that an appeal shall lie to the Local Government from every order passed by a Protector of Emigrants in exercise of the authority so conferred.

**21. (1)** Where the Governor General in Council has reason to believe that sufficient grounds exist for prohibiting emigration of skilled workers to any country, he may, by notification in the Gazette of India, declare that such emigration to that country shall cease to be lawful from a date specified in the notification; and from that date such emigration to that country shall accordingly cease to be lawful.

Power to prohibit emigration of skilled workers.

(2) Every notification issued under this section shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made.

**22.** Nothing in this Chapter shall apply in any case in which a person engages another to accompany him out of India as his personal domestic servant.

Saving.

## CHAPTER V.

### RULES.

**23.** Subject to the control of the Governor General in Council, the Local Government may, by notification in the local official Gazette, make rules consistent with this Act to prescribe the person by whom any doubt or dispute referred to in sub-section (2) of section 2 shall be determined and the procedure to be followed and the proof to be required in such cases, and to provide for any other matter which the Local Government is by this Act empowered to prescribe.

Power of Local Government to make rules.

**24. (1)** The Governor General in Council may, by notification in the Gazette of India, and after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

Power for the Governor General in Council to make rules.

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

(a) the powers and duties of the several officers appointed by the Governor General in Council under this Act;

(b) the licensing, supervision and control of all persons employed in British India in connection with the inducement of persons to emigrate and with the conveyance and accommodation of persons so induced;

- (c) the establishment, supervision and regulation of any places of accommodation provided for emigrants and for their medical care while resident there ;
- (d) the forms to be maintained and the returns to be submitted by persons licensed in accordance with rules framed under clause (b) ;
- (e) the information to be furnished by persons licensed in accordance with rules framed under clause (b) to emigrants and the language in which such information is to be furnished ;
- (f) the production and examination of emigrants before District Magistrates or such other authorities as may be appointed in this behalf ;
- (g) the age below which persons of either sex may not emigrate except as dependents ;
- (h) the accommodation, the provisions, fuel and other necessities, the medical stores and staff, the life-saving and sanitary arrangements, and the records to be maintained on any ship specially chartered for the transport of emigrants :
- (i) the reception and the despatch to their homes of return emigrants ;
- (j) the fees, if any, payable by Emigration Agents to Protectors of Emigrants for each emigrant departing from India ; and
- (k) generally, the security, well-being and protection of emigrants both up to the date of their actual departure from India and on their return to India.

## CHAPTER VI.

### OFFENCES

Unlawful emigration or inducement to emigrate.

25. (1) Whoever, except in conformity with provisions of this Act or of the rules made under this Act, emigrates or attempts to emigrate shall be punishable with fine which may extend to fifty rupees.

(2) Whoever, except in conformity with the provisions of this Act or of the rules made under this Act,—

- (a) makes, or attempts to make, any agreement with any person purporting to bind that person, or any other person, to emigrate, or
- (b) induces, or attempts to induce, any person to emigrate or to attempt to emigrate or to leave any place for the purpose of emigrating, or

- (c) causes any person engaged or assisted by him, after grant of the permission referred to in section 17, to depart by sea out of British India without registration of the particulars required by sub-section (2) of section 18,

shall be punishable with fine, which may extend to five hundred rupees.

(3) If any person commits an offence under this section, any police-officer may arrest him without warrant.

**26.** Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any person to emigrate, or enter into any agreement to emigrate, or leave any place with a view to emigrating, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

False representation of Government authority.

**27.** Whoever falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government shall be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to five hundred rupees, or with both.

Sanction to prosecutions.

**28.** No prosecution shall be instituted for any offence under this Chapter except with the sanction of a Protector of Emigrants or of a person appointed under section 5 and empowered in this behalf or, where there is no Protector or person so appointed and empowered, of the District Magistrate :

Provided that no sanction shall be required when an offence has been committed in respect of an emigrant or an intended emigrant and the complaint is filed by such emigrant, or intended emigrant or, on behalf of such emigrant or intended emigrant, by the father, mother, husband, wife or guardian of such emigrant or intended emigrant or, if such emigrant or intended emigrant is a member of a joint Hindu family, by the manager of that family.

Power for Customs-office to search and detain for purposes of Act.

**29.** All the powers for the time being conferred by law on officers of sea-customs with regard to the searching and detention of vessels or otherwise for the prevention of smuggling on board thereof, may be exercised by those officers for the prevention of offences against this Act.



## CHAPTER VII.

## SUPPLEMENTAL.

Prohibition of departure by land under an agreement to work for

work for hire, or when

hire in some country beyond the sea.

country beyond the sea, is prohibited.

**30.** (1) The departure by land out of British India of any person under, or with a view to entering into, an agreement to

otherwise than by a relative, so to depart for the purpose or with the intention of working for hire or engaging in agriculture, in any

(2) Whoever departs, or attempts to depart, by land out of British India in contravention of this section, shall be deemed to have committed an offence under sub-section (1) of section 25.

(3) Whoever induces, or attempts to induce, any person to depart by land out of British India in contravention of this section shall be deemed to have committed an offence under sub-section (2) of section 25.

## CHAPTER VIII.

## SAVINGS AND REPEAL.

Application of Act.

British India of—

**31.** Nothing in this Act shall be deemed to apply to the departure out of

(i) any person who is neither of Indian parentage nor a subject of a State in India, or

(ii) any person enrolled under the Indian Army Act,\* 1911,

Saving.

**32.** Notwithstanding any thing contained in this Act, the provisions of this Act shall not apply for a period of twelve months from the date of the commencement of this Act to persons emigrating to Ceylon, the Straits Settlements or any protected Native State adjoining the Straits Settlements.

Repeal.

**33.** The Indian Emigration Act, 1908, is hereby repealed.

\* VIII of 1911.

† XVII of 1908.

**ACT NO. VIII OF 1922.**

[PASSED BY THE INDIAN LEGISLATURE.]

*(Received the assent of the Governor General on the 5th March, 1922.)*

**An Act to establish and incorporate a unitary teaching and residential University at Delhi.**

Whereas it is expedient to establish and incorporate a unitary teaching and residential University at Delhi; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Delhi University Act, 1922.

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

Definitions.

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

- (a) "College" means an institution maintained or recognized by the University in accordance with the provisions of this Act, in which instruction is provided under conditions prescribed in the Statutes, and in which provision is made for residence of students of the University;
- (b) "Hall" means a unit of residence for students of the University maintained or recognized by the University in accordance with the provisions of this Act;
- (c) "Patron of the University" means a person who has made a donation of not less than one lakh of rupees to the funds of the University, and has been declared by the Chancellor to be a Patron of the University;
- (d) "Principal" means the head of a College;
- (e) "registered graduate" means a graduate registered under the provisions of this Act;
- (f) "Statutes," "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (g) "teachers" includes Professor, Readers, Lecturers and other persons imparting instruction in the University or in any College or Hall;
- (h) "teachers of the University" means persons appointed or recognized by the University under the provisions of

this Act for the purpose of imparting instruction in the University or any College ;

(i) " University " means the University of Delhi ;  
and

(i) " Warden " means the head of a Hall.

### *The University.*

The University.

3. (1) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the University of Delhi."

(2) The University shall have perpetual succession and a Common Seal, and shall sue and be sued by the said name.

Powers of the University.

4. The University shall have the following powers, namely :—

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge,

(2) to hold examinations and to grant to, and confer degrees and other academic distinctions on persons who—

(a) have pursued a course of study in the University, or

(b) are teachers in educational institutions,

under conditions laid down in the Ordinances and Regulations, and have passed the examinations of the University under like conditions,

(3) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes,

(4) to grant such diplomas to, and to provide such lectures and instruction for persons not being members of the University, as the University may determine,

(5) to co-operate with other University and authorities in such manner and for such purposes as the University may determine,

(6) institute Professorships, Readerships, Lecturerships and any other teaching posts required by the University,

(7) to appoint or recognize person as Professors, Readers or Lecturers, or otherwise as teachers of the University,

(8) to institute and award Fellowships, Scholarships, Exhibitions and Prizes in accordance with the Statutes and the Regulation,

(9) to maintain Colleges and Halls to recognize Colleges and Halls not maintained by the University, and to withdraw such recognition,

(10) to demand and receive payment of such fees and other charges as may be authorised by the Ordinances,

(11) to supervise and control the residence and discipline of students of the University, and to make arrangement for promoting their health and general welfare.

(12) to make grants from the funds of the University for the maintenance of the University corps of the Indian Territorial Force, and

(13) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning.

5. (1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond a radius of 10 miles from the Convocation Hall of the University, and, notwithstanding anything in any other law for the time being in force, no educational institution beyond that limit shall be associated with or admitted to any privileges of the University :

Provided that nothing in this sub-section shall apply to any agricultural or other technical institution established or maintained in connection with the University with the sanction of the Governor General in Council.

(2) Notwithstanding anything in any other law for the time being in force, no educational institution within the afore-mentioned limit shall be associated in any way with or be admitted to any privileges of any other University incorporated by law in British India, and any such privileges granted by any such other University to any educational institution within that limit prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act :

Provided that the Governor General in Council may, by order in writing, direct that the provisions of this sub-section shall not apply in this case of any institution specified in the order.

6. The University shall be open to all persons of either sex and of whatever race, creed or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or student, or to hold any

University open to all  
classes, castes and creeds.

office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where such test is specially prescribed by the Statutes, or, in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction :

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those not unwilling to receive it by persons (whether teachers of the University or not) approved for that purpose by the Executive Council.

7. (1) All recognized teaching in connection with the University courses shall be conducted under the control of the Academic Council by teachers of the University, and shall include lecturing laboratory work and other teaching conducted in accordance with any syllabus prescribed by the Regulations.

(2) Every teacher of the University shall be attached to a College, and at least one such teacher shall be attached to each College.

(3) The authorities responsible for organizing such teaching shall be prescribed by the Statutes.

(4) The courses and curricula shall be prescribed by the Ordinances and, subject thereto, by the Regulations.

(5) Save as otherwise expressly provided by this Act, it shall not be lawful for the University or any College to maintain classes, after the expiration of five years from the commencement of this Act, for the purpose of preparing students for admission to the University save with the sanction of the Governor General in Council and during such period as he may direct, or at any time to frame courses, conduct examinations or recognise institutions for the purpose of preparing or testing students for admission to the University save with such sanction and during such period.

*Officers of the University.*

8. The following shall be the officers of the University :—

- I—The Chancellor,
- II—the Pro-Chancellor,
- III—the Vice-Chancellor,
- IV—the Rector,
- V—the Treasurer,
- VI—the Registrar,
- VII—the Deans of the Faculties, and
- VIII—such other persons in the service of the University as may be declared by the Statutes to be officers of the University.

**9. (1)** The Chancellor shall be the Governor General. He shall by virtue of his office be the head of the University and the President of the Court, and shall, when present, preside at meetings of the Court and at any Convocation of the University.

(2) The Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University: its buildings, laboratories, equipment, and of any institutions associated with the University, and also of the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.

(3) The Chancellor may address the Vice-Chancellor with reference to the results of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor and shall, after ascertaining, if he so thinks fit, the opinion of the Executive Council thereon, advise the University upon the action to be taken thereon.

(4) The Executive Council shall report to the Vice-Chancellor for communication to the Chancellor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or inquiry.

(5) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

(6) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

**10.** The Pro-Chancellor shall be appointed by the Chancellor and shall hold office for three years. He shall when present, in the absence of the Chancellor, preside at meetings of the Court and at any Convocation of the University.

**11. (1)** The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes.

(2) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Executive Council shall forthwith report the same to the Chancellor, who shall make such arrangements for carrying on the office of the Vice-Chancellor as he may think fit.

Powers and duties of the Vice Chancellor.

**12. (1)** The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall in the absence of the Chancellor and the Pro Chancellor, preside at meetings of the Court and at any Convocation of the University. He shall be an *ex-officio* member and Chairman of the Executive Council and of the Academic Council and shall be entitled to be present and to speak at any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of the authority or body concerned.

(2) It shall be the duty of the Vice Chancellor to see that this Act, the Statutes and the Ordinances are faithfully observed, and he shall have all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council and the Academic Council.

(4) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and shall, at the earliest opportunity thereafter, report his action to the officer, authority or other body who or which in the ordinary course would have dealt with the matter.

(b) When action taken by the Vice-Chancellor under clause (a) affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Executive Council through the said officer, authority or other body within fifteen days from the date on which such action is communicated to him.

(5) The Vice-Chancellor shall give effect to any order of the Executive Council regarding the appointment, dismissal or suspension of an officer or teacher of the University, or regarding the recognition or withdrawal of the recognition of any such teacher, and shall exercise general control in the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and the Ordinances.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.

The Rector.

**13.** The Chancellor may appoint a Rector who shall hold office for such term and subject to such conditions, and shall exercise such powers, and perform such duties, of the Vice-Chancellor, as the Chancellor, after consultation with the Vice-Chancellor, may direct.

The Treasurer.

**14.** The Treasurer shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council upon such conditions and for such period, and shall receive such remuneration (if any)

as the Executive Council shall deem fit. He shall be an *ex-officio* member of the Executive Council and shall—

- (1) exercise general supervision over the funds of the University, and advise in regard to its financial policy ;
- (2) subject to the control of the Executive Council, manage the property and investments of the University, and be responsible for the presentation of the annual estimates and statements of accounts ;
- (3) subject to the powers of the Executive Council, be responsible for seeing that all monies are expended on the purpose for which they are granted or allotted ;
- (4) sign all contracts made on behalf of the University ; and
- (5) exercise such other powers as may be prescribed by the Statutes and the Ordinances :

Provided that the Chancellor may, on the recommendation of the Executive Council, in the case of any vacancy in the office of the Treasurer, whether permanent or otherwise, direct that the Registrar shall act as the Treasurer and perform all the duties and exercise all the powers of the Treasurer, and when any such direction has been made references to the Treasurer in this Act and the Statutes, Ordinances and Regulations shall be deemed to be references to the Registrar.

**15.** The Registrar shall act as Secretary of the Court, the Executive Council and the Academic Council. He shall maintain a register of registered graduates in accordance with the Statutes, and shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.

**16.** The powers of officers of the University other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Rector, the Treasurer and the Registrar shall be prescribed by the Statutes and the Ordinances.

#### *Authorities of the University.*

Authorities of the University.

**17.** The following shall be the authorities of the University :—

- (I) The Court,
- (II) the Executive Council,
- (III) the Academic Council,
- (IV) the Faculties, and
- (V) such other authorities as may be declared by the Statutes to be authorities of the University.



The Court.

18. (1) The Court shall consist of the following persons, namely :—

*Class I.—Ex-officio members.*

- (i) The Chancellor,
- (ii) the Pro-Chancellor,
- (iii) the Vice-Chancellor,
- (iv) the Rector,
- (v) the Treasurer,
- (vi) the Registrar,
- (vii) the Principals,
- (viii) the Professors and Readers of the University, and
- (ix) such other *ex-officio* members as may be prescribed by the Statutes.

*Class II.—Life members.*

- (x) The Patrons of the University and persons (if any) appointed by the Chancellor on the recommendation of the Executive Council to be life members on the ground that they have rendered great services to education or have made substantial donations to the University.

*Class III.—Other members.*

- (xi) Graduates of the University elected by the registered graduates from among their own body,
- (xii) persons elected from among their own body by the teachers who are not Professors or Readers of the University,
- (xiii) persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court,
- (xiv) persons elected by the elected members of the Council of State and the Legislative Assembly from among their own number,
- (xv) persons appointed by the Chancellor, and
- (xvi) a representative of the Governing Body of each College, elected or nominated by that Body.

(2) The number of member to be elected or appointed under clauses (xi), (xii), (xiii), (xiv) and (xv), and the tenure of office of members to be elected or appointed under each clause of Class III, shall be prescribed by the Statutes, and the mode of election of members to be elected under clauses (xi) and (xii) shall be prescribed by the Ordinances.

**19. (1)** The Court shall, on a date to be fixed by the Vice-Chancellor, meet once a year at a meeting to be called the annual meeting of the Court.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than thirty members of the Court, convene a special meeting of the Court.

**20** Subject to the provisions of this Act, the Court shall exercise the following powers and perform the following duties, namely:—

- (a) of making Statutes, and of amending or repealing the same,
- (b) of considering and cancelling Ordinances, and
- (c) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

The Executive Council.

**21.** The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

Powers and duties of the Executive Council.

**22.** The executive Council—

- (a) shall hold, control and administer the property and funds of the University, and for these purposes shall appoint a Finance Committee to advise it on matters of finance. The Treasurer shall be the Chairman of the Committee, and the remaining members shall be appointed from among the members of the Executive Council, provided that at least one member of the Committee shall be a member elected to the Executive Council by the Court ;
- (b) shall determine the form, provided for custody and regulate the use of the Common Seal of the University ;
- (c) shall lay before the Governor General in Council annually a full statement of the financial requirements of the University and the Colleges ;
- (d) shall administer any funds placed at the disposal of the University for specific purposes ;
- (e) subject to the provisions of this Act and the Statutes, shall appoint the officers (other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Rector and the Treasurer), teachers, clerical staff and servants of the University, and shall define their duties and the conditions of their service,

and shall provide for the filling of temporary vacancies in their posts;

- (f) shall have power to accept on behalf of the University transfers of any moveable or immoveable property ;
- (g) shall arrange for the holding of, and publish the results of, the University examinations ;
- (h) shall, subject to the powers conferred by this Act on the Vice-chancellor, regulate and determine all matters concerning the University, in accordance with this Act, the Statutes and the Ordinances ;  
provided that no action shall be taken by the Executive Council in respect of the appointment or emoluments of examiners, or the number, qualifications or emoluments of teachers otherwise than on a recommendation of the Academic Council ; and
- (i) shall exercise all other powers of the University, not otherwise provided for by this Act or the Statutes.

**23.** The Academic Council shall be the academic body of the University, and shall subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance, of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes. It shall have the right to advise the Executive Council on all academic matters. The constitution of the Academic Council and the term of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

**24.** (1) Provision shall be made, as soon as possible after the commencement of this Act, for the inclusion in the University of the Faculties of Arts, Science, Medicine, Commerce, Technology and Indian Fine Arts (including Music) ; and such other Faculties shall be included in the University (whether by the sub-division or combination of an existing Faculty or Faculties, or by the creation of a new Faculty or otherwise) as may be prescribed by the Statutes. Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and the research work in such subjects as may be assigned to such Faculty by the Ordinances.

(2) The constitution and powers of the Faculties shall be prescribed by the Statutes.

(3) There shall be a Dean of each Faculty, who shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty,

(4) Each Faculty shall comprise such Departments of teaching as may be prescribed by the Ordinances. The head of every such Department shall be the Professor of the Department or, if there is no Professor, the Reader. If there is more than one Professor or more than one Reader of a Department, the Vice-Chancellor shall appoint to be head of the Department such one of the Professors or, if there is no Professor, such one of the Readers as he thinks fit. The head of the Department shall be responsible to the Dean for the organization of the teaching in that Department.

(5) The Dean of a Faculty shall be elected by the Faculty from among the heads of Departments of the Faculty, and shall hold office as Dean for such term as may be prescribed by the Statutes.

Other authorities of the University. **25.** The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University shall be provided for in the manner prescribed by the Statutes.

*University Boards,*

University Boards. **26.** The University shall include a Residence, Health and Discipline Board and such other Boards as may be prescribed by the Statutes.

Constitution, etc., of Boards to be prescribed by Ordinances. **27.** The constitution, powers and duties of the Residence, Health and Discipline Board and of all other Boards of the University shall be prescribed by the Ordinances.

*Statutes, Ordinances and Regulations.*

**28.** Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

- (a) the conferment of honorary degrees ;
- (b) the institution of Fellowships, Scholarships, Exhibitions and Prizes ;
- (c) the term of office and conditions of service of the Vice-Chancellor ;
- (d) the designations and powers of the officers of the University ;
- (e) the constitution, powers and duties of the authorities of the University ;
- (f) the institution of Colleges and Halls and their maintenance ;

- (g) the recognition and management of Colleges and Halls not maintained by the University, and the withdrawal of such recognition;
- (h) the mode of appointment and recognition of teachers of the University,
- (i) the constitution of pension insurance and provident funds for the benefit of the officers, teachers, clerical staff and servants of the University,
- (j) the maintenance of a Register of Registered graduates ; and
- (k) all matters which by this Act are to be or may be prescribed by the Statutes.

Statutes how made.

**29. (1)** The first Statutes shall be those set out in the Schedule.

(2) The Statutes may be amended, repealed or added to by Statutes made by the Court in the manner hereinafter appearing.

(3) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court. Such draft shall be considered by the Court at its next meeting. The Court may pass the Statute, or a part of it, in the form in which it has been proposed, or may reject the Statute or part of it, or may return the Statute to the Executive Council for reconsideration either in whole or in part, together with any amendments which the Court may suggest,

(4) Where any Statute or part of a Statute has been returned to the Executive Council for reconsideration and there is disagreement between the Court and the Executive Council in relation thereto, the matter shall be referred for decision to the Governor General in Council, whose decision shall be final.

(5) Where any statute has been passed or a draft of a Statute or part thereof has been rejected by the Court, it shall be submitted to the Governor General in Council, who may refer the Statute or draft back to the Court for further consideration or, in the case of a Statute passed by the Court, assent thereto or withhold his assent. A Statute passed by the Court shall have no validity until it has been assented to by the Governor General in Council.

(6) The Executive Council shall not propose the draft of any Statute affecting the Status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Court, and shall be submitted to the Governor General in Council.

(7) Any member of the court may propose to the Court the draft of any Statute and the Court may refer such draft for consideration to the Executive council, which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Court by the executive Council.

**30.** Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

- (a) the admission of students to the University and their enrolment as such ;
- (b) the courses of study to be laid down for all degrees and diplomas of the University ;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University and shall be eligible for degrees and diplomas ;
- (d) the conditions of residence of the student of the University ;
- (e) the emoluments and conditions of service of teachers of the University ;
- (f) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, and diplomas of the University ;
- (g) the giving of religious instruction ;
- (h) the formation of Departments of teaching in the Faculties ;
- (i) the constitution, powers and duties of the Boards of the University ;
- (j) the conduct of examinations ; and
- (k) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

**31.** (1) Save as otherwise provided in this section, Ordinances shall be made by the Executive Council :

Provided that—

- (i) no Ordinance shall be made affecting the conditions of residence of students, except after consultation with the Residence, Health and Discipline Board ; and
- (ii) no Ordinance shall be made—

- (a) affecting the admission or enrolment of students, or prescribing examinations to be recognized as equivalent to the University examinations or prescribing the further qualification mentioned in subsection (2) of section 36 for admission to the degree courses of the University, or
- (b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council

(2) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (1), but may reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(3) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Governor General in Council and the Court, and shall be considered by the Court at its next meeting. The Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall, from the date of such resolution, be void.

(4) The Governor General in Council may, at any time after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance and, from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall become void.

(5) The Governor General in Council may direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(6) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Governor General in Council who may, if he approves the draft, make the Ordinance. An Ordinance made under this sub-section shall cease to have effect on the expiration of six months from the making thereof.

**32. (1)** The authorities and the Boards of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum ;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations ; and

(c) providing for all other matters solely concerning such authorities and Boards and not provided for by this Act, the Statutes or the Ordinances,

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings, and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any Regulation made under subsection (1) :

Provided that any authority or Board of the University which is dissatisfied with any such direction may appeal to the Governor General in Council, whose decision in the matter shall be final.

#### *Residence.*

**33.** Every student of the University shall reside in a College or a Hall, or under such conditions as may be prescribed by the Statutes and the Ordinances.

Residence.

Colleges.

**34.** (1) The Colleges shall be such as may be named in the Statutes.

(2) The conditions of residence in the Colleges shall be prescribed by the Ordinances, and every College shall be subject to inspection by any member of the Residence, Health and Discipline Board authorized in this behalf by the Board and by any officer of the University authorized in this behalf by the Executive Council.

**35.** (1) The Halls shall be such as may be maintained by the University or approved and recognised by the Executive Council on such general or special conditions as may be prescribed by the Ordinances

Halls.

(2) The Wardens and superintending staff of the Halls shall be appointed in the manner prescribed by the Statutes,

(3) The conditions of residence in the Halls shall be prescribed by the Ordinances, and every Hall shall be subject to inspection by any member of the Residence, Health and Discipline Board authorized in this behalf by the Board and by any officer of the University or other person authorized in this behalf by the Executive Council.



(4) The Executive Council shall have power to suspend or withdraw the recognition of any Hall which is not conducted in accordance with the conditions prescribed by the Ordinances.

*Admission and Examinations.*

**36.** (1) Admission of students to the University shall be made by an admission committee (including at least one Principal) appointed for that purpose by the Academic Council.

Admission to University courses.

(2) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination of an Indian University incorporated by any law for the time being in force, or an examination recognized in accordance with the provisions of this section as equivalent thereto, and possess such further qualifications as may be prescribed by the Ordinances. Any such qualification may be tested by examination notwithstanding anything contained in subsection (5) of section 7 :

Provided that, during a period of five years from the commencement of this Act and such further period as the Governor General in Council may direct, any student who has passed a Matriculation Examination of any such University, or any examination recognised in accordance with the provisions of this section as equivalent thereto, may be deemed eligible for admission to the University.

(3) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances.

(4) The University shall not, save with the previous sanction of the Governor General in Council, recognize (for the purposes of admission to a course of study for a degree), as equivalent to its own degrees, any degree conferred by any other University, or, as equivalent to the Intermediate or Matriculation Examination of an Indian University, any examination conducted by any other authority.

**37.** (1) Subject to the provisions of this Act and of the Statutes, all arrangements for the conduct of examinations shall be made by the Academic Council in such manner as may be prescribed by this Act and the Ordinances.

Examinations.

(2) If, during the course of an examination, any examiner is for any cause incapable of acting as such, the Vice-Chancellor shall appoint an examiner to fill the vacancy, and shall report the appointment to the Executive Council,

(3) At least one examiner who is not a member of the University shall be appointed for each subject included in a Department of teaching and forming part of the course which is required for a University degree.

(4) The Academic Council shall appoint examination committees, consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examination questions, to moderate and prepare the results of the examinations and to report such results to the Executive Council for publication.

#### *Annual Reports and Accounts.*

**38.** The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before such date as may be prescribed by the Statutes, and shall be considered by the Court at its annual meeting. The Court may pass resolutions thereon and communicate the same to the Executive Council.

**39.** (1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Governor General in Council for the purposes of audit.

(2) The accounts when audited shall be published by the Executive Council in the Gazette of India, and copies thereof shall, together with copies of the audit report, if any, be submitted to the Court and to the Governor General in Council. The Executive Council shall also submit to the Court, on or before such date as may be prescribed by the Statutes, a statement of the financial estimates for the ensuing year.

(3) The annual accounts and the financial estimates shall be considered by the Court at its annual meeting, and the Court may pass resolutions thereon and communicate the same to the Executive Council.

#### *Supplementary Provisions.*

**40.** The Chancellor shall, with the concurrence of not less than two-thirds of the members of the Court for the time being in India, have power to remove the name of any person from the register of registered graduates.

Removal of names of registered graduates.

**41.** If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor, whose decision thereon shall be final.

Disputes as to constitution of University authorities and bodies.

**42.** Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

**43.** All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted (the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

**44.** No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

**45.** Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned, and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Indian Arbitration Act, 1899,\* and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly.

**46. (1)** The University shall constitute, for the benefit of its officers, teachers, clerical staff and servants in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may deem fit.

**(2)** Where any such pension, insurance or provident fund has been so constituted, the Governor General in Council may declare that the provisions of the Provident Funds Act, 1897,† shall apply to such fund as if it were a Government Provident Fund.