

THE
UNREPEALED ACTS
OF THE
GOVERNOR-GENERAL IN COUNCIL
1834-1921.

PART XXXVII.

BY
NRISINHADAS BASU, B.L., *Vakil.*

Calcutta.

PUBLISHED BY S. K. BASU,
KONNAGAR NEAR CALCUTTA.

1924.

Printed by A. C. Bag, at the R. L. Printing Works, 21, Kenderamune Lane,
Calcutta.

Acts of 1924 just out.

THE
Yearly Acts of the Indian Legislature
from 1922.

By N. D. BASU, B.L., *Vakil.*

*Author of the Subject-Noted Index of Cases, Judicial
Noticed, the Summary of Hindu Law, the Case-
Noted Unrepealed Acts of the Governor-
General in Council (1834—
1921) etc., etc.*

(1) In continuation of our Unrepealed Acts the Governor-General in Council, we have begun publishing the Yearly Acts of the Indian Legislature from the year 1922 onwards.

(2) This publication will contain **all the Acts of the Indian Legislature** passed during the year.

(3) To registered subscribers the Acts will be sent in **January** of the next year.

(4) Acts of 1924 is just out.

TERMS :—Price of each year's Act is **Rs. 2**
postage extra.

Please write to—N. D. BASU, Esq., B.L.
Vakil, Konnagar, near Calcutta.

THE SECOND SCHEDULE—*contd.*REPEALS—*contd.*(See section 3)—*contd.*

1	2.	3	4
Year.	No.	Subject or Short title.	Extent of repeal.
1903	I— <i>concl'd.</i>	The Repealing and Amending Act, 1903.— <i>concl'd.</i>	Sections 4 and 5 and the Third Schedule. In the First Schedule, in Part III., the entry relating to Bengal Act, VIII. of 1862.
"	VIII.	The Probate and Administration Act, 1903.	Section 4.
"	X.	The Victoria Memorial Act, 1903.	In section 1, the word "and" after sub-section (1) ; and sub-section (2).
"	XII.	The Indian Tariff (Amendment) Act, 1903.	In section 1, sub-section (2) ; and section 3.
"	XV.	The Indian Extradition Act, 1903.	Section 24 and the Second Schedule.
1904	VIII.	The Indian Universities Act, 1904.	Sections 12 and 29 and the Second Schedule.
"	XI.	An Act to revive and continue section 8 (b) of the Indian Tariff, Act 1894.	Section 2.
"	XV.	The Indian Stamp (Amendment) Act, 1904.	In section 1, sub-section (2), the words "Upper Burma."
"	XVI.	The Sea Customs (Amendment) Act, 1904.	The whole Act.
1905	II.	The Indian Universities (Validation) Act, 1905.	Ditto.

THE SECOND SCHEDULE—*contd.*REPEALS—*contd.*(See section 3)—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
1906	III.	The Indian Coinage Act, 1906.	In section 24, the first clause; and the words "Provided that" and "notwithstanding the repeal of the said Acts;" and the Schedule.
1906	VIII.	The Land Improvement and Agriculturists' Loans (Amendment) Act, 1906.	Sections 2, 3 and 5.
1908	V.	The Code of Civil Procedure 1908.	In section 60, sub-section (2), the bracketed letter (a), the word "or" after clause (a) and clause (b).*
1909	III.	The Presidency-towns Insolvency Act, 1909.	In section 127, the first sub-section and the first seven words of sub-section (2). The Third Schedule.†
1910	VI.	The Indian Stamp (Amendment) Act 1910.	In section 3, clause (ii).
"	X.	The Indian Museum Act, 1910.	Section 17.‡
1911	XII.	The Indian Factories Act, 1911.	In section 36, sub-section (2), the words from "within one month of the commencement of this Act, or" to "this Act."

* Certain entry after this repealed by Act 11 of 1923 has been omitted.

† Certain entry after this repealed by Act 10 of 1923 has been omitted.

‡ Certain entries after this repealed by Acts II and VI of 1923 have been omitted.

THE SECOND SCHEDULE—*concl'd.*REPEALS—*concl'd.**(See section 3)—concl'd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.

Regulations by the Governor General in Council.

1900	V.	The Coorg Land and Revenue Regulation, 1900.	The whole.
------	----	--	------------

Bengal Regulations.

1833	IX	The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833.	Sections 17, 18 and 25.
------	----	--	-------------------------

Acts of the Lieutenant-Governor of Bengal in Council.

1862	VIII.	The Bengal Zaminari Dak Act, 1862.	The whole Act.
------	-------	------------------------------------	----------------

ACT NO. XI. OF 1914.

The Indian Companies (Amendment) Act, 1914.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the G.-G.'s assent on the 28th February, 1914.

An Act to amend the Indian Companies Act, 1913.

WHEREAS it is expedient to amend the Indian Companies Act, 1913 ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the India Companies (Amendment) Act, 1914.

Insertion of new sections 83A and 83B in Indian Companies Act, 1913.

2. After section 83 of the Indian Companies Act, 1913* (hereinafter referred to as the said Act) the following heading and sections shall be inserted, namely :—

Vide Vol. V. p. 318.

Insertion of new sections 91A, 91B, 91C and 91D in Indian Companies Act, 1913.

3. After section 91 of the said Act the following sections shall be inserted, namely :—

Vide Vol V. p. 321.

* Act VII of 1913.

(2) To the same section the following proviso shall be added, namely :—

"Provided that the chief Customs-officer may, in the case of any customs-port or wharf, by notification in the local official Gazette, and subject to such restrictions and conditions, if any, as he thinks fit, exempt goods or any specified goods or class of goods or any specified person or class of persons, from all or any of the provisions of this section"

Amendment of section
155, Act VIII., 1878.

6. In section 155 of the said Act, for the first paragraph shall be substituted the following namely :—

"When by any law for the time being in force, a special duty is imposed on denatured spirit, the Local Government may make rules for ascertaining and determining what spirit imported into British India shall be deemed to be denatured spirit for the purposes of such law, and for causing such spirit to be denatured, if necessary, by its own officers, at the expense of the person importing the same, before the customs duties leviable thereon are levied."

ACT NO. XIII. OF 1914.

**The Indian Life Assurance Companies (Amendment)
Act, 1914.**

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the 16th
September, 1914.*

An Act to amend the Indian Life Assurance Companies Act, 1912.

WHEREAS it is expedient to amend the Indian Life Assurance Companies Act, 1912 ;* It is hereby enacted as follows :—

Short title. 1. This Act may be called the Indian Life Assurance Companies (Amendment) Act, 1914.

2. In section 4 (1) of the Indian Life Assurance Companies Act, 1912,* and in the forms of Balance Sheet (A) and (B) set forth in the Third Schedule to the Act, for the words "Comptroller General" the words "Controller of Currency" shall be substituted.

*Act VI. of 1912.

ACT NO. XIV. OF 1914.

The Indian Post Office and Telegraph (Amendment) Act, 1914.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL

*Received the assent of the Governor-General on the 16th .
September, 1914.*

An Act further to amend the Indian Telegraph Act, 1885, and the Indian Post Office Act, 1898.

WHEREAS in view of the amalgamation of the offices of Director-General of Telegraphs and of Director-General of the Post Office of India, it is expedient further to amend the Indian Telegraph Act, 1885,* and the Indian Post Office Act, 1898,† It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Indian Post Office and Telegraph (Amendment) Act, 1914.

2. In clause (6) of section 3 and in section 29A of the Indian Telegraph Act, 1885,* for the word "Telegraphs" wherever it occurs, the words "Posts and Telegraphs" shall be substituted.

Amendment of sections 3 and 29A of Act XIII. of 1885.

3. In section 2 of the Indian Post Office 1898,†

Amendment of section 2 of Act VI. of 1898.

(i) in clause (a), for the words "the Post Office of India" the words "Posts and Telegraphs" shall be substituted; and

(ii) in clause (k), after the word "department," the words "established for the purpose of carrying the provision of this Act into effect and" shall be inserted.

* Act XIII. of 1885.

† Act VI. of 1898.

ACT NO. XV. OF 1914.

The Indian Army (Amendment) Act, 1914.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the 16th
September 1914.*

An Act to amend the Indian Army Act, 1911.

WHEREAS it is expedient to amend the Indian Army Act, 1911,* It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Army (Amendment) Act, 1914.

Subscription of new section 114, Act VIII. of 1911.

2. For section 114 of the Indian Army Act, 1911,* the following section shall be substituted namely :—

Vide Vol. V. p. 77.

Act VIII of 1911.

ACT NO. XVI. OF 1914.

The Indian Aircraft (Amendment) Act, 1914.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the 16th
September 1914.*

An Act to amend the India Aircraft Act, 1911.

WHEREAS it is expedient to amend the Indian Airships Act, 1911,* It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Aircraft (Amendment) Act, 1914.

2. In the Indian Airships Act, 1911* (hereinafter called the said Act), for the words "airship" and "airships," wherever they occur, there shall be substituted the word "aircraft."
Substitution of the word "aircraft" for the words "Airship" and "airships" in Act XVII. 1911.

Amendment of section 7, Act XVII., 1911.

3. For section 7 of the said Act, the following sections shall be substituted, namely :—

Vide Vol. p. 118.

Amendment of section 8 (5), Act XVII., 1911.

4. For clause (5) of section 8 of the said Act the following clause shall be substituted, namely :—

"(5) a notification issued under section 7. does or abstains from doing any act, unless, in the case of contravening a condition relating to navigation or landing, he proves that he was compelled thereto by stress of weather or other circumstances over which he had no control"

Act XVII. of 1911.

ACT NO. XVII. OF 1914.

The Second Repealing and Amending Act, 1914.

PASSED BY THE GOVERNOR-GENERAL OF INDIA
IN COUNCIL.

*Received the assent of the Governor-General on the 16th
September 1914.*

*An Act to amend certain enactments and to repeal certain
other enactments.*

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule ;

and whereas it is also expedient that certain enactments specified in the Second Schedule, which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed ;

It is hereby enacted as follows :—

- | | |
|----------------------------------|---|
| Short title. | 1. This Act may be called the Second Repealing and Amending Act, 1914. |
| Amendment of certain enactments. | 2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof |
| Repeal of certain enactments. | 3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof. |
| Savings | 4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to ; |

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued, or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim

or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1870	VII.	The Court Fees Act, 1870.	<p>In Schedule II., Article 6, for the words "Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1882, or the Code of Civil Procedure," the following shall be substituted namely :—</p> <p>"Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for by this Act."</p>
1893	III.	The Government Tenants (Punjab) Act, 1893.	<p>1. In the title and preamble, for the word "Punjab" the words "North-West Frontier Province" shall be substituted.</p> <p>2. For section 1, the following section shall be substituted :—</p> <p>"1. (1) This Act may be called the Government Tenants Short title and extent. (North-West Frontier Province) Act, 1893.</p> <p>(2) It extends to the territories for the time being administered by the Chief Commissioner of the North-West Frontier Province."</p>
1894	VIII.	The Indian Tariff Act, 1894.	<p>In Schedule III., for the words "Spirit which has been rendered effectually and permanently unfit for human consumption" the words "Denatured spirit" shall be substituted.</p>
1897	X.	The General Clauses Act, 1897.	<p>1. In section 3, after clause 8 (a), the following shall be inserted, namely :—</p>

THE FIRST SCHEDULE—*contd.*AMENDMENTS—*contd.*(See section 2)—*contd.*

1	2	3	4
Year	No.	Short title.	Amendments.
1897	X.	The General Clauses Act, 1897.	<p>"8 (b) 'Central Provinces Act' shall mean an Act made by the Chief Commissioner of the Central Provinces in Council under the Indian Councils Acts, 1861 to 1909."</p> <p>2. To section 24, the following shall be added, namely :—</p> <p>"and when any Act of the Governor-General in Council or Regulation, which, by a notification under section 5 or 5A of the Scheduled Districts Act, 1874,* or any like law, has been extended to any local area, has by a subsequent notification, been withdrawn from and re-extended to such area or any part thereof, the provisions of such Act or Regulation shall be deemed to have been repealed and re-enacted in such area or part within the meaning of this section."</p> <p>3. After section 29, the following section shall be added, namely :—</p> <p>"30. In this Act the expression "Act of the Governor-General in Council," wherever it occurs except in section 5, and the word "Act" in clauses (9), (12), (38), (48) and (50) of section 3 and in section 25 shall be deemed to include an Ordinance made and promulgated by the Governor-General under section 23 of the Indian Councils Act, 1861.†</p>

* Act XIV of 1874.

† 24 & 25 Vict., c. 67.

THE FIRST SCHEDULE—*concl'd.*AMENDMENTS—*concl'd*(See section 2.)—*concl'd.*

1	2	3	4
Year.	No.	Short title.	Amendments.
1908	V.	The Code of Civil Procedure, 1908.	In the first Schedule, Order V., for clause (b) of rule 26, the following shall be substituted :— “(h) the Governor-General in Council has, by notification in the <i>Gazette of India</i> , declared, in respect of of any Court situate in any such territory and not established or continued in the exercise of any such jurisdiction as aforesaid, that service by such Court of any summons issued by a Court under this Code shall be deemed to be valid service.”
1911	II.	The Indian Patents and Designs Act, 1911.	In sub-section (5) of section 16, after the word “conditions” the words “and restrictions” shall be inserted.
1914	IV.	The Decentralization Act, 1914.	In Part I. of the Schedule, in No. 1 of The amendments made in Act XX. of 1883, for the word “Commissioner” the words “the Commissioner” shall be substituted.

THE SECOND SCHEDULE.

REPEALS.

(See section 3)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
1859	XXIV.	The Madras District Police Act, 1859.	In section 1, the words <i>from</i> "words importing the singular" <i>to</i> "include females."
1865	XXX.	The Madras Irrigation and Canal Company Act, 1865.	So much as is unrepealed.
1867	III.	The Public Gambling Act, 1867.	In section 1, the words <i>from</i> "words in the singular" <i>to</i> "include females."
1872	IV.	The Punjab Laws Act, 1872.	Section 4 and the Second Schedule.
1875	XV.	The Punjab Laws Amendment Act, 1875.	In section 1, the words "and it shall come into force at once."
1879	XIV.	The Hackney Carriage Act, 1879	In section 1, the words "and it shall come into force at once; but."
1880	XVI.	The Madras Irrigation and Canal Company's Act, 1880.	The whole.
1881	XXIV.	The Punjab Laws (Amendment) Act, 1881.	In section 1, the words "and shall come into force at once."
1885	XXI.	The Madras Civil Courts Act, 1885.	In section 1, the word "and" after sub-section (1), and sub-section (2).
1889	VI.	The Probate and Administration Act, 1889.	1. In the title and preamble the words "the Court Fees Act, 1870." 2. The heading above section 18. 3. Section 18 so much as is unrepealed.
1892	VII.	The Madras City Civil Court Act, 1892.	In section 1, the word "and" after sub-section (1), and sub-section (2).

THE SECOND SCHEDULE—*concl'd.*REPEALS—*concl'd.*(See section 3)—*concl'd.*

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
1899	XVI.	The Northern India Canal and Drainage (Amendment) Act, 1899.	In section 1, the word "and" after sub-section (1), and sub section (2).
1908	V.	The Code of Civil Procedure, 1908.	Section 156 and the Fifth Schedule.
"	IX.	The Indian Limitation Act, 1908.	Section 32 and the Third Schedule.
1909	IV.	The Whipping Act, 1909.	Section 8 and the Schedule.
1911	XVII.	The Indian "Aircraft Act,"* 1911.	In section 10, the word "of" in the second place where it occurs.
1912	II.	The Co-operative Societies Act, 1912.	Section 50.
"	IV.	The Indian Lunacy Act, 1912.	Section 104 and the Second Schedule.
"	VI.	The Indian Life Assurance Companies Act, 1912.	Section 42.
"	VIII.	The Wild Birds and Animals Protection Act, 1912.	Section 9.
1914	VIII.	The Indian Motor Vehicles Act, 1914.	In the proviso to section 9, the words "by such authority and."

Substituted by Act 31 of 1920.

ACT NO. III. OF 1915.

Foreigners (Amendment) Act, 1915.

PASSED BY THE GOVERNOR-GENERAL ON INDIA IN COUNCIL.

*Received the assent of the Governor-General on the
17th March, 1915.*

An Act to amend the Foreigners Act, 1864.

WHEREAS it is expedient to amend the Foreigners Act, 1864;* It is hereby enacted as follows :—

Short title.

1. This Act may be called the Foreigners (Amendment) Act, 1915.

2. In section I of the Foreigners Act, 1864,* for the words "not being either a natural born subject of Her Majesty within the meaning of the Statute 3 and 4 William IV., Chapter 85, section 81, or a Native of British India" the following words shall be substituted, namely :—

Amendment of section
1 of Act III. of 1864.

"(a) who is not a natural born British subject as defined in sub-sections (1) and (2) of section 1 of the British Nationality and Status of Aliens Act, 1914,† or

(b) who has not been granted a certificate of naturalisation as a British subject under any law for the time being in force in British India :

Provided that any British subject who, under any law for the time being in force in British India, ceases to be a British subject, shall thereupon be deemed to be a foreigner."

Insertion of new section
3A, Act. III. of 1864.

3. After section 3 of the Foreigners Act, 1864,* the following section shall be inserted, namely :—

"3A (1) Whenever in a Presidency town the commissioner of Police, or elsewhere the Magistrate of the District, considers that the Local Government should be moved to issue an order under section 3 in respect of any foreigner who is within the limits of such Presidency town or of the jurisdiction of such Magistrate, he may report the case to the Local Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) Any officer issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his

*Act III. of 1864.

† Stat. 4 and 5 Geo. V., c. 17.

attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the officer issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the officer issuing such warrant, such officer may direct him to be detained in custody pending the orders of the Local Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any officer who has in accordance with the provisions of sub-section (4), ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Local Government. On the receipt of a report under this sub-section the Local Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 3.

ACT NO. VII. OF 1915.

The Delhi Laws Act, 1915.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the assent of the G.-G.'s on the 22nd March 1915.

An Act to declare the law in force in certain territory added to the Province of Delhi.

WHEREAS by proclamation published in Notification No. 984-C., dated the 22nd day of February, 1915, the Governor-General in Council, with the sanction and approbation of the Secretary of State for India, has been pleased to take under his immediate authority and management the territory mentioned in Schedule I., which was formerly included within the United Provinces of Agra and Oudh, and to include the said territory in the Province of Delhi with effect from the 1st April, 1915;

And whereas it is expedient to declare the law in force in the said territory ;

It is hereby enacted as follows :—

Short title and commencement. 1. (1) This Act may be called the Delhi Laws Act, 1915;

(2) It shall come into force on the first day of April, 1915.

Application to added area of law in force in existing Province of Delhi. 2. All enactments (except the enactments specified in Schedule II.) for the time being in force in the territory specified in Schedule A to the Delhi Laws Act, 1912,* and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under such enactments shall be deemed to be in force in the territory specified in Schedule I. in the same manner and subject to the same modifications as they are for the time being in the territory specified in the said Schedule to the said Act.

Continuance in added area of certain laws now in force in the United Provinces. 3. The enactments specified in Schedule III, and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under those enactments shall continue to be in force in the territory specified in Schedule I :

*Act XIII. of 1912.

Provided that in the enactments so continued and in all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed thereunder, references to a Local Government, the Lieutenant Governor of the United Provinces of Agra and Oudh, or the Board of Revenue for the United Provinces shall be read as referring to the Chief Commissioner of Delhi; references to a High Court or the High Court of Judicature for the North-Western Provinces as referring to "High Court of Judicature at Lahore"* and references to the official gazette for the United Provinces as referring to the Gazette of India.

4. For the purpose of facilitating the application to the territory mentioned in Schedule I. of the enactments referred to in section 3 the powers conferred by sections 4 and 5 of the Delhi Laws Act, 1912,* shall be exercisable in respect thereof.

5. Save as provided in sections 2 and 3 no enactment which is in force in the United Provinces of Agra and Oudh or any part thereof shall continue to be in force in the territory specified in Schedule I.

6. Nothing in this Act shall affect any proceeding which at the commencement thereof is pending in respect of any of the territory mentioned in Schedule I. or of anything arising in such territory and every such proceeding shall be continued as if this Act had not been passed :

Provided that the Local Government may, by notification in the Gazette of India, direct that any proceeding, criminal, civil or revenue, other than a proceeding pending before the High Court of Judicature for the North-West Provinces, shall be transferred to, and disposed of by, the corresponding authority of the Delhi Province.

7. In section 7 of the Delhi Laws Act, 1912,† for the words "the territory mentioned in Schedule A" the words "the Province of Delhi" shall be substituted.

8. This Act shall be construed with, and deemed to be part of, the Delhi Laws Act, 1912.†

* The words within quotations have been substituted by Act 18 of 1919.

† Act XIII of 1912.

SCHEDULE I.

TERRITORY ADDED TO THE PROVINCE OF DELHI.

(See section 2.)

Revenue estates of :—

- | | |
|---|--|
| 1. Subehpur. | 33. Ziauddinpur. |
| 2. Jagatpur. | 34. Khanpur Dhani. |
| 3. Baqiabad. | 35. Maujpur. |
| 4. Beharipur. | 36. Ghonda patti Gujran Bangar. |
| 5. Saadatpur Mahal Gujran. | 37. Ghonda patti Chauhan Bangar. |
| 6. Saadatpur Musalmanan. | 38. Jafrabad. |
| 7. Saadatpur Amad Delhi. | 39. Uldanpur. |
| 8. Wazirabad. | 40. Babarpur. |
| 9. Khajuri Paramad. | 41. Siqdarpur. |
| 10. Khajuri Khas. | 42. Gokalpur. |
| 11. Garhi Mendu. | 43. Sabauli. |
| 12. Timarpur. | 44. Mandauli. |
| 13. Chandrawal. | 45. Taharpur. |
| 14. Usmanpur. | 46. Jhilmila. |
| 15. Ghonda patti Gujran Khadar. | 47. Chandavil <i>urf</i> Shadara. |
| 16. Ghonda patti Chauhan Khadar. | 48. Silampur Bangar. |
| 17. Andhavi. | 49. Silampur Khadar. |
| 18. Kaithwara. | 50. Ghondli Bangar. |
| 19. Silampur Amad Delhi. | 51. Kakarduman. |
| 20. Ghondli Khadar. | 52. Khureji Khas. |
| 21. Jatwara Khurd. | 53. Khureji Baramad. |
| 22. Mubarakpur Reti. | 54. Shakarpur Khas Bangar. |
| 23. Shakarpur Khadar. | 55. Mandavil Fazilpur. |
| 24. Nagla Manchi. | 56. Hasanpur Bhuapur. |
| 25. Shamspur. | 57. Ghazipur. |
| 26. Gharaunda Nimka Khadar. | 58. Khichripur. |
| 27. Nagli Razapur. | 59. Gharaunda Nimka Bangar (Patparganj). |
| 28. Chilla Sarauda Khadar. | 60. Shakarpur Baramad. |
| 29. Qarawalnagar <i>urf</i> Dharauti Kalan. | 61. Kotla. |
| 30. Jivanpur Johripur. | 62. Chilla Sarauda Bangar. |
| 31. Mustafabad. | 63. Dalupura. |
| 32. Mirpur Turk. | 64. Kondli. |
| | 65. Gharauli. |
-

SCHEDULE II.

ENACTMENTS IN FORCE IN THE DELHI PROVINCE WHICH
WILL NOT BE IN FORCE IN THE TERRITORY ADDED
TO THAT PROVINCE.

(See section 2.)

Year.	Number.	Short title.	Remarks.
1	2	3	4
		<i>Acts of the Governor-General of India in Council.</i>	
1887	XVI.	The Punjab Tenancy Act, 1887.	...
"	XVII.	The Punjab Land Revenue Act, 1887.	...
1900	XIII	The Punjab Alienation of Land Act, 1909.	...
		<i>Punjab Acts.</i>	
"	II.	The Punjab Land Preservation (<i>Chos</i>) Act, 1900.	...
1912	V.	The Colonization of Government Lands (Punjab) Act, 1912.	...
1913	I.	The Punjab Pre-emption Act, 1913.	...
"	II.	The Redemption of Mortgages (Punjab) Act, 1913.	...

SCHEDULE III.

ENACTMENTS IN FORCE IN THE UNITED PROVINCES OF AGRA
AND OUDH WHICH WILL CONTINUE TO BE IN FORCE IN THE
TERRITORY ADDED TO THE DELHI PROVINCE.

(See section 3.)

Year.	Number.	Short title.	Remarks.
1	2	3	4
		<i>Acts of the Governor-General of India in Council.</i>	
1882	IV.	The Transfer of Property Act, 1882.	...
"	V.	The Indian Easements Act, 1882.	...
1891	VIII	An Act to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force.	...
		<i>United Provinces Acts.</i>	
1901	II.	The Agra Tenancy Act, 1901.	...
"	III.	The United Provinces Land Revenue Act, 1901.	...
1904	I.	The United Provinces General Clauses Act, 1904.	In so far as it applies to the Agra Tenancy Act, 1901, and the United Provinces Land Re- venue Act, 1901.

ACT NO. VIII. OF 1915.

The Assam Labour and Emigration (Amendment) Act, 1915.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the assent of Governor-General on the 25th March, 1915.

An Act further to amend the Assam Labour and Emigration Act, 1901.

WHEREAS it is expedient further to amend the Assam Labour and Emigration Act, 1901;* It is hereby enacted as follows :—

Short title and com-
mencement.

1. (1) This Act may be called the
Assam Labour and Emigration (Amend-
ment) Act, 1915.

(2) It shall come into force at once, with the exception of section 7, which shall come into force on such day as the Governor-General in Council may, by notification in the *Gazette of India*, appoint in this behalf.

2. In section 2 (1) of the Assam Labour and Emigration Amendment of section Act, 1901* (hereinafter called the said Act), (1), Act VI, 1901. the following amendments shall be made, namely :—

(a) After clause (c) the following clause shall be added, namely :—

"(cc) 'Board' means the Assam Labour Board constituted under Chapter VI-A."

(b) To clause (e) the following Explanation shall be added, namely :—

"*Explanation.*—If any such native of India, having proceeded from a Native State into such territories, departs therefrom for the purpose aforesaid, he shall be deemed to emigrate within the meaning of this definition."

(c) After clause (n) the following clause shall be added, namely :—

"(nn) 'native district', in the case of a person who, having proceeded from a Native State into territories in which this Act is in force, emigrates therefrom, includes such Native State."

* Act VI. of 1901.

(d) After clause (r) the following shall be added, namely :—
“and

(u) ‘Supervisor’ means a Supervisor appointed under this Act.”

Amendment of section
64, Act VI., 1901.

3. For sub-section (1) of section 64 of the said Act, the following sub-sections shall be substituted namely : —

“(1) The Local Government may authorize any Superintendent to grant licenses to suitable persons to be Local Agents, for the purpose of representing employers within a specified area and for a specified period, in all matters connected with the supervision of garden-sardars under this Act.

(2) Any employer, or, on behalf of an employer, any association or firm duly authorized by general or special order of the Governor-General in Council for the purpose of this clause, may apply for a license as aforesaid, to be granted to a specified person.

(3) Every such application shall be made to the Board, and the Board shall forward it with its recommendation to the Superintendent, who may thereupon, if he thinks fit, grant a licence to such person.

and the existing sub-section (2) of the same section shall be re-numbered (4).”

4. In section 67 (1) of the said Act there shall be substituted for the words “the employer,” the word “his employer or the association or firm which has applied in respect of such Local Agent under section 64, sub-section (2)” and for the words from “or if” to the end of the sub-section, the following words, namely :—

Amendment of section
67, Act VI., 1901.

“or if the District Magistrate is satisfied that the conduct of the Local Agent has been such as to render him unsuitable to hold a licence,”

Insertion of new Chapter VI-A in Act VI., 1901.

5. After section 116 of the said Act the following provisions shall be inserted, namely :—

CHAPTER VI-A.

Vide Vol IV, p. 60.

6. (1) The following portions of the said Act, are hereby repealed, namely, section 90 ; in section 91, the words "notwithstanding anything contained in section,90"and in clause (b) thereof, the words "or holding permits granted and countersigned under section 90," and the words "or of that section as the case may be;" and clause (a) of section 174.

(2) In section 92 of the said Act for the words and figures "section 90 and 91" there shall be substituted the word and figures "section 91."

Repeal of Chapter III, Act VI, 1901 Consequential repeals and amendments.

7. (1) The portions of the said Act specified in the Schedule to this Act are hereby repealed to the extent mentioned in the second column of the Schedule.

(2) The following amendments shall be made in the said Act, namely :—

(i) In the heading to Chapter V., and in section 92 there shall be substituted for the words and figures "Chapters III. and IV." the word and figures "Chapter IV."

(ii) In section 93 (2) there shall be substituted for the words and figures "Chapters II. to IV. inclusive," the words and figures "Chapter II. or IV." and for the words and figures "Chapters VI. to X." the words and figures "Chapters VI. (except Chapter VI-A) to X".

(iii) For section 172 of the said Act, the following section shall be substituted, namely:—

Vide Vol. IV pp. 84.

THE SCHEDULE
PORTIONS OF ACT VI. OF 1901 REPEALED.
[See section 7 (1).]

1	2
Chapter or Section.	Extent of repeal.
S. 2 (1)	Clause (c) In clause (d) the words "contractor, sub-contractor, recruiter." In clause (l) the words and figures "section 34 or." Clauses (o) and (s).
S. 12 (1)	Clause (a). In clause (c) the words from "or if the labourer" to the end of the clause.
S. 12 (2)	The whole.
S. 12 (3)	The whole.
Chapter III.	The whole.
S. 65	The whole.
S. 91	Clause (a).
S. 163 (2)	In clause (b) the words "contractors or." Clause (f).
S. 163 (3)	In clauses (m) to (r) the word "contractors," wherever it occurs.
Ss. 165 to 168	The word "contractor," in both places where it occurs.
S. 171	The whole.
S. 175	The words and figures "section 55 or."*

* Certain words after this repealed by Act 11 of 1915 have been omitted.

ACT NO. IX. OF 1915.

The Sea Customs (Amendment) Act, 1915.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL,

*Received the assent of the Governor-General on the 25th
March, 1915.*

An Act further to amend the Sea Customs Act, 1878.

WHEREAS it is expedient further to amend the Sea Customs Act, 1878;* It is hereby enacted as follows:—

Short title. 1. This Act may be called the Sea Customs (Amendment) Act, 1915.

2. In the proviso to section 37 of the Sea Customs Act, 1878,*
Amendment of section 37, Act VIII. of 1878. for the words "on which application is made to clear such goods from the warehouse for home consumption" the following shall be substituted, namely, "of the actual removal of such goods from the ware: house in the case of goods delivered out of a warehouse for home consumption, and in the case of goods delivered out of a ware-house for removal under bond to be re-warehoused where the duty is paid on such goods without their being re-warehoused, the rate and valuation (if any) in force on the date on which duty is paid."

*Act VIII. of 1878.

ACT NO. XI. OF 1915.

Repealing and Amending Act, 1915.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor General on the 22nd
September, 1915.*

An Act to amend certain enactments and to repeal an enactment.

WHEREAS it is expedient that certain formal amendments should made in the enactments specified in the First Schedule ;

AND WHEREAS it is also expedient that the enactment specified in the Second Schedule, which is unnecessary, should be expressly and specifically repealed ; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Repealing and Amending Act, 1915.

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Amendment of certain enactments. Repeal of certain words and figures in Act VIII. of 1915. **3.** The enactment specified in the Second Schedule is hereby repealed to the extent mentioned in the fourth column thereof.

4. This Act shall not affect the validity, invalidity effect or consequences of anything already done or suffered, or any right, title, obligation or liability, already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

Savings. nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

1	2	3	4
Year	No.	Short title.	Amendments.
1867	XXV.	The Press and Registration of Books Act, 1867.	In section 21, after the word "Books" the words "or papers" shall be inserted.
1882	IV.	The Transfer of Property Act, 1882.	In the last paragraph of section 59, and in clause (c) of section 69 of the said Act, for the words "and Akyab" and for the words "or Akyab" the words "Akyab and in any other town which the Governor-General in Council may, by notification in the Gazette of India specify in this behalf" and the words "Akyab or in any other town which the Governor-General in Council may by notification in the Gazette of India, specify in this behalf", shall be substituted, respectively.
1887	IX.	The Provincial Small Cause Courts Act, 1887.	In section 8, Sub-section (1), for the words "an Additional Judge" the words "Additional Judges" shall be substituted, and in sub-section (2) and (3) of the same section for the words "the Additional" the words "an Additional" shall be substituted, and in sub-section (4) of the same section, before the word "additional" the word "senior" shall be inserted *
1913	VII.	The Indian Companies Act, 1913.*	In section 246, after the word "company" where that word occurs for the last time in sub-section (1), the following shall be added :—"and shall make rules providing for all matters relating to the winding up of companies which, by this Act, are to be prescribed."

* Certain entry after this repealed by Act 6 of 1924 has been omitted.

THE SECOND SCHEDULE.

REPEALS.

(See section 3.)

1	2	3	4
Year.	No.	short title.	Extent of repeal.
1915	VIII.	The Assam Labour and Emigration (Amendment) Act, 1915.	In the Schedule the words and figures "s. 174, clause (a)."

ACT NO. XIII. OF 1915.

The North-West Frontier Constabulary Bill 1915.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the 1st
October, 1915.*

*An Act to provide for the regulation of the Frontier Constabulary
in the West Frontier Province.*

WHEREAS is expedient to provide for the regulation of the Frontier constabulary in the North-West Frontier Province; It is hereby enacted as follows:—

Short title, extent, application and commencement.

1. (1) This Act may be called the North-West Frontier Constabulary Act, 1915 ;

(2) It extends to the whole of the North-West Frontier Province, and applies also to every member of the Constabulary, wherever he may be serving ; and

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

Definitions.

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

(a) "member of the Constabulary" means a person other than a person appointed by the Local Government who, at the commencement of this Act, is serving in the Frontier Constabulary or who after the commencement of this Act, has been appointed to the Frontier Constabulary under this Act and has signed a recruiting-roll on which the conditions of service contained in the Schedule are set forth :

Provided that every person who has for the space of six months been in the receipt of pay as a member of the Frontier Constabulary and been borne on the rolls or the Frontier Constabulary shall be deemed to be a member of the Constabulary, notwithstanding that he has not signed the said recruiting-roll.

(b) "Commandant" means a person appointed by the Local Government to be a Commandant of the Frontier Constabulary :

(c) "active service" means service against hostile tribes, raiders or other hostile persons, or persons co-operat-

ing with or assisting such tribes, raiders or hostile persons :

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

3. The Local Government may continue to maintain a force, to be called the Frontier Constabulary, for the better protection and administration of the external frontier of British India within the limits of or adjoining the North-West Frontier Province or any part thereof.

Power to maintain Frontier Constabulary.

4. The Frontier Constabulary shall be constituted in such manner, and the members of Constabulary shall receive such pay, pension, and other remuneration, as shall, from time to time, with the previous sanction of the Governor-General in Council, be ordered by the Local Government.

Constitution of Constabulary.

5. (1) The Local Government may appoint any person to be commandant, and may appoint other persons to be District Constabulary Officers or Assistant Constabulary Officers of the Frontier Constabulary, or of any part thereof, constituted in any one or more districts.

Appointment and power of superior officers.

(2) The Commandant and every other officer so appointed shall possess, and may exercise, such power and authority over the subordinate officers and members of the Constabulary at any time, under his command as is provided by or under this Act.

6 The appointment of all officers and men of the Frontier Constabulary, other than those mentioned in sub-section (1) of section 5, shall rest with the Commandant and the District Constabulary Officer who shall respectively exercise such powers in such manner as may be prescribed by rules made under this Act.

Appointment of subordinate officers and men.

7. (1) The superintendence of, and control over the Frontier Constabulary shall vest in the Local Government; and the Frontier Constabulary shall be administered by the Commandant and the District Constabulary Officer in accordance with the provisions of this Act and of any rules made thereunder.

Superintendence, control and administration of Constabulary.

(2) The District Constabulary Officer and the Constabulary of a district shall be under the general control and direction of the Deputy Commissioner of the district.

(3) In exercising authority under sub-section (2), the Deputy Commissioner shall be governed by such rules and orders as the Local Government may make in this behalf.

8. (1) Every member of the Constabulary who commits More heinous offences, any of the following offences that is to say :—

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

who, while on active service—

- (e) disobeys the lawful command of his superior officer; or,
 - (f) deserts the service; or,
 - (g) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or,
 - (h) without authority, leaves his commanding officer, or his post or party, to go in search of plunder; or,
 - (i) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or,
 - (j) uses criminal force to, or commits an assault on, any person bringing provisions or other necessities to camp or quarters, or forces a safeguard or, without authority, breaks into any house or any other place for plunder, or plunders, destroys, or damages any property of any kind; or,
 - (k) intentionally causes or spreads a false alarm in action or in camp, garrison, or quarters; or,
 - (l) displays cowardice in the execution of his duty ;
- shall be punishable with transportation for life or for a term of not

less than seven years, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay, or with fine to that extent in addition to such sentence of transportation or imprisonment, as the case may be, as may be passed upon him under this section.

(2) If any member of the Constabulary while on active service with a force beyond the limits of British India, is charged with committing any offence described in clause (c), clause (d), or clause (f), of sub-section (1), or the offence of culpable homicide amounting to murder, he may be summarily tried for such offence by the Political Officer accompanying the force, sitting with two other officers appointed by the Political Officer for this purpose.

(3) Every officer appointed under sub-section (2) shall be either—

(a) a British officer, that is to say, a person holding a commission in His Majesty's and forces, or,

(b) a civil officer, of gazetted rank, or,

(c) a person appointed under section (5) :

Provided that, if circumstances permit, not less than one such officer shall be a Constabulary Officer appointed under section 5 ;

(4) If one or both of the officers sitting with the Political Officer concur with him in finding the accused guilty, and the Political Officer so directs, the accused shall be forthwith shot to death.

9. Every member of the Constabulary who commits any of the following offences, that is to say,—

(a) is in a state of intoxication when on or after having been warned for, any duty, or on parade or on the line of march ; or,

(b) strikes or attempts to force any sentry ; or,

(c) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person duly committed to his charge, or without proper authority, releases any prisoner or person placed under his charge, or negligently suffers any such prisoner or person to escape : or,

(d) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by proper authority ; or,

(e) is grossly insubordinate or insolent to his superior officer in the execution of his office ; or,

(f) refuses to superintend or assist in the making of any field-work or other work of any description ordered to be made either in quarters or in the field ; or,

- (g) strikes or otherwise ill uses any member of the Constabulary subordinate to him in rank or position ; or,
 - (h) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible, to the injured person or to report the case to the proper authority ; or,
 - (i) designedly or through neglect injures or losses, or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements or Frontier Constabulary necessities, or any such articles entrusted to him or belonging to any other person ; or,
 - (j) malingers or feigns or produces disease or infirmity in himself or intentionally delays his cure, or aggravates his disease or infirmity ; or,
 - (k) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person ; or,
 - (l) does not when called upon by his superior officer so to do or upon ceasing to be a member of the Constabulary, forthwith deliver up, or duly account for, all or any arms, ammunition, stores, accoutrements, appointments or other property issued or supplied to him or in his custody or possession, as such member of the Constabulary ; or,
 - (m) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men ; or to Government, or to any member of, or any person attached to, the Constabulary, or who through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid ; or,
 - (n) absents himself without leave, or without sufficient cause overstays leave granted to him ; or,
 - (o) is guilty of any act or omission which though not specified in the Act, is prejudicial to good order and discipline ; or,
- who, while not on active service,—
- (p) disobeys the lawful command of his superior officer ; or,
 - (q) deserts the service ; or,
 - (r) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave ; or,

(s) quits his guard, picquet, party, or patrol without being regularly relieved or without leave ; or,

(t) plunders, destroys or damages any property of any kind ; or,

(u) displays cowardice in the execution of his duty ;

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

10. (1) The Commandant or the District Constabulary Officer may, subject to any rules made under this Act, award in lieu of or in addition to, suspension or dismissal, any of the following punishments to any member of the Constabulary who is, in the opinion of the Commandant or the District Constabulary Officer, as the case may be, guilty of disobedience, neglect of duty, or remissness in the discharge of any duty, or of rendering himself unfit to discharge his duty, or of other misconduct in his capacity as such member of the Constabulary, that is to say,—

(a) reduction in rank and emoluments ;

(b) fine to any amount not exceeding one month's pay and allowances ;

(c) confinement to quarters for a term not exceeding one month ;

(d) confinement in the quarter-guard for not more than twenty-eight days with or without punishment-drill or extra guard, fatigue or other duty ; and

(e) removal from any office of distinction or special emolument in the Constabulary.

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

(a) confinement for not more than seven days in the quarter guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance ; and

(b) punishment drill, or extra guard, fatigue or other duty, for not more than thirty days, with or without confinement to quarters.

(3) Any one of the punishments described in sub-section (1) or sub-section (2) may be awarded separately, or in combination with any one or more of the said punishments, respectively.

11. (1) Every person sentenced under this Act to imprisonment may be dismissed from the Frontier Constabulary, and shall be further liable to forfeiture of pay and allowances due, as well as of medals and decorations received, and the public money due to him.

Place of imprisonment and liability to dismissal on imprisonment.

(2) Every such person shall, if he is so dismissed, be imprisoned in the nearest prison or such other prison as the Local Government may, by general or special order, direct; but if he is not also dismissed from the Frontier Constabulary, he may, if the Court or the Commandant so directs, be confined in the quarter-guard or such other place as the Court or the Commandant may consider suitable.

Deductions from pay and allowances.

12. The following penal deductions may be made from the pay and allowances of a member of the Constabulary, that is to say,—

- (a) all pay and allowances for every day of absence either on desertion or without leave, and for every day of imprisonment awarded by a Criminal Court or of confinement awarded by an Officer exercising authority, under section 10;
- (b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted;
- (c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the proper Medical Officer attending on him at the hospital to have been caused by an offence under this Act committed by him;
- (d) all pay and allowances ordered to be forfeited under section 10 and
- (e) any sum required to make good such compensation for any expenses caused by him, or for any loss of, or damage or destruction done by him to, any arms, ammunition, equipment, clothing, instruments, Frontier Constabulary necessities or decoration, or to any buildings or property, as may be awarded by the Commandant or the District Constabulary Officer.

13. Whenever any weapon or part of a weapon or ammunition forming part of the equipment of a company or other similar unit is lost or stolen the Commandant may, after making such inquiry as he thinks fit,

Collective fines.

impose a collective fine upon the subordinate officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

Resignation and withdrawal from the Constabulary. **14.** No member of the Constabulary shall be at liberty to—

(a) resign his appointment during the term of his engagement, except before the expiration at the first three months of his service; or

(b) withdraw himself from all or any of the duties of his appointment, without the permission in writing (to be previously obtained) of the Commandant or the District Constabulary Officer or other officer authorised by the Commandant to grant such permission.

15. (1) It shall be the duty of every member of the Constabulary promptly to obey and to execute all orders and warrants lawfully issued to him by any competent authority, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend, and for whose apprehension sufficient grounds exist.

(2) Every member of the Constabulary shall be liable to serve without and beyond, as well as within, the limits of British India.

16. The Local Government may, by general or special order, confer or impose upon any member of the Constabulary any of the powers or duties conferred or imposed on a police-officer of any class or grade by any enactment for the time being in force.

17. In any suit or proceeding against any member of the Constabulary for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Such plea may be proved by the production of the warrant or order directing the act, and, if it is so proved, such member of the constabulary shall thereupon be discharged from liability in respect of the act so done by him notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) All suits and proceedings (whether civil or criminal) against any person which may lawfully be brought for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder, shall

be commenced within three months after the act complained of was committed and not otherwise; and notice in writing of such suit or proceeding and of the cause thereof shall be given to the defendant or his superior officer one month at least before the commencement of the suit or proceeding.

18. Notwithstanding anything contained in the Code of Criminal Procedure, 1858,* the Local Government may declare that the Court of any Deputy Commissioner, and no other Court, shall be deemed to be the Court of Session for the disposal of cases, or any class of cases, arising under this Act.

19. Any person invested with any powers under the Code of Criminal Procedure, 1898,* for the disposal of any case under this Act within the limits of British India shall, in relation to any case arising under this Act beyond such limits, have the same power and be subject to the same conditions as to appeal or otherwise as if such case had arisen such limits.

20. The Local Government, subject to the control of the Governor General in Council, may, by notification in the Official Gazette, apply, with such modifications (if any) as it may think fit any of the provisions of this Act and the rules thereunder to the Border Militia or to any persons for the time being enrolled for similar service on the external frontier of British India.

21. The Local Government may, by notification in the official Gazette make rules—

- (a) regulating the functions and powers of the Deputy Commissioner, Commandant, the District Constabulary Officer and the Assistant Constabulary Officer, respectively, under this Act;
- (b) regulating, subject to the provisions of section 4, the classes and grades of, and the remuneration to be paid to the officers and men of, and the conditions of service in, the Frontier Constabulary;
- (c) fixing the period of service for members of the Constabulary in any district or local area;
- (d) regulating the award of minor punishments to Constabulary Officers under the powers conferred by section 10, and providing for appeals from, or the revision of orders under, that section, or the remission of fines imposed under that section, and the remission of deductions made under section 12;

* Act V. of 1898.

(e) regulating the several or collective liability of members of the Constabulary in the case of the loss or theft of weapons and ammunition ; and

(f) generally, for the purpose of carrying into effect the provisions of this Act.

Repeal.

22. The North-West Border Military Police Act, 1904,* is hereby repealed.

THE SCHEDULE.

Conditions of Service.

[See section 2, clause (a).]

AFTER you have served for such periods as the Local Government may have prescribed in this behalf in the Frontier Constabulary maintained under the North-West Frontier Constabulary Act, 1915, you may, at any time, when not on active service, apply for your discharge, through the officer to whom you may be subordinate to the Commandant, or to the District Constabulary Officer of the district in which you may be serving, and you will be granted your discharge after three months from the date of your application, unless your discharge would cause the vacancies in the Frontier Constabulary to exceed one tenth of the sanctioned strength, in which case you shall be bound to remain until this objection is waived by competent authority or removed. But when on active service you shall have no claim to a discharge, and you shall be bound to remain to do your duty until the necessity for retaining you in the Frontier Constabulary ceases, when you may make your application in the manner hereinbefore prescribed :

Provided that, if you wish to withdraw from the Frontier Constabulary, you may resign at any time before the expiration of the first three months of your service, but not afterwards until the completion of the period prescribed as aforesaid ;

Provided, also, that the Commandant or the District Constabulary Officer may, if he thinks fit, allow you to resign at any time on your giving three months' notice of your wish to do so.

Signature of the member of the Constabulary in acknowledgment of the above having been read to him.	}	A B.
---	---	------

Signed in my presence after I had ascer- tained that A. B. understood the purport of what he signed.	}	C. D.
--	---	-------

* Commandant or District
Constabulary Officer.

ACT NO. XVI, OF 1915.

The Benares Hindu University Act, 1915.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the
1st October, 1915.*

An Act to establish and incorporate a teaching and residential Hindu University at Benares.

WHEREAS it is expedient to establish and incorporate a teaching and residential Hindu University at Benares, and to dissolve the Hindu University Society, a society registered under the Societies Registration Act, 1860,* and to transfer to and vest in the said University all property and rights now vested in the said Society ; It is hereby enacted as follows :—

Short title and com-
mencement.

1 (1) This Act may be called the Benares Hindu University Act, 1915.

(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, unless there is anything repugnant in the subject or context,

(a) "College" means any college or institution maintained or admitted to privileges by the University ;

(b) "Council" means the University Council ;

(c) "Court" means the University Court ;

(d) "Faculty" means a Faculty of the University ;

(e) "Regulation" means the Regulations of the University for the time being in force ;

(f) "Senate" means the Senate of the University ;

(g) "Statutes" means the Statutes of the University for the time being in force ; and

(h) "University" means the Benares Hindu University.

3. (1) The First Chancellor, Pro Chancellor and Vice-Chancellor who shall be the persons specified in this behalf by a notification of the Governor-General in Council in the Gazette of India, and the persons indicated in Schedule I. as members of the Court and the Senate

* Act XXI. of 1860.

and all persons who may hereafter become or be appointed as such officers or members, so long as they continue to hold such office, or membership, shall be constituted a body corporate by the name of the Benares Hindu University.

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

(3) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for imparting education, literary, artistic and scientific, as well as agricultural, technical, commercial and professional, of furthering the prosecution of original research and of giving instruction in Hindu theology and religion and of promoting the study of literature, art, philosophy, history, medicine and science, and of imparting physical and moral training.

University open to all castes and creeds save as regards religious instruction.

4. (1) The University shall, subject to the Regulations, be open to persons of all classes, castes and creeds, but provision shall be made for religious instruction and examination in Hindu religion only.

(2) The Court shall have power to make Statutes providing that instruction in Hindu religion shall be compulsory in the case of Hindu students, and shall also have power to make special arrangements for the religious instruction of Jain or Sikh students from funds provided for this purpose.

5. The Governor General of India for the time being shall be the Lord Rector of the University ; and Lord Rector, Patrons and Vice-Patrons. such persons as may be specified in the Statutes shall be the Patrons and Vice-Patrons thereof.

6 (1) The Lieutenant-Governor for the time being of the United Provinces of Agra and Uudh shall be the Visitor of the University.

(2) The Visitor shall have the right of inspecting the University and its Colleges generally, and for the purpose of seeing that the proceedings of the University are in conformity with this Act and the Statutes and Regulations. The Visitor may, by order in writing, annul any such proceeding which is not in conformity with this Act and the Statutes and Regulations :

Provided that, before making any such order, he shall call upon University to show cause why such an order should not be made, and if any cause is shown within a reasonable time, shall consider the same.

Authorities and officers
of the University.

7. The following shall be the authorities and officers of the University,—

- I.—The Chancellor,
- II.—The Pro-Chancellor,
- III.—The Vice Chancellor,
- IV.—The Pro Vice-Chancellor,
- V.—The Court,
- VI.—The Council,
- VII.—The Senate,
- VIII.—The Syndicate,
- IX.—The Faculties and their Deans,
- X.—The Registrar,
- XI.—The Treasurer, and
- XII.—Such other authorities and officers as may be provided for by the Statute.

Powers and duties of
officers terms of office
and filling of casual
vacancies.

8. Subject to the provisions of this Act, the powers and duties of the officers of the University, the term for which they shall hold office and the filling up of casual vacancies in such offices, shall be provided for by the Statutes.

9. (1) The Court shall be the supreme governing body of the University in administrative matters, and shall have power to review the acts of the Senate (save when the Senate has acted in accordance with powers conferred on it under this Act, the Statutes or the Regulations), and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

"(2) No person not being a Hindu shall become or be appointed a member of any Court other than the first Court unless he has been a member of the first Court "*.

The Council.

10. (1) The Council shall be the executive body of the Court, and shall, in addition to *ex-officio* members, consist of not more than thirty elected members :

Provided that five members, other than *ex-officio* members, shall be members of the Senate elected by the Senate.

(2) The Council shall exercise such powers and perform such duties as may be vested in it by the Statutes.

11. (1) The Senate shall be the academic body of the University and subject to the Act, the Statutes and Regulations, shall have entire charge of the organization of instruction in the University and the Colleges, the courses of study and the examination and discipline of students and the conferment of ordinary and honorary degrees.

* The words within quotations have been substituted by Act 8 of 1922.

(2) The Senate shall ordinarily consist of not less than fifty members.

The Syndicate.

12. (1) The Syndicate shall be the executive body of the Senate, and shall consist of seventeen members :

Provided that ten at least of the members of the Syndicate, other than *ex-officio* members, shall be University Professors or Principals or Professors of Colleges.

(2) The Syndicate shall exercise such powers and perform such duties as may be vested in it by the Statutes.

13. (1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by auditors appointed by the Court :

Provided that no person shall be appointed an auditor in the exercise of this power unless he is qualified in accordance with the provisions of the Indian Companies Act, 1913,† to audit accounts of companies under that Act.

(2) The accounts, when audited, shall be published in the Gazette of India, and a copy of the accounts, together with the auditor's report, shall be submitted to the Visitor.

14. The University shall invest and keep invested in securities in which trust funds may be invested, in accordance with the provisions of the law relating to trusts in British India, a sum of fifty lakhs of rupees as a permanent endowment to meet the recurring charges of the University other than charges in respect of scholarships, prizes and rewards :

Provided that—

(1) any Government securities as defined by the Indian Securities Act, 1886,‡ which may be held by the University shall, for the purpose of this section, be reckoned at their face-value ; and

(2) the aforesaid sum of fifty lakhs shall be reduced by such sum as, at the commencement of this Act, the Governor-General in Council shall, by order in writing, declare to be the total capitalised value, for the purposes of this section,—

(a) of all permanent recurring grants of money which have been made to the University by any Indian Prince or Chief ; and

(b) of the total income accruing from immovable property which has been transferred to the University.

† Act VIII. of 1913.

‡ Act XIII. of 1886.

15. (1) The Central Hindu College, Benares, shall, from such date as the Governor-General in Council may by notification in the Gazette of India, appoint in this behalf, be deemed to be a college maintained by the University, and the University may found and maintain other colleges and institutions in Benares for the purposes of carrying out instruction and research.

(2) With the approval of the Senate and the sanction of the Visitor, and subject to the Statutes and Regulations, the University may admit colleges and institutions in Benares to such privileges of the University, subject to such conditions, as it thinks fit.

16. The degrees, diplomas, certificates and other academic distinctions granted by the University shall be recognized by the Government to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other academic distinctions granted by any other University incorporated by an Act of the Governor-General in Council.

17. (1) Subject to the provisions of this Act, the Statutes may provide for any or all of the following matters, namely :—

- (a) the constitution, powers and duties of the Court, the Council, the Senate, the Syndicate and such other bodies as it may be deemed necessary to constitute from time to time ;
- (b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members and the filling of vacancies of members and all other matters relative to those bodies for which it may be necessary or desirable to provide ;
- (c) the appointment, powers and duties of the necessary officers of the University ;
- (d) for the instruction of Hindu students in Hindu religion ; and
- (e) all other matters relating to the administration of the University.

(2) The first Statutes shall be those set out in Schedule I.

(3) The Court may, from time to time, make new or additional Statutes, or may amend or repeal the Statutes.

(4) The Council shall have power to draft and propose to the Court Statutes to be made by the Court, and it shall be the duty of the Court to consider the same.

(5) All new Statutes or additions to the Statutes or amendments or repeals to Statutes other than Statutes providing for the instruction of Hindu students in Hindu religion, shall require the previous approval of the Visitor, who may sanction, disallow, or remit for further consideration :

Provided that no Statute making a change in the constitution of the Court, the Council, the Senate or the Syndicate as provided for in the first Statutes, shall be made without the previous sanction of the Governor-General in Council.

18. (1) Subject to the provisions of this Act and the Statutes, the Regulations may provide for any or all of the following matters, namely :—

- (a) the payment of fees to the University and their amount ;
- (b) the admission of students to the University and their examination ;
- (c) the tenure of office and terms and manner of appointment and the duties of the examiners and examining boards ;
- (d) the discipline to be enforced in regard to the graduates and undergraduates ;
- (e) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining of the same ;
- (f) the withdrawal of degrees, diplomas, certificates and other academic distinctions ;
- (g) the removal from membership of the University of graduates and undergraduates ; and
- (h) all such other subjects as are required or authorised by the Act or Statutes to be prescribed by means of Regulations.

(2) The first Regulations shall be framed as directed by the Governor-General in Council, and shall receive his previous approval.

(3) The Senate from time to time may make new or additional Regulations, or amend or repeal Regulations.

(4) The Syndicate shall have power to draft and propose to the Senate Regulations to be made by the Senate, and it shall be the duty of the Senate to consider the same.

(5) All new Regulations or additions to the Regulations, or amendments or repeals to Regulations, shall require the previous approval of the Visitor, who may sanction, disallow or remit for further consideration :

Provided that no Regulation making a change in the first Regulations as to the admission of students to the University shall be made without the previous sanction of the Governor-General in Council.

19. (1) If at any time the Governor-General in Council is of opinion that special reasons exist which make the removal of any member of the teaching staff desirable in the interest of the University, or that as a special measure the appointment of a

certain examiner or examiners to report to him is desirable to maintain the standard of University examinations, or that the scale of staff of the University is inadequate, or that in any other respect the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, he may indicate to the Council any matter in regard to which he desires explanation and call upon that body to offer such explanation as it may desire to offer, with any proposals which it may desire to make, within such time as he may prescribe.

(2) If the Council fails to offer any explanation within the time prescribed, or offers an explanation or makes proposals which in the opinion of the Governor-General in Council, is or are unsatisfactory, the Governor-General in Council may issue such instructions as appear to him to be necessary and desirable in the circumstances of the case, and the Court shall give effect to such instructions.

20. (1) From the commencement of this Act, the Hindu University Society shall be dissolved, and all property, moveable and immoveable, and all rights, powers and privileges of the Hindu University Society which, immediately before the commencement of this Act, belonged to, or were vested in, the said Society, shall vest in the University and shall be applied to the objects and purposes for which the University is incorporated.

Dissolution and transfer of property of the Hindu University Society.

(2) From the commencement of this Act, all debts and liabilities of the said Society shall be transferred and attached to the University, and shall thereafter be discharged and satisfied by the University.

(3) Any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the Central Hindu College or the said Society shall, on the commencement of this Act, be construed as if the University were therein named, instead of the said College or Society.

SCHEDULE I.

FIRST STATUTES OF THE UNIVERSITY.

[See sections 3 and 17 (2).]

Definitions.

1. (1) In these Statutes—

“The Act” means the Benares Hindu University Act, 1915.

(2) All words and expressions used herein and defined in the Act shall be deemed to have the meanings respectively attributed to them by the Act.

Membership of the University. **2. (1)** The following persons shall be members of the University, namely :—

- (i) The officers of the University.
- (ii) The members of the University.
- (iii) The members of the teaching staff.
- (iv) The Graduates.
- (v) The Under-graduates.

(2) Membership of the University shall continue so long only as one at least of the qualifications above enumerated shall continue to be possessed by the individual member.

Patrons and Vice-Patrons. **3. (1)** The following persons shall be the Patrons of the University, namely :—

- (i) all heads of local administrations in British India, other than the Lieutenant-Governor of the United Provinces of Agra and Oudh ;
- (ii) such Indian Princes and Chiefs as the Lord Rector may, of his own motion, or on the recommendation of the Court from time to time, appoint.

(2) The Lord Rector may, on his own motion, or on the recommendation of the Court, appoint such persons, as he may think fit, to be Vice-Patrons of the University.

The Chancellor. **4. (1)** The successors to the first Chancellor shall be elected by the Court.

(2) The Chancellor shall hold office for three years.

Powers of the Chancellor. **5. (1)** The Chancellor shall, by virtue of his office, be the head of the University.

(2) The Chancellor shall, if present, preside at the Convocation of the University for conferring degrees, and at all other meetings of the Court.

(3) The Chancellor may, on the recommendation of the Senate, appoint Rectors, being persons of eminent position or attainment.

The Pro-Chancellor. **6. (1)** The successors to the first Pro-Chancellor shall be elected by the Court from among its own members.

(2) The Pro-Chancellor shall hold office for one year.

(3) Casual vacancies in the office of the Pro-Chancellor shall be filled up by the Chancellor on the recommendation of the Council. The person so appointed shall hold office till the next annual election.

7. The Pro-Chancellor may, in the absence of the Chancellor or pending a vacancy in the office of Chancellor, exercise the functions of the Chancellor, except the conferring of degrees, and preside at any meetings of the Court.

Powers of the Pro-Chancellor.

8. (1) The successors to the first Vice-Chancellor shall be elected by the Court from among its own members, such appointment shall be subject to approval by the Visitor.

(2) The Vice-Chancellor shall hold office for three years.

(3) Casual vacancies in the office of Vice-Chancellor shall be filled up by election by the Court subject to approval by the Visitor. Until the election of a new Vice-Chancellor, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor.

9. (1) The Vice Chancellor shall take rank in the University next to the Chancellor and the Pro-Chancellor, and shall be *ex-officio* Chairman of the Council, the Senate and the Syndicate. He shall be the principal Executive and Academic Officer of the University, and shall, in the absence of the Chancellor, preside at the Convocation and confer degrees.

(2) It shall be the duty of the Vice Chancellor to see that the Act, the Statutes and the Regulations are faithfully observed.

(3) The Vice-Chancellor shall have power to convene meetings of the Court, the Council, the Senate and the Syndicate, and to perform all such acts as may be necessary to carry out or further the provisions of the Act, the Statutes and the Regulation.

(4) If any emergency arises 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 report the fact to the authority which in the ordinary course would have dealt with the matter.

10. (1) The Pro-Vice-Chancellor shall be elected by the Court. The appointment shall be subject to approval by the Visitor.

(2) He shall hold office for such period and under such conditions as shall, from time to time, be determined by the Court.

(3) Casual vacancies in the office of the Pro-Vice Chancellor shall be filled up by the Vice-Chancellor with the approval of the Chancellor and the Visitor. The person so appointed shall hold office till the next meeting of the Court.

11. The Pro-Vice-Chancellor shall be *ex-officio* Secretary of the Court and the Council. He shall be the executive assistant of the Vice-Chancellor in all matter effecting the discipline of the graduates and under-graduates.

12. (1) The Registrar shall be a whole-time paid officer of the University, and shall be appointed by the Council. He shall be *ex-officio* Secretary of the Senate and the Syndicate. He shall hold office for a term of five years.

(2) The Registrar may be a member of the Senate, but shall not be a member of the Syndicate.

(3) It shall be the duty of the Registrar—

- (a) to be the custodian of the records, common Seal and such other property of the University as the Syndicate shall commit to his charge ;
- (b) to act as Secretary to the Senate and the Syndicate and to attend, as far as possible, all meetings of the Senate, Syndicate, Faculties, and any committees appointed by the Senate, the Syndicate, or the Faculties, and to keep minutes thereof ;
- (c) to conduct the official correspondence of the Senate, and the Syndicate ;
- (d) to issue all notices convening meetings of the Senate, Syndicate, Faculties, Boards of Studies, Boards of Examiners, and of any Committees appointed by the Senate, the Syndicate, the Faculties or any of the Boards ;
- (e) to arrange for and superintend the examinations of the University at Benares ; and
- (f) to perform such other work as may, from time to time be prescribed by the Syndicate.

13. (1) The Treasurer shall be appointed by the Court. He shall hold office for the term of one year.

The Treasurer.

(2) Casual vacancies in the office of Treasurer shall be filled up by election by the Council. The person so appointed shall hold office for the unexpired period of office of the person in whose place he is elected.

(3) The receipt of the Treasurer for any money payable to the University shall be sufficient discharge for the same.

14. (1) Subject to the provisions of the Act, and save as hereinafter provided in this Statute, the Court shall consist of the following persons, namely :—

The Court.

Class I.—Ex-officio Members, the Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor for the time being.

Class II.—Donors and their representatives :—

- (a) Every Indian Prince or Chief contributing a donation of three lakhs of rupees or upwards, or transferring property of the like value, shall be a life member from the date of the receipt of the donation or of the transfer, and after his decease, his successor for the time being holding his position as such Prince or Chief shall be a life-member.

- (b) Every person contributing to the University a donation of one lakh of rupees or upwards, or transferring property of the like value, shall be a life-member from the date of the receipt of the donation or of the transfer.
- (c) Every person contributing to the University a donation of Rs 10,000 or upwards, or transferring property of the like value, shall be a member for a period of 10 years from the date of the receipt of his donation or of the transfer.
- (d) Every person who is a life-member in virtue of clause (a) may, from time to time, nominate one member. The member so nominated shall continue in office for such period as the nominator may specify to the Registrar, provided that his membership shall determine on the death of the nominator.
- (e) Every person who is a life-member in virtue of clause (b) may, by notice in writing to the Registrar, nominate one member to hold office for a period of five years.
- (f) Every donor who makes a bequest of R 10,000 or upwards or of property of the like value may, by or under his will, nominate one person who shall be a member for a period of five years from the receipt of the bequest.
- (g) Every Indian Prince or Chief who makes a permanent annual grant of money to the University shall, subject to the provisions of clause (j), have the same rights as to membership of, and representation on, the Court as if he had been a donor of such sum as represents the capital value ascertained at a rate of interest of $3\frac{1}{2}$ per cent. of such annual grant.
- (h) Every other grantor to the University of any annual grant of money, the payment of which is secured by mortgage of immoveable property affording sufficient security for such grant within the provisions of the *explanation* to section 66 of the Transfer of Property Act, 1882,* and effected by duly executed instrument in a form approved by the Council, shall subject to the provisions of clause (i) have the same rights as to membership of, and representation on, the Court as if he had been a donor of a sum calculated in the manner prescribed in clause (g).
- (i) The amounts of donations specified in clauses (a), (b), (c), (f) and in Class III (b) may, for the purpose of qualifying the donors within those provisions, be made up partly of money or of capitalised grants as

* Act IV. of 1882.

provided in clauses (g) and (h), or of property, or partly of any two or more of these.

- (i) When an annual grant is not fully paid up or falls in arrears, the grantor shall not be entitled to exercise any of the privileges, conferred on him by any of the foregoing clauses of this Statute, unless and until the said arrears are paid up.

Class III.—Elected members :—

(a) Ten persons to be elected by the registered graduates of the University from such date as the Court may fix.

(b) Thirty persons to be elected by registered donors of R 500 or upwards :

Provided that, whenever the number of such donors, falls below fifty there shall be no election until the number of such donors again attains or exceeds fifty.

(c) Ten persons to be elected by the Senate.

(d) Fifteen representatives of Hindu religion and Sanskrit learning to be elected by the Court.

(e) Ten persons to be elected by the Court to represent Jain and Sikh communities.

(f) Ten persons to be elected by the Court to represent the learned professions.

(g) Such other person, not exceeding twenty in number, as may be elected by the Court.

(2) The foregoing provisions of this Statute shall, as far as may be, be applicable to the first Court :

Provided that, in the case of the first Court, the ten persons specified in group (c) of Class III. shall be appointed by Vice-Chancellor, with the approval of the Governor-General in Council.

(3) When any electoral body entitled to elect a member or members fails to do so within the time prescribed by the Court, the Court may appoint any qualified person of the class from which such electoral body was entitled to elect.

(4) Save when otherwise expressly provided, members shall hold office for five years :

Provided that as nearly as may be one-fifth of the total number of the members of the first Court in each of the groups of Class III. shall retire by ballot at the end of each year for the first four years.

(5) All casual vacancies among the appointed or elected members shall be filled, as soon as conveniently may be, by the person or body who appointed or elected the member whose place has become vacant, and the person appointed or elected to a casual vacancy shall be a member for the residue of the term for which

the person in whose place he is appointed or elected was a member.

15. The Court shall exercise control over the Senate through the Council and not otherwise, and over the Faculties through the Council and Senate and not otherwise, and over the Council by means of Statutes and Resolutions passed at a meeting of the Court and not otherwise.

16. (1) As soon as may be after the commencement of the Act, the first Court shall assemble at such place and time as the Chancellor may direct in order to make the necessary appointments and elections for the purpose of the Act and Statutes.

(2) An annual meeting of the Court shall be held during the month of October in each year, unless some other month be fixed by resolution at a previous annual general meeting, on such day and at such hour as shall be appointed by the Council. And at such yearly meeting a report of the proceedings of the Council and of the University, together with a statement of the receipts and expenditure and the balance-sheet as audited, shall be presented by the Council to such meeting, and any vacancies among the officers of the University or among the members of the Court or Council which ought to be filled up by the Court shall be filled up.

(3) A copy of the statement of receipts and expenditure and of the balance-sheet referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting and shall be open to the inspection of all members of the Court and Senate at the office of the University during the year following such annual meeting, at such reasonable hours and under such conditions as the Council may determine.

(4) Twenty members of the Court shall form a quorum.

(5) Special general meetings of the Court may be convened by the Council at any time.

17. The Council shall consist of the following persons, namely :—

(i) The Vice-Chancellor and the Pro-Vice-Chancellor for the time being.

(ii) Not more than thirty elected members, of whom five shall be members of the Senate elected by the Senate, and the remainder members of the Court elected by the Court.

(2) Not less than five of the members to be elected by the Court shall be residents of places outside the United Provinces of Agra and Oudh.

(3) At the first election of members of the Council by the Court, it shall proceed in the first place to elect twenty members. The Court shall, as soon as the result of the election is declared, proceed to determine the province, or provinces or States from among the residents of which the remaining five members are to be elected and assign to each province or State the number of member or members to be elected.

(4) At each subsequent election, as nearly as may be, four-fifths of the vacancies shall be first filled up. The remaining one-fifth of the vacancies shall then be filled up to secure representation of provinces and States, on the same lines *mutatis mutandis* as provided in sub-section (3).

(5) The elected members of council shall hold office for the term of three years :

Provided that, at the first annual meeting of the Court, and at the second annual meeting of the Court, as nearly as may be, one-third of the first elected members shall retire by ballot.

(6) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.

(7) Seven members of the Council shall form a quorum.

18. The Council shall, subject to the control of the Court, have the management and administration of the whole revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the Act, the Statutes and any Regulations made in pursuance thereof, the Council shall, in addition to all other powers vested in it, have the following powers, namely :—

- (i) To appoint from time to time Principals of Colleges and such University Professors, Professors, Assistant Professors, Readers, Lecturers and other members of the teaching staff, as may be necessary, on the recommendation of the Board of Appointments.
- (ii) In the case of other appointments, to delegate, subject to the general control of the Council, the power of appointment to such authority or authorities as the Council may, from time to time, by resolution, either generally or specially direct.
- (iii) To manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose to appoint such agents as it may think fit.

- (iv) To invest any moneys belonging to the University, including any unapplied income in such stocks, funds, shares, or securities, as it shall from time to time think fit, or in the purchase of immoveable property in India, with the like power of varying such investments from time to time.
- (v) To transfer or accept transfers of any moveable or immoveable property on behalf of the University.
- (vi) To provide the buildings, premises, furniture, and apparatus, and other means needed for carrying on the work of the University.
- (vii) To enter into, vary, carry out, and cancel contracts on behalf of the University.
- (viii) To entertain, adjudicate upon, and if thought fit, redress any grievances of the officers of the University, the Professors, the Teaching Staff, the Graduates, Under-graduates and the University servants, who may, for any reason, feel aggrieved, otherwise than by an act of the Court :

Provided that nothing in this provision shall be deemed to confer on the Council any power to interfere in any matter of discipline in regard to graduates and under-graduates.

- (ix) To maintain a register of donors to the University.

- (x) To select a Seal for the University, and provide for the custody and use of the Seal.

19. The Senate shall, save as hereinafter provided in this Statute, ordinarily consist of not less than fifty members, of whom not less than three-fourths shall be Hindus, and shall include the following persons, namely :—

Class I.—Ex-officio members.

- (a) The Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor for the time being.
- (b) The University Professors.
- (c) The Principals or heads of Colleges.

Class II.—Elected members.

- (a) Five members to be elected by the Court.
- (b) Five members to be elected by the registered graduates of the University from such date as the Court may fix.
- (c) Five representatives of Hindu religion and Sanskrit learning to be elected by the Senate.

- (d) Ten representatives to be elected by the Senate from persons engaged in the teaching work of the University or its Colleges.
- (e) Should the Vice Chancellor declare that there is a deficiency in the number of members required in any faculty or faculties, then five or less persons elected by the Senate, eminent in the subject or subjects of that faculty or those faculties.

Class III.—Nominated members.

- (1) Five members to be nominated by the Visitor.
- (2) The foregoing provisions of this Statute shall, as far as may be, be applicable to the first Senate.
- (3) The elected and nominated members of the Senate shall hold office for five years :

Provided that, as nearly as may be, one-fifth of the total number of the members of the first Senate shown in each of the groups of Class II and of those shown in Class III, shall retire by ballot at the end of each year for the first four years.

(4) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.

- (5) Fifteen members of the Senate shall form a quorum.

20. (1) The Senate shall be the academic body of the University and, subject to the Act, the Statutes and Regulations of the University, shall have entire charge of the organization of instruction, the courses of study and the examination and discipline of students (save so far as matters of discipline rest with the Pro-Vice Chancellor and the heads of colleges) and the conferment of ordinary and honorary degrees.

(2) Subject to the Act and the Statutes and any Regulations made in pursuance thereof, the Senate shall in addition to all other powers vested in it, have the following powers, namely :—

- (i) To report on any matter referred to or delegated to them by the Court or the Council.
- (ii) To discuss and declare an opinion on, any matter whatsoever relating to the University.
- (iii) To make recommendations to the Council or to the Board of Appointments as to the removal of any Professor or Teacher of the University or of its Colleges or as to the appointment of additional Professors or Teachers for the University or its Colleges.

(iv) To formulate and modify or revise schemes for the organization of Faculties, and to assign to such Faculties their respective subjects, and also to report to the Council as to the expediency of the abolition, combination, or sub-division of any Faculty.

(v) To fix, subject to any conditions made by the Founders which are accepted by the Court, the times and mode and conditions of competition for Fellowships, Scholarships, and other Prizes, and to award the same

(vi) To promote research within the University and to require, from time to time, reports on such research.

(vii) To maintain a register of graduates.

21. (1) The Syndicate shall be the executive body of the Senate, and shall consist of the Vice-Chancellor, the Pro Vice-Chancellor and fifteen persons elected by the Senate, of whom not less than ten shall be University Professors or Principals or Professors of Colleges.

(2) The elected members of the Syndicate shall hold office for three years :

Provided that, as nearly as may be, one-third of the elected members of the first Syndicate shall retire by ballot at the end of each year for the first two years.

(3) All casual vacancies among elected members may be filled up by the Senate.

(4) Five members of the Syndicate shall be a quorum.

22. It shall be the duty of the Syndicate, subject to the revision and control of the Senate,—

(i) to order examinations in conformity with the Regulations and to fix dates for holding them ;

(ii) to appoint Examiners, and, if necessary, to remove them, and, subject to the approval of the Council, to fix their fees, emoluments and travelling and other allowances, and to appoint Boards of Examiners and Moderators ;

(iii) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting Colleges applying for admission to the privileges of the University ;

(iv) to declare the results of the various University Examinations, and to recommend for degrees, honours, diplomas, licenses, titles and marks of honour ;

(v) to award stipends, scholarships, medals, prizes and other rewards, in conformity with the Regulations and the conditions prescribed for their award ;

- (vi) to consider and make such reports or recommend such action as may be deemed necessary on proposals or motions brought forward by the members of the Senate and Faculties, for consideration by the Senate ;
- (vii) to publish lists of prescribed, or recommended text books and to publish statements of the prescribed courses of study ;
- (viii) to prepare such forms and registers as are, from time to time, prescribed by the Regulations ; and generally,
- (ix) to perform all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, and the Statutes and Regulations or the resolutions of the Senate.

23. (1) The University shall include the Faculties of—(1) The Faculties. Oriental learning, (2) Theology, (3) Arts, Science, Pure and Applied, (5) Law, and, as soon as the Visitor is satisfied that sufficient funds are available for the purpose, of (6) Technology, (7) Commerce, (8) Medicine and Surgery, (9) Agriculture, and other Faculties

(2) The Senate shall annually assign its members to the different Faculties.

(3) The method of assignment of members to the Faculties, the meetings of the Faculties, and their power of co-opting additional members shall be provided for by Regulations :

Provided that the members assigned to the Faculty of Theology shall all be Hindus.

24. (1) The Faculties shall have such powers, and shall perform such duties, as may be assigned to them by the Statutes and the Regulations and shall, from time to time, appoint such and so many Boards of Studies in different branches of knowledge as may be prescribed by the Regulations. They shall also consider and make such recommendations to the Senate on any question pertaining to their respective sphere of work as may appear to them necessary, or on any matter referred to them by the Senate.

(2) Five members, in the case of the Faculty of Arts. and three members, in the case of the other Faculties, shall constitute a quorum.

25. Convocations of the University for the conferring of degrees, or for other purposes, shall be held in a manner to be prescribed by Regulations.

26. The Court, Council, Senate, Syndicate and the Faculties Committee. may, from time to time, appoint such and so many standing and special Committees or Boards as may seem to them fit, and may, if they think fit, place on them persons who are not members of the appointing bodies. Such Committees may deal with any subject delegated to them, subject to subsequent confirmation by the appointing body.

27. (1) The Board of Appointments shall consist of—

- (i) The Vice-Chancellor.
- (ii) The Pro-Vice-Chancellor.
- (iii) Two members to be elected by the Court.
- (iv) Two members to be elected by the Council.
- (v) Two members to be elected by the Senate.
- (vi) Two members to be elected by the Syndicate.

(2) The elected members shall hold office for the term of two years. One member from each electing body, to be determined by ballot, shall retire at the end of the first year.

(3) The Vice-Chancellor shall preside at the meetings of this Board or, in his absence, the Pro-Vice-Chancellor.

(4) The meetings of the Board shall be convened by the Vice-Chancellor or, Pro-Vice-Chancellor, or, when so directed by the Syndicate, by the Registrar.

(5) The Board shall consider and submit recommendations as to all appointments referred to it.

28. No act or resolution of the Court, the Council, the Senate, the Syndicate or the Faculties or any other authority shall be invalid by reason only of any vacancy in the body doing or passing it, or by reason of any want of qualification by, or invalidity in, the election or appointment of any *de facto* member of the body, whether present or absent.

29. Where, by the Statutes or Regulations, no provision is made for a president or chairman to preside over a meeting of any University authority, Board or Committee, or when the president or chairman so provided for is absent, the members present shall elect one of their number to preside at the meeting.

30. Every officer of the University and every member of any University authority whose term of office or of membership has expired shall be eligible for re-appointment or re-election, as the case may be.

31. Any member of the Court, the Council, the Senate or the Syndicate or any other University authority may resign by letter addressed to the Secretary in the case of the Court, and to the Registrar in all other cases.

32. A member of the Court or the Senate may be removed from office on conviction by a Court of law of what, in the opinion of the Court or the Senate, as the case may be, is a serious offence involving moral delinquency :

Provided that a resolution for the removal of any such member is approved by not less than two-thirds of the members present at the meeting of the Court or the Senate, as the case may be, at which such a resolution is proposed :

And provided further that such a resolution is confirmed by a like majority at a subsequent meeting of the Court or Senate, as the case may be.

ACT NO. I. OF 1916.

The Indian Trusts (Amendment) Act, 1916.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the assent of the Governor-General on the 15th February, 1916.]

An Act further to amend the Indian Trusts Act, 1882.

WHEREAS it is expedient further to amend the Indian Trusts Act, 1882 ;* It is hereby enacted as follows :—

1. This Act may be called the Indian Trusts (Amendment) Act, 1916.

2. In section 20 of the Indian Trusts Act, 1882* (hereinafter called the said Act), the following amendments shall be made namely :—

(i) To clause (b), the following proviso shall be added, namely :—

“Provided that, after the fifteenth day of February, 1916, no money shall be invested in any such annuity being a terminable annuity unless a sinking fund has been established in connection with such annuity ; but nothing in this proviso shall apply to investments made before the date aforesaid.”

(ii) After clause (b), the following new clause shall be inserted, namely :—

“(bb) in India three a half per cent. stock, India three per cent, stock, India two and a half per cent. stock or any other capital stock which may at any time hereafter be issued by the Secretary of State for India in Council under the authority of an Act of Parliament and charged on the revenues of India ;”

(iii) In clause (c) after the word “Council” the words “or by the Government of India” shall be added.

3. After section 20 of the said Act, the following section shall be inserted, namely :—

Insertion of new section 20 A. in Act II. of 1882.

Vide Vol II p. 668.

* Act II. of 1882.

ACT NO. III. OF 1916.

The "Foreigners' (Trial by Court-martial) Act, 1916."

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the assent of the Governor-General on the 8th March, 1916.

An Act to provide for the trial, by court-martial, of foreigners for offences against the Defence of India Rules.

WHEREAS it is expedient to Provide for the trial, by court-martial, of foreigners for offences against the Defence of India Rules ; It is hereby enacted as follows :—

Short title, extent and duration.

1. (1) This Act may be called the "Foreigners' (Trial by Court-martial) Act, 1916."

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

(3) It shall be in force during the continuance of the present war and for a period of six months thereafter :

Provided that the expiration of this Act shall not affect the validity of anything done in pursuance of it, and any person convicted under this Act may be punished as if it had continued in force, and all prosecutions and other legal proceedings pending under this Act at the time of the expiration thereof may be completed and carried into effect and the sentences carried into execution as if this Act had not expired.

Definitions.

2. In this Act—

(a) "British subject" has the same meaning as in section 27 of the British Nationality and Status of Aliens Act, 1914 :*

Provided that any person who holds a certificate of naturalization as a British subject granted under any Act of the Governor-General in Council for the time being in force shall, for the purposes of this Act, be deemed to be a British subject.

(b) "Defence of India Rules" means any rules for the time being in force made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915.†

(c) "Foreigner" means any person who is not a British subject.

Trial of foreigners contravening rules under section 2 of the Defence of India Act, 1915.

3. (1) The Governor-General in Council may, by order in writing, direct that a foreigner accused of anything which is an offence in virtue of the Defence of India Rules shall be tried by court-martial.

(2) An order made under sub section (1) may be made in respect of all foreigners or any particular foreigner or any class of foreigners, and in respect of all offences against the said rules or any particular offence or any class of offences.

(3) An order made under sub section (1) may be made in respect of, or include, any foreigner so accused whether such offence was committed before or after the commencement of this Act.

4. When an order under section 3 has been made in respect of, or includes, any foreigner, such foreigner, when so accused, may be taken into military custody, and shall, if he is already in other custody, be handed over to military custody, and shall be proceeded against and dealt with as if he was a person subject to military law in accordance with the Army Act,* and as if the offence of which he is accused was an offence against military law ; and may, on conviction, be sentenced to, and shall be liable to suffer, any punishment, assigned by the Defence of India Rules for the offence of which he is found guilty.

5. The trial and all matters precedent thereto and attendant thereon shall be held and carried out in accordance with the provisions of the Army Act* and the rules for the time being in force thereunder :

Provided that the Governor General in Council may, by general or special order, modify, in such way as he may direct, any of the said provisions.

Repeal of Ordinance III. of 1916.

6. The Foreigners (Trial by Court martial) Ordinance, 1916,† is hereby repealed.

* 44 & 45 Vict., c. 58.

† Act III. of 1916.

ACT NO. IV. OF 1916.

The Indian Tariff (Amendment) Act 1916.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the assent of the Governor-General on the 8th.

March, 1916.

An Act to amend the Indian Tariff Act 1894 and for other purposes.

WHEREAS it is expedient to amend the Indian Tariff Act, 1914,* and to repeal, so far as it relates to this Act, and re-enact with amendments section 22 of the Sea Customs Act, 1878†; It is here by enacted as follows :—

Short title and retrospective effect.

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1916.

(2) It shall be deemed to have come into force on the 1st day of March, 1916, and any sums due on account of new duties leviable thereunder or of any deficiency between the duties which have been paid and the duties which are leviable thereunder shall be deemed to be duties short levied within the meaning of section 39 of the Sea Customs Act, 1878,† and that Act shall apply accordingly.

2. In this Act the Indian Tariff Act, 1894 (hereinafter referred to as the said Act), means the Indian Tariff Act, 1894,* as subsequently amended.

Substitution of new section 3 in Act VIII. of 1894.

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

“3. (1) There shall be levied and collected in every port to which this Act applies the duties specified in the Second and Third Schedules.

(2) The Governor-General in Council may, by notification in the Gazette of India, fix, for the purpose of levying the said duties, tariff values of any articles enumerated, either specifically or under general headings, in the said Schedules as chargeable with duty *ad valorem*, and may alter any tariff values for the time being in force.

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

Substitution of new Schedules II., III, IV., and V. of Act VIII. of 1894.

4. For the Third, Fourth and Fifth Schedules of the said Act the Schedules contained in the First Schedule to this Act shall be substituted.

5. The enactments specified in the Second Schedule to this Act are repealed to the extent specified in the fourth column thereof.

* Act VIII. of 1894.

† Act VIII. of 1878.

‡ Certain words after this repealed by Act 6 of 1921 have been omitted.

SCHEDULE III,—EXPORT TARIFF.

No.	Names of Articles.	Per	Rate of duty.
	JUTE , other than Bimlipatam jute.		
1	RAW JUTE —		R. A.
	(1) Cuttings	Bale of 400 lbs.	0 10
	(2) All other descriptions ...	" " "	2 4
2	JUTE MANUFACTURES , when not in actual use as coverings, receptacles or bindings for other goods—		
	(1) sacking (cloth, bags twist, yarn, rope and twine).	Ton of 2,240 lbs.	10 0
	(2) Hessians all other descriptions of jute manufactures not otherwise specified.	" " "	16 0
	RICE.		
3	RICE , husked or unhusked, including rice flour, but excluding rice bran and rice dust which are free.	Indian maund of 82 two-seventh lbs avoirdupois weight.	0 8
	TEA.		
4	TEA	100 lbs.	1 8

SCHEDULE II.
REPEALS.
(See section 5.)

No.	Year.	Short title.	Extent of Repeal.
VIII.	1878	The Sea Customs Act, 1878 ..	Section 22 so far as it relates to this Act,
III.	1896	The Indian Tariff Act (1894) Amendment Act, 1896.	The whole.
VIII.	1910	The Indian Tariff (Amendment) Act 1910.	The whole.
VI.	1911	The Indian Tariff (Amendment) Act, 1911.	The whole.
XVII.	1914	The Second Repealing and Amending Act, 1914.	The entry in the First Schedule regarding the Indian Tariff Act 1894,

ACT NO VI OF 1916.

The Indian Ports (Amendment) Act, 1916.

PASSED BY THE GOVERNOR-GENERAL IN COUNCIL.

Received the Governor-General's Assent on the 16th March 1916.

An Act further to amend the Indian Ports Act, 1908.

WHEREAS it is expedient further to amend the Indian Ports Act, 1908 ;* It is hereby enacted as follows :—

Short title. 1. This Act may be called the Indian Ports (Amendment) Act, 1916.

2. In section 4, sub section (1) of the Indian Ports Act, 1908*
 Amendment of section (hereinafter called the the said Act), the
 4, Act XV of 1908. words "with the previous sanction of the
 omitted. Governor-General in Council" shall be

3. In section 5, sub-section (1) of the said Act, the words
 Amendment of section "with the previous sanction of the
 5, Act XV of 1908. Governor-General in Council and" shall be
 omitted.

4. In section 6, sub-section (1) of the
 Amendment of section said Act, the following amendments shall be
 6, Act XV of 1908. made—

(1) After clause (j) the following clause shall be inserted,
 namely :—

(j j) for regulating the use of piers, jetties, landing places,
 wharves, quays, warehouses and sheds when belonging to the
 Government, and for fixing the rates to be paid for the use of the
 same ;"

(2) in clause (k) after the word "port" the words "and for
 licensing and regulating the crews of any such vessels," and after
 the word "passengers" the words "or of the crew" shall be
 inserted ; and at the end of the same clause, the following shall be
 added, namely :—"and may by such rules provide for the fees
 payable in respect of any such license, and in the case of passenger
 vessels plying for hire, for the rates of hire to be charged and the
 conditions under which such vessels shall be compelled to ply for
 hire, and further for the conditions under which any license may be
 revoked ;"

* Act XV of 1908.

Amendment of section
31, Act XV of 1908.
namely :—

5. In section 31 of the said Act, the following amendments shall be made,

(i) After sub-section (1) the following sub-section (2) shall be inserted, namely :— *Vide* Vol. IV p 431.

(ii) The existing sub-sections (2), (3) and (4) shall be renumbered (3) (4) and (5), respectively.

(iii) In the existing sub-section (3) for the word and figures “(1) and (2)” the word and figures “(1) (2) and (3)” shall be substituted.

Amendment of section
33, Act XV of 1908.

6. In section 33 of the said Act, the following amendments shall be made, namely :—

(i) In sub section (1) after the figure (1), the following shall be inserted namely :—

“Subject to the provisions of sub-section (2).”

(ii) After sub-section (1), the following sub-section (2) shall be inserted, namely :—

“(2) The Local Government may, by notification in the local official gazette, alter or add to any entry in the First Schedule relating to ports within its own province, and this power shall include the power to regroup any such ports :

Provided that if any such alteration or addition has the effect of increasing the port dues in any such port such alteration or addition shall require the sanction of the Governor-General in Council.”

(iii) In the existing sub-section (2) the words “with the previous sanction of the Governor-General in Council” and the words “with the like sanction” shall be omitted, and to the same sub-section, the following proviso shall be added namely :—

“Provided that, except with the sanction of the Governor-General in Council, the rates and the times so declared shall not be respectively higher or shorter than the maximum rate and the shortest time specified and fixed in the First Schedule for any port in the province.”

(iv) The existing sub-sections (2), (3) and (4) shall be renumbered (3), (4) and (5), respectively.

7. In section 34 of the said Act, after the words “The Local Government may” the words “after consulting the authority appointed under section 36” shall be inserted; and for the words “the vessels” the following shall be substituted, namely :—“subject to such conditions, if any, as it thinks fit to impose, any vessel or class of vessels;” and after the word “them” the words “or may

Amendment of section
34, Act XV of 1908.

extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port dues" shall be added.

Amendment of section 35, Act XV of 1908,

8. In section 35, sub-section (1) of the said Act, the proviso shall be omitted.

Amendment of section 36, Act XV of 1908.

9. In section 36 of the said Act, sub-section (3) shall be omitted.

10. In section 37, sub-section (2) (a) of the said Act, for the words "with the previous sanction" the words "subject to the control" shall be substituted.

Amendment of section 37, Act XV of 1908.

11. After section 68 of the said Act, the following sections shall be inserted, namely :

Insertion of new sections 68A and 68B in Act XV of 1908.

11. After section 68 of the said Act, the following sections shall be inserted, namely :

Vide Vol. IV pp. 444-45.

ACT NO. VII. OF 1916.

The Indian Medical Degrees Act 1916.

[PASSED BY THE GOVERNOR-GENERAL IN COUNCIL]

Received the Governor-General's Assent on the 16th March 1916.

An Act to regulate the grant of titles implying qualifications in western medical science and the assumption and use by unqualified persons of such titles.

Whereas it is expedient to regulate the grant of titles implying qualifications in western medical science, and the assumption and use by unqualified persons of such titles ; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Indian Medical Degrees Act, 1916.

Definition. 2. In this Act "western medical science" means the western methods of Allopathic medicine, Obstetrics and Surgery, but does not include the Homœopathic or Ayurvedic or Unani system of medicine.

Right to confer degrees, etc. 3. The right of conferring, granting or issuing in British India degrees, diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise western medical science, shall be exercisable only by the authorities specified in the Schedule and by such other authority as the Governor General in Council may, by notification in the Gazette of India, and subject to such conditions and restrictions as he thinks fit to impose, authorize in this behalf.

Prohibition of unauthorised conferment of degrees, etc. 4. Save as provided by section 3, no person in British India shall confer, grant, or issue, or hold himself out as entitled to confer, grant, or issue any degree, diploma, license, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise western medical science.

Contravention of section 4. 5. Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to one thousand rupees ; and if the person so contravening is an association, every member of such association, who knowingly and wilfully authorises or permits the contravention, shall be punishable with fine which may extend to five hundred rupees.

6. Whoever voluntarily and lalsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by any authority referred to in section 3, or recognised by the General Council of Medical Education of the United Kingdom, or that he is qualified to practise western medical science shall be punishable with fine which may extend to two hundred and fifty rupees or, if he subsequently commits, and is convicted of, an offence punishable under this section, with fine may extend to five hundred rupees :

Provided that nothing in this section shall apply to the use by any person of any title, description, or addition which, prior to the commencement of this Act, be used in virtue of any degree, diploma, license or certificate conferred upon, or granted or issued to him.

7. No Court shall take cognizance of an offence punishable under this Act, except upon complaint made by order of the Local Government, or upon complaint made, with the previous sanction of the Local Government, by a Council of Medical Registration established by any enactment for the time being in force in the province.

8. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

Jurisdiction of Magistrates.

SCHEDULE.

(See section 3.)

1. Every University established by an Act of the Governor-General in Council.
2. The State Medical Faculty in Bengal.
3. The College of Physicians and Surgeons of Bombay.
4. The Board of Examiners, Medical College, Madras.

ACT NO. VIII. OF 1916.

The Presidency Banks (Amendment) Act 1916.

[PASSED BY THE GOVERNOR-GENERAL IN COUNCIL.]

Received the Governor-General's Assent on the 20th March, 1916.

An Act further to amend the Presidency Banks Act, 1876.

Whereas it is expedient to amend the Presidency Banks Act, 1876;* It is hereby enacted as follows :—

Short title.

1. This Act may be called the Presidency Banks (Amendment) Act, 1916.

Amendment of sections 36 & 45, Act XI. of 1876

2. In the Presidency Banks Act, 1876* (hereinafter called the said Act,) the following amendments shall be made namely :—

(i) After clause (2) of paragraph (a) of section 35, the following clause shall be inserted, namely :—

“(2A) India three-and-a-half per cent. stock India three per cent. stock, India two and-a-half per cent. stock, or any other capital stock which may, at any time hereafter, be issued by the Secretary of State for India in Council under the authority of an Act of Parliament and charged on the revenues of India.”

(ii) In paragraph (d) of section 36 and in section 45, for the words and figures “clauses (1), (2), (3) and (4),” the words and figures “clauses (1), (2), (2A), (3) and (4)” shall be substituted.

Construction of references to certain clauses of section 36, Act XI of 1876.

3. Any reference in the said Act to section 36, paragraph (a), Nos. (1) to (5) inclusive, shall be deemed to include a reference to section 36, paragraph (a), clause (2A).

4. Any business carried on or transacted, or investment made prior to the commencement of this Act which, if this Act had been in force, could have been validly carried on, transacted or made, is hereby validated.

Validation of past transactions.

* Act XI. of 1876.

ACT NO. XII. OF 1916.

The Indian Lunacy (Amendment) Act, 1916.

[PASSED BY THE GOVERNOR-GENERAL IN COUNCIL.]

Received the Governor-General's assent on the 20th September, 1916.

An Act to amend the Indian Lunacy Act, 1912.

WHEREAS it is expedient 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, 1916.

Insertion of new section
11A in Act IV. 1912. 2. After section 11 of the Indian Lunacy Act, 1912,* the following section shall be inserted, namely :—

Vide vol. v. p. 155.

* ACT IV. of 1912.

ACT NO. XIII. OF 1916.

The Amending Act, 1916.

PASSED BY THE GOVERNOR GENERAL IN COUNCIL.

*Received the Governor-General's Assent on the 28th
September, 1916.*

An Act to amend certain enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the Schedule; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Amending Act, 1916.

Amendment of certain enactments.

2. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE SCHEDULE.

AMENDMENTS.

(See Section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1873	V.	The Government Savings Banks Act, 1873.	In section 3, for the definition of "minor" the following shall be substituted, namely :— "Minor" means a person who is not deemed to have attained his majority under the Indian Majority Act, 1875.
1894	VIII	The Indian Tariff Act, 1894.	In section 7, sub-section (1), for the words "Third Schedule," the words "Second Schedule" shall be substituted.
1898	V.	The Code of Criminal Procedure 1898.	In section 4, clause (j), the word "and" where it occurs between the word "Madras" and the word "Bombay" shall be omitted, and for the words "the High Court of Judicature for the North-Western Provinces," the words "Allahabad and Patna" shall be substituted. In the proviso to section 178, after the figures "1861," the words and figures "or section 107 of the Government of India Act, 1915" shall be inserted. In sections 194, sub-section (1), 266 and 267, after the figures "1861," the words and figures "or the Government of India Act, 1915" shall be inserted, and in section 266, the words "or to be established" shall be omitted. In section 555, for the words and figures "15 of the Indian High Courts Act, 1861," the words and figures "107 of the Government of India Act, 1915" shall be substituted.
1899	11.	The Indian Stamp Act, 1899.	In section 2, clause (8), sub-clause (a), after the words "St George," the words "the Presidency of Fort William in Bengal" shall be inserted; and for the word "Bengal," the words "Bihar and Orissa" shall be substituted.

THE SCHEDULE—*concl'd.*

AMENDMENTS.

(See section 2.)

1	2	3	4
Year	No.	Short title.	Amendments.
1899	II.	The Indian Stamp Act, 1899— <i>concl'd.</i>	<p>In section 57, sub-section (1), after clause (b), the following shall be inserted namely :—</p> <p>“(b) if it arises in the territories for the time being administered by the Lieutenant-Governor of Bihar and Orissa—to the High Court of Judicature at Patna.”</p>
1908	V.	The Code of Civil Procedure. 1908.	<p>In sections 111, 116, 122, 126, 129 and 130 after the figures “1861,” the words and figures “or the Government of India Act, 1915” shall be inserted.</p> <p>In section 123 sub-section (1), for the words “each of the towns of Calcutta” Madras, Bombay, Allahabad Lahore and Rangoon,” the following shall be substituted, namely :—</p> <p>“the town which is the usual place of sitting of each of the High Courts and Chief Courts referred to in section 122.”</p> <p>In section 126 for the words and figures “section 15 of that Act,” the words and figures “the proviso to section 107 of the latter Act” shall be substituted; and for the word “sanction” wherever it occurs in the said Section, the word “approval” shall be substituted.</p> <p>In section 130, for the words “of that Act,” the words and figures “or section 107, respectively of those Acts” shall be substituted.</p>
1914	VIII.	The Indian Motor Vehicles Act, 1914	<p>In section 15, for the word “thereunder,” the words and figures “by the Local Government under section 11” shall be substituted.</p>

ACT NO. XIV. OF 1916.

The Indian Bills of Exchange Act, 1916.

PASSED BY THE GOVERNOR-GENERAL IN COUNCIL.

Received the Governor-General's Assent on the 28th September 1916.

An Act to make provision in connection with the present war with respect to Bills of Exchange payable outside British India.

Whereas it is expedient to make provision in connection with the present war with respect to bills of exchange payable outside British India. It is hereby enacted as follows :—

Short title and duration. 1. (1) This Act may be called the Indian Bills of Exchange Act, 1916.

(2) It shall be in force during the continuance of the present war and for a period of six months thereafter.

2. Notwithstanding anything contained in the Negotiable Instruments Act, 1881*, or in any other enactment for the time being in force, delay in the presentment for "acceptance or"† payment of a bill of exchange, where the proper place for "acceptance or"† payment is outside British India, is excused if the delay is or has been, due either directly or indirectly to circumstances arising out of the present war, or to the impracticability, owing to similar circumstances, of transmitting the bill to the place of "acceptance or" payment with reasonable safety.

3. Where, in any suit or other proceeding founded upon a bill of exchange payable outside British India, there is reason to believe that the bill has been lost, and that the loss can reasonably be presumed to be due, either directly or indirectly, to circumstances arising out of the present war, the Court may allow proof of the bill to be given by means of a copy thereof certified by a notary public, or by means of such other evidence as the Court thinks reasonable under the circumstances, and may pass a decree thereon notwithstanding any rule of law of the place where the bill is made payable :

Provided that such indemnity be given against the claims of other persons as the Court may require.

*Act XXVI of 1881.

† The words within quotations have been added by Act 2 of 1917.

ACT NO. XV. OF 1916.

The Hindu Disposition of Property Act, 1916.

PASSED BY THE GOVERNOR-GENERAL IN COUNCIL

*Received the Governor-General's Assent on
the 28th September, 1916.*

An Act to remove certain existing disabilities in respect of the power of disposition of property by Hindus for the benefit of persons not in existence at the date of such disposition.

Whereas it is expedient to remove certain existing disabilities in respect of the power of disposition of property by Hindus for the benefit of persons not in existence at the date of such disposition. It is hereby enacted as follows :

Short title and extent. 1. (1) This Act may be called the Hindu Disposition of Property Act, 1916.

(2) It extends, in the first instance, to the whole of British India, except the province of Madras: Provided that the Governor-General in Council may, by notification in the Gazette of India, extend this Act to the province of Madras.

2. Subject to the limitations and provisions specified in this Act, no disposition of property by a Hindu whether by transfer *inter vivos* or by will, shall be invalid by reason only that any person for whose benefit it may have been made was not in existence at the date of such disposition.

Limitations and conditions. 3. The limitations and provisions referred to in section 2 shall be the following, namely :—

(a) In respect of dispositions by transfer *inter vivos*, those contained in sections 13, 14 and 20 of the Transfer of Property Act, 1882,* and

(b) In respect of dispositions by will, those contained in sections 100 and 101 of the Indian Succession Act, 1865†

4. Where a disposition of property fails by reason of any of the limitations referred to in section 3, any disposition intended to take effect after or upon failure of such prior disposition also fails.

5. Where the Governor-General in Council is of opinion that Application of this the Khoja community in British India or Act to the Khoja any part thereof desire that the provisions community. of this Act should be extended to such community, he may by notification in the Gazette of India, declare that the provisions of this Act, with the substitution of the word "Khojas" or "Khoja," as the case may be, for the word "Hindus" or "Hindu" wherever those word occur, shall apply to that community in such area as may be specified in the notification, and this Act shall thereupon have effect accordingly.

ACT NO. I. OF 1917.

The Inland Steam-Vessels Act 1917.

PASSED BY THE GOVERNOR-GENERAL IN COUNCIL.

Received the Governor-General's Assent on the 7th February, 1917.

An Act to consolidate the enactments relating to Inland Steam-vessels.

WHEREAS it is expedient to consolidate the enactments relating to inland steam-vessels; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement. 1. (1) This Act may be called the Inland Steam-vessels Act, 1917.

(2) It extends, in the first instance, to the whole of British India, except the territories administered by the Governor of Fort St. George in Council; and

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

(3) The Governor of Fort St. George in Council may, at any time, by notification in the Fort St. George Gazette, extend this Act or any part thereof to the whole or any part of the territories under his administration; and the Act or part so extended shall come into force in such territories or part thereof on such date as may be specified in this behalf in such notification.

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

(1) "Inland steam-vessel" means a steam-vessel which ordinarily plies on any inland water :

(2) "inland water" means any canal, river, lake or other navigable water in British India :

(3) "passenger" includes any any person carried in a steam-vessel other than the master and crew and the owner, his family and servants :

(4) "prescribed" means prescribed by any rule under this Act :

(5) "steam-vessel" means every description of vessel propelled wholly or in part by the agency of steam ;

- (6) "survey" means the survey of a steam vessel under this Act :
- (7) "surveyor" means a surveyor appointed under this Act : and
- (8) "voyage" includes the plying of a steam vessel at or about any place.

CHAPTER II.

SURVEY OF INLAND STEAM-VESSELS.

Inland steam-vessel not to proceed on voyage or to be used for service without certificate of survey.

3. (1) An inland steam-vessel shall not proceed on any voyage, or be used for any service, unless she has a certificate of survey in force and applicable to such voyage or service.

(2) Nothing in this section shall apply to any steam-vessel proceeding on a voyage during the interval between the time at which her certificate of survey expires and the time at which it is first practicable to have the certificate renewed.

Appointment of surveyors and places of survey.

4. (1) The Local Government may, by notification in the local Official Gazette,—

(a) declare such places, within the territories under its administration, as it thinks fit, to be places of survey, and

(b) appoint so many persons to be surveyors at the said places as it thinks fit, for the purposes of this Act.

(2) Every surveyor shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Indian Penal Code.*

5. (1) For the purposes of a survey, the surveyor may at any reasonable time, go on board any inland steam-vessel, and may inspect the steam-vessel and every part thereof, including the hull, boilers, engines and other machinery and all equipments and articles on board :—

Provided that he shall not unnecessarily hinder the loading or unloading of the steam-vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, master and officers of the steam vessel shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam vessel, and her machi-

nery or any part thereof, and all equipments and articles on board, as he may require for the purposes of a survey.

6. Before a survey is commenced, the owner or master of the steam-vessel to be surveyed shall pay fees in respect of surveys to such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf—

- (a) a fee calculated on the tonnage of the steam-vessel according to the rates mentioned in Schedule I., or according to any other prescribed rates ; and
- (b) when the survey is to be made in any place of survey other than Calcutta, Madras, Bombay or Rangoon such additional fee in respect of the expense (if any) of the journey of the surveyor to the place as the Local Government may by such notification direct.

Declaration of surveyor. 7. When the survey of a steam vessel is completed if the surveyor making it is satisfied that—

- (a) the hull, boilers, engines and other machinery of the steam-vessel are sufficient for the voyage or service intended and in good condition, and
- (b) the equipments of the steam vessel and the certificates of the master and engineer are such and in such condition as are required by any law for the time being in force and applicable to the steam vessel,

the surveyor shall forthwith give to the owner or master a declaration in the prescribed form containing the particulars mentioned in clauses (a) and (b), and the following further particulars, namely ;—

- (i) the time (if less than one year) for which the hull, boiler, engines and other machinery and equipments of the steam-vessel will be sufficient :
- (ii) the limit (if any) beyond which, as regards the hull, boilers, engines and other machinery or equipments, the steam-vessel is in the surveyor's judgment not fit to ply ;
- (iii) the number of passengers (if any) which the steam-vessel is, in the judgment of the surveyor, fit to carry, specifying, if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins : the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances as the case requires ; and

(vi) any other prescribed particulars.

8. (1) The owner or master of a steam-vessel to whom a declaration is given under section 7 shall, by 'owner or master to within fourteen days after the date of the Local Government. receipt thereof send the declaration to such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

(2) If any owner or master fails to send a declaration as required by sub-section (1), he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

9. (1) The Local Government shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration sent under section 8, cause,—

(a) a certificate of survey in duplicate, to be prepared, and

(b) notice thereof to be given by post or otherwise to the owner or master of the steam-vessel to which the certificate relates.

(2) On application made by the owner or master to such officer at the place of survey as the Local Government may, by notification in the local official Gazette, appoint in this behalf, and on payment to such officer by the owner or master of the sum (if any) forfeited by him under section 8, sub-section (2) (the actual amount of which within the limit thereby fixed shall be determined by the Local Government), the certificate in duplicate, so prepared shall be granted to the owner or master by the Local Government and issued to him through such officer.

(3) A certificate granted under this section shall be in the prescribed form, shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the steam vessel and the declaration of survey have been complied with, and shall set forth—

(a) the particulars concerning the steam-vessel mentioned in the declaration of survey as required by clauses, (i),(ii) and (iii) of section 7, and

(b) any other prescribed particulars.

(4) The Local Government may, by notification in the local official Gazette, delegate to any person all or any of the functions assigned to the Local Government under this section :

Provided that no delegation shall be made under sub-section (2) so as to authorise the grant of a certificate of survey by the surveyor who made the declaration of survey under section 7.

10. The owner or master of every steam-vessel, for which a certificate of survey to be affixed in conspicuous part of steam-vessel shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed, and kept affixed so long as it remains in force and the steam-vessel is in use, on some conspicuous part of the steam-vessel where it may be easily read by all persons on board,

Term of certificates of survey. **11.** A certificate of survey shall not be in force—

- (a) after the expiration of one year from the date thereof; or
- (b) after the expiration of the period (if less than one year) for which the hull, boilers, engines or other machinery, or any of the equipments of the steam-vessel to which the certificate relates have been stated in the certificate to be sufficient; or
- (c) after notice has been given by any Local Government, to the owner or master of such steam-vessel, that such Local Government has cancelled or suspended it.

12. After a certificate of survey has ceased to be in force, the same shall only be renewed after a fresh survey of the steam-vessel to which certificate relates has been held in accordance with the provisions of this Chapter save so far as any relaxation thereof may be prescribed.

Renewal of certificates of survey. Power for Local Government to suspend or cancel certificate of survey. **13.** A certificate of survey may be suspended or cancelled by any Local Government if it has reason to believe—

- (a) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or other machinery or of any of the equipments of the steam-vessel has been fraudulently or erroneously made; or
- (b) that the certificate has otherwise been granted upon false or erroneous information; or
- (c) that since the making of the declaration the hull, boilers engines or other machinery, or any of the equipments of the steam vessel have sustained any material injury or have otherwise become insufficient.

14. The Local Government may require any certificate of survey which has expired or has been suspended or cancelled to be delivered up to such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

Power for Local Government to require delivery of expired or cancelled certificate.

15 If the Local Government which suspends or cancels a Report of suspension or cancellation of certain certificates, certificate of survey is not the Local Government which (or whose delegate) granted the certificate, the Local Government suspending or cancelling the certificate shall report the fact of suspension or cancellation, together with the reasons therefor, to the Local Government which (or whose delegate) granted the certificate.

16. A survey shall ordinarily be made by one surveyor, but two surveyors may be employed if Local Government by order in writing so directs either generally in the case of all steam-vessels at any place of survey or specially in the case of any particular steam-vessel or class of steam-vessels at any such place.

17. (1) If the surveyor making a survey of a steam-vessel refuses to give a declaration under section 7 with regard to the steam vessel, or gives a declaration with which the owner or master of the steam-vessel is dissatisfied, the Local Government may, on the application of the owner or master, and the payment by him of such fee, not exceeding twice the amount of the fee payable for the previous survey, as the Local Government may require, direct two other surveyors to survey the steam-vessel.

(2) The surveyors so directed shall forthwith survey the steam vessel, and may, after the survey, either refuse to give a declaration or give such declaration as, under the circumstances, seems to them proper.

(3) Any declaration given, or any refusal to give a declaration under sub-section (2), shall be final.

18. When a survey is made by two surveyors under either section 16 or section 17, each of the surveyors shall perform the prescribed portion of the duties assigned to a surveyor under this Act or the rules made thereunder.

19. (1) The Local Government may,* make rules to regulate the making of surveys.

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

(a) the times and places at which, and the manner in which, surveys are to be made ;

(b) the duties of the surveyor making a survey and, where two surveyors are employed, the respective duties of each such surveyor ;

* Repealed by Act 38 of 1920.

- (c) the form in which declarations of survey and certificates of survey are to be framed, and the nature of the particulars to be stated therein under sections 7 and 9 ;
- (d) the rates other than those mentioned in Schedule I according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the places of survey within the territories under its administration ; and
- (e) the cases in, and the extent to, which a survey may be dispensed with before the grant of a new certificate.

CHAPTER III.

MASTERS [INCLUDING SERANGS] AND ENGINEERS [INCLUDING ENGINE-DRIVERS] OF INLAND STEAM-VESSELS.

20. The Local Government may appoint examiners for the purpose of examining the qualifications of persons desirous of obtaining certificates hereinafter called certificates of competency) to the effect that they are competent to act as masters or serangs, or as engineers or engine-drivers, as the case may be, on board inland steam-vessels.

21. (1) The Local Government or such officer as it may, by notification in the local official Gazette, appoint in this behalf, shall grant to every person who is reported by the examiners to possess the prescribed qualifications, a certificate of competency to the effect that he is competent to act as a first-class master second-class master or seranz, or as an engineer, first class engine-driver or second-class engine-driver as the case may be, on board an inland steam-vessel :

Provided nevertheless that, before granting a certificate of competency under this Act, the authority empowered to grant such certificate may if it considers the report of the examiners regarding any applicant for such certificate to be defective, or has reason to believe that such report has been unduly made, require a further examination or a re-examination of the applicant.

(2) Every certificate granted under this section shall be in the prescribed form.

22. (1) The Local Government may, in its discretion, grant without examination to any person who has served as a master, or as an engineer, of an inland steam-vessel before the first day of April, 1890, a certificate (hereinafter called a certificate of service) to the effect that he is, by reason of his having so served, competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be on board an inland steam-vessel.

(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

Licenses.

22A. (1) The Local Government may also, in its discretion, grant —

(a) to a person who is in possession of a second class masters' certificate granted under section 21 or section 22, and has, by virtue of such certificate, acted as master of inland steam vessel having engines of forty or more nominal horse power for a period of not less than five years, or

(b) to a person who is in possession of a first class engine drivers' certificate granted under section 21 or section 22, or an engine drivers' certificate granted under the Indian steamships Act, 1884, and has, by virtue of such certificate, served as an engine-driver of an inland steam vessel having engines of not less than thirty nominal horse power for five years, for not less than two and a half years, of which period he has been the engine-driver of such vessel within the meaning of section 26,

a license authorising such person to act as master or engineer, as the case may be, of any inland steam vessel having engines of one hundred and seventy nominal horse power or of such less nominal horse power "as such Government*" may deem fit.

(2) Any such license shall remain in force only for such time as the person holding the same is in possession of and entitled to a master's or an engine-driver's certificate as the case may be, of the nature referred to in sub-section (1).

Provided that the Local Government may, in its discretion, suspend, cancel or vary the conditions of any such license."

* The words within quotation have been substituted by Act VI of 1930.

23. Every certificate of competency or service "and every license"* granted under this Act, shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, "or license"* and the other shall be kept and recorded in the prescribed manner.

24. Whenever a master or serang, or an engineer or engine-driver, proves, to the satisfaction of the authority which granted his certificate, "or lince"* that he has, without fault on his part, lost or been deprived of it, a copy of the certificate "or license"* to which, according to the record kept under section 23, he appears to be entitled, shall be granted to him, and shall have the same effect as the original.

25. An inland steam-vessel having engines of "one hundred"* or more nominal horse-power shall not proceed on any voyage unless she has—

(a) as her master a person possessing a first-class-master's certificate granted under this Act, or a master's certificate granted under the Indian Merchant Shipping Act,† 1859, or granted under, or continued in force by, the Merchant Shipping Act,‡ 1894 "or a masters license granted under section 22A and applicable to such vessel and voyage"* and

(b) as her engineer a person possessing an engineer's certificate granted under this Act, or the Indian Steam ships Act,§ 1884, or granted under, or continued in force by, the Merchant Shipping Act,† 1894 "or an engine drivers license granted under section 22A and applicable to such vessel and voyage" *

26. An inland steam-vessel having engines of "forty"* or more nominal horse-power, but of less than "one hundred"* nominal horse power, shall not proceed on any voyage unless she has—

(a) as her master a person possessing a second class master's certificate granted under this Act, or any certificate referred to in clause (a) of section 25, and

(b) as her engineer a person possessing a first class engine-driver's certificate granted under this Act, or an

* Substituted by Act VI of 1920.

† Act I. of 1859.

‡ 57 & 58 Vict., c. 60,

§ Act VII. of 1884.

engine-driver's certificate granted under the Indian Steam-ships Act,* 1884, or any certificate referred to in clause (b) of section 25 :

Provided that a steam-vessel shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (a), and a certificate referred to in clause (b), of this section.

Certificates to be held by master and engineer of vessel of less than thirty horse-power.

27. An inland steam-vessel having engines of less than "forty†" nominal horse-power shall not proceed on any voyage unless she has—

- (a) as her master a person possessing a serang's certificate granted under this Act, or any certificate referred to in clause (a) of section 26, and
- (b) as her engineer a person possessing a second class engine-driver's certificate granted under this Act, or any certificate referred to in clause (b) of section 26 :

Provided that a steam-vessel shall be deemed to have complied with this section if she has as her master an engineer a person possessing both a certificate referred to in clause (a), and a certificate referred to in clause (b), of this section.

Power for Local Government to require master or engineer to hold certificate granted under Act in addition to other certificate.

28. Notwithstanding anything in this Chapter, the Local Government may, by general or special order, direct that a person possessing—

- (a) a master's certificate granted under the Indian Merchant Shipping Act,‡ 1859, or granted under, or continued in force by, the Merchant Shipping Act,§ 1894, or
- (b) an engineer's or engine-driver's certificate granted under the Indian, Steam-ships Act,* 1884, or an engineer's certificate granted under, or continued in force by, the Merchant Shipping Act,§ 1894,

shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses—

- (i) in case (a), such a master's or serang's certificate granted under this Act as qualifies him under this Chapter to act as master of the steam-vessel, or
- (ii) in case (b), such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this Chapter to act as engineer of the steam-vessel :

* Act VII. of 1884

† The words within quotations have been substituted by Act 6 of 1920.

‡ Act I. of 1859. § 57 & 58 Vict., c. 60.

Provided that, for the purposes of this section, the Local Government may, in its discretion, grant to any person, without examination, a master's or serang's or an engineer's or engine driver's certificate of competency under this Act, and such certificate shall have the same effect as a certificate of competency granted under this Act after examination.

Power for Local Government to make rules as to grant of certificates of the competency.

29. (1) The Local Government may, with the previous sanction of the Governor-General in Council, make rules to regulate the granting of certificates of competency under this Chapter.

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

- (a) the times and places of holding and the mode of conducting examination of persons desirous of obtaining certificates of competency.
- (b) the qualifications to be required of persons desirous of obtaining such certificates ;
- (c) the examination fees to be paid by such person ; and
- (d) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

Power for Local Government to make rules as to grant of certificates of service.

30. The Local Government may also make rules to regulate the granting of certificates of service under section 22, and may by such rules prescribe in particular—

- (a) the fees to be paid for such certificates, and
- (b) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

30A. The Local Government may also make rules to regulate the granting of licences under section 22A, and may, by such rules, prescribe in particular—

Power of Local Government to make rules as to grant of licences.

- (a) the fees (if any) to be paid for such licenses, and (b) the forms in which such licenses are to be framed and the authority by whom and the manner in which copies are to be kept and recorded under section 23."

Area in which certificates of competency or service shall have effect.

31. Certificates of competency or service granted under this Chapter shall have effect as follows, namely :—

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

- (i) A certificate of competency or service "and licences"* as engineer or engine driver shall have effect throughout British India.
- (ii) A certificate of competency or service as master or serang " and a license " * shall have effect throughout the province in which it was granted :

Provided that the authority granting such certificate " or license " may, by endorsement thereon, restrict the effect of such certificate " or license " * to any part of such province :

Provided further that such certificate " or license " * may be endorsed by the Local Government of any other province, or with the general or special sanction of the Local Government of such other province, by the authority granting it so as to have effect in such other province or any part thereof, and thereupon shall have effect accordingly.

CHAPTER IV.

INVESTIGATIONS INTO CASUALTIES.

Report of casualties to be made to nearest police-station.

32. Whenever—

- (a) any inland steam-vessel has been wrecked, abandoned or materially damaged, or
- (b) by reason of any casualty happening to, or on board of, any inland steam vessel, loss of life has ensued, or
- (c) any inland steam-vessel has caused loss or material damage to, any other vessel,

the master of the steam-vessel shall forthwith give notice of the wreck, abandonment, damage, casualty or loss to the officer in charge of the nearest police-station.

Power for Local Government to appoint Court of investigation.

33. (1) If a formal investigation into the facts of any case reported under section 32 appears to the Local Government to be expedient the Local Government may—

- (a) appoint a special Court and direct the Court to make the investigation at such place as the Local Government may fix in this behalf, or
- (b) direct any principal Court of ordinary criminal jurisdiction or the Court of any District Magistrate to make the investigation,

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

(2) A special Court appointed under clause (a) of sub section (1) shall consist of not less than two nor more than four persons of whom one shall be a Magistrate, one shall be a person conversant with maritime affairs or with the navigation of inland steam-vessels, and the other or others (if any) shall be conversant with either maritime or mercantile affairs, or with the navigation of inland steam-vessels.

34. (1) Any Court making an investigation under section 33 may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver or any person holding a certificate granted under Chapter III, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty, or loss referred to in section 32.

(2) In every case in which any such charge arises against any master, engineer of engine driver or any person holding a certificate granted under Chapter III. in the course of an investigation, the Court shall before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or of any statement of the case upon which the investigation has been directed.

35. (1) If the Local Government has reason to believe that there are grounds for charging any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III. with incompetency or misconduct, otherwise than in the course of an investigation under section 33, it may send a statement of the case to the principal Court of ordinary criminal jurisdiction, or the Court of the District Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge.

(2) Before commencing an investigation under sub-section (1), the Court shall cause the person charged to be furnished with a copy of the statement on the case sent by the Local Government.

36. For the purpose of an investigation under this Chapter into any charge against a master, engineer or engine driver, or any person holding a certificate granted under Chapter III, the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise:

37. (1) When, in the opinion of the Court making an investigation under this Chapter, the investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the

Power of Court of investigation to inquire into charges of incompetency or misconduct.

Power for Local Government to direct investigation otherwise than under section 33

Person charged to be heard.

Assessors.

certificate of a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III. the Court shall appoint as its assessors for the purposes of the investigation, two persons having experience in the merchant service or in the navigation of inland steam-vessels.

(2) In every other investigation, the Court may, if it thinks fit, appoint as its assessor, for the purposes of the investigation, any person conversant with maritime affairs or the navigation of inland steam-vessels and willing to act as assessor.

(3) Every person appointed as an assessor under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings,

38. For the purpose of any investigation under this Chapter, the Court making the investigation shall, so far as relates to compelling the attendance and examination of witnesses, and the production of documents and the regulation of the proceedings, have—

Powers of Court as to evidence and regulation of proceedings.

(a) if the Court is a special Court—the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made ; or

(b) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate—the same powers as are exercisable respectively by either Court in the exercise of its Criminal jurisdiction.

39. (1) If any Court making an investigation under this Chapter issues a warrant of arrest to compel the attendance of any person whose evidence is in its opinion necessary, it may, for the purpose of effecting the arrest, but subject to any general or special instructions issued by the Local Government in this behalf, authorise any officer to enter any vessel.

Power of Court to effect arrest of witnesses by entry and detention of vessels.

(2) An officer so authorized to enter any vessel may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest ; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code. *

(3) No person shall be detained under this section for more than forty-eight hours.

40. Whenever, in the course of an investigation under this Chapter, it appears to the Court making the investigation that any person has committed within British India, an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, make in this behalf) —

- (a) cause such person to be arrested ;
- (b) commit him or hold him to bail to take his trial before the proper Court ;
- (c) bind over any other person to give evidence at such trial ; and
- (d) exercise, for the purposes of this section, all the powers of a Magistrate of the first-class or of a Presidency Magistrate.

41. (1) Whenever, in the course of a trial referred to in section 40 the evidence of any witness is required in relation to the subject matter, any deposition previously made by him in relation to the same subject matter before any Court making an investigation under this Chapter shall, if authenticated by the signature of the Magistrate or presiding Judge of such Court, be admissible in evidence on proof—

- (a) that the witness cannot be found within the jurisdiction of the Court before which the trial is held ; and
- (b) that the deposition was made in the presence of the person accused, and that he had an opportunity of cross-examining the witness.

(2) A certificate signed by such Magistrate or presiding Judge that the deposition was made in the presence of the accused, and that he had an opportunity of cross-examining the witness shall unless the contrary be proved, be sufficient evidence that it was so made and that the accused had such opportunity.

42. The Court shall, in the case of every investigation under this Chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence recorded and the written opinion of any assessor.

43. Notwithstanding the appointment under section 37 of an assessor or assessors by a Court making an investigation under this Chapter, the exercise of all powers conferred on such Court by this Act shall rest with the Court alone.

44. (1) Whenever any explosion occurs on board any inland steam-vessel, the Local Government may direct that an investigation into the cause of the explosion be made by such persons or persons as it may appoint in this behalf.

Power for Local Government to direct investigations into causes of explosions on steam-vessels.

(2) The person or persons so appointed may, for the purpose of the investigation, enter into and upon the steam-vessel, with all necessary workmen and labourers, and remove any portion of the steam vessel or of the machinery thereof, and shall report to the Local Government what, in his or their opinion, was the cause of the explosion.

(3) Every person making an investigation under this section shall be deemed to be public servant within the meaning of the Indian Penal Code*.

CHAPTER V.

SUSPENSION AND CANCELLATION OF CERTIFICATES GRANTED UNDER THE ACT.

45. Any certificate granted under Chapter III. may be suspended or cancelled by the Local Government by which, or under authority from which, it was granted or by any other Local Government in the following cases, namely :—

Power for Local Government to suspend or cancel certificates in certain cases.

- (a) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the wrongful act or default of the holder of such certificate, or that the holder of such certificate is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or
- (b) the holder of such certificate is proved to have been convicted of any non-bailable offence, or
- (c) if, in the case of a person holding a certificate of competency or service as second-class master or serang, or as engine-driver, such person is or has become, in the opinion of the Local Government, unfit to act as a second class master or serang or as an engine-driver, as the case may be :

Provided that a certificate shall not be suspended or cancelled under clause (a), unless the Local Government is satisfied that

* Act XLV. of 1890.

the holder of the certificate has, before the commencement of the investigation been furnished with a copy of the report or statement of the case as required by section 34 or section 35, as the case may be.

46. Every person whose certificate is suspended or cancelled under this Chapter shall deliver it up to such person as the Local Government which suspended or cancelled it may direct.

Obligation to deliver up suspended or cancelled certificate.

47. If the Local Government which suspends or cancels a certificate under this Chapter is not the Local Government by which, or under authority from which, such certificate was granted, the Local Government so suspending or cancelling the certificate shall report the proceedings, and the fact of suspension or cancellation to the Local Government by which, or under authority from which such certificate was granted.

Report to other Local Government

48. (1) Any Local Government may, at any time, revoke any order of suspension or cancellation which it may have made under this Chapter, or grant, without examination, to any person whose certificate it has so cancelled, a new certificate.

Power for Local Government to revoke suspension or cancellation, and to grant new certificate.

(2) A certificate so granted shall have the same effect as a certificate of competency granted under this Act after examination.

CHAPTER VI.

PROTECTION OF, AND CARRIAGE OF PASSENGERS IN INLAND STEAM VESSELS.

49. The Governor-General in Council may, by notification in the Gazette of India declare what shall, for the purposes of this Act, be deemed to be dangerous goods.

Power for Governor-General in Council to declare dangerous goods.

Carriage of dangerous goods.

50 (1) No person shall—

- (a) take with him on board an inland steam-vessel any dangerous goods without giving notice of their nature to owner or master of the steam-vessel, or
- (b) deliver or tender for carriage on such steam vessel any dangerous goods without giving such notice, and

without distinctly marking their nature on the outside of the package containing the goods.

(2) If the owner or master of an inland steam-vessel suspects, or has reason to believe, that any luggage or parcel taken, delivered, or tendered for carriage on the steam-vessel contains dangerous goods, he may—

- (i) refuse to carry it upon the steam-vessel ; or
- (ii) require it to be opened to ascertain the nature of its contents ; or
- (iii) if it has been received for carriage, stop its transit until he is satisfied as to the nature of its contents.

51. Where any dangerous goods have been taken or delivered

Power of owner or master of steam-vessel to throw over-board dangerous goods. on board any inland steam-vessel in contravention of section 50, the owner or master of the steam-vessel may, if he thinks fit, cause the goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so caused the goods to be thrown overboard, be subject to any liability, civil or criminal in any Court.

Power for Local Government to make rules for protection of inland steam-vessels from accidents.

52. (1) The Local Government may make rules for the protection of inland steam-vessels against explosion, fire, collision and other accidents.

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

- (a) prescribe the conditions on and subject to which dangerous goods may be carried on board inland steam-vessels ;
- (b) prescribe precautions to be taken to prevent explosions or fires on board inland steam vessels ;
- (c) prescribe the apparatus which is to be kept on board inland steam-vessels, for the purpose of extinguishing fires ;
- (d) regulate the making of sound signals ;
- (e) regulate the carriage and exhibition of lights by inland steam-vessels ;
- (f) regulate the carriage and exhibition of lights by other vessels on specified inland waters on which steam-vessels ply ;
- (g) prescribe the steering rules to be observed ;
- (h) regulate the towing of vessels astern or alongside ;
- (i) prescribe the speed at which inland steam-vessels may be navigated in specified areas ; and

- (j) regulate the navigation of inland steam-vessels to prevent danger to other vessels or to the banks, channels, navigation marks or any property, moveable, or immoveable in or abutting on navigable channels.

(3) Any rule made under this section may contain a provision that any person committing a breach of it 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.

Power for Local Government to make rules as to carriage of passengers in inland steam-vessels.

53. (1) The Local Government may make rules to regulate the carriage of passengers in inland steam-vessels.

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

- (a) prescribe the cases in which passengers may be refused admission to, or may be required to leave, inland steam-vessels ;
- (b) provide for the payment of fares, and the exhibition of tickets or receipts (if any) showing the payment of their fares, by passengers in inland steam-vessels ; and
- (c) regulate generally the conduct of passengers in inland steam-vessels.

(3) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to twenty rupees.

(4) The master or any other officer of an inland steam-vessel, and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section, if the name and address of such person are unknown to the master or such other officer.

(5) The procedure prescribed by section 59 of the Code of Criminal Procedure,* 1898, in the case of arrest by private person shall apply to every arrest made under this section.

Power for Local Government to make rules for protection of passengers.

54. (1) The Local Government may also make rules for the protection of passengers in inland steam-vessels, and may by such rules require—

- (a) the prices of passenger-tickets to be printed or otherwise denoted on such tickets and
- (b) the supply, free of charge, of a sufficient quantity of fresh water for the use of such passengers.

* Act V. of 1898.

(2) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to fifty rupees.

CHAPTER VII.

PENALTIES AND LEGAL PROCEEDINGS.

55. (1) If any inland steam-vessel proceeds on a voyage in Penalty for making contravention of section 3, the owner and voyage without certi- the master of the steam-vessel shall each be ficate of survey. punishable with fine, which may extend to one thousand rupees.

(2) If the master or any other officer on board an inland steam-vessel which proceeds on a voyage in contravention of section 3 is a licensed pilot, he shall be liable to have his license as a pilot suspended or cancelled, for any period, by the Local Government.

56. If the certificate of survey is not kept affixed in an inland steam-vessel as required by section Penalty for neglect to affix certificate of survey in inland steam-vessel. 10, the owner and the master of the steam-vessel shall each be punishable with fine which may extend to one hundred rupees.

57. If the owner or master of an inland steam-vessel, without Penalty for neglect or refusal to deliver up certificate of survey. reasonable cause, neglects or refuses to deliver up a certificate of survey when required under section 14 so to do, he shall be punishable with fine which may extend to one hundred rupees.

58. If an inland steam vessel has on board or in any part thereof a number of passengers which is Penalty for carrying excessive number of passengers on board greater than the number set forth in the certificate of survey as the number of passengers which the vessel or the part thereof is, in the judgment of the surveyor, fit to carry, the owner and the master shall each be punishable with fine which may extend to ten rupees for every passenger over and above that number.

Penalty for serving, or engaging a person to serve, as master or engineer without certificate.

59. If any person—

(a) proceeds on any voyage in an inland steam-vessel as the master or engineer of such vessel without being at the time entitled to, and possessed of a master's or serang's or an engineer's or enginedriver's certi-

ificate, "or a master's or engine driver's licence"* as the case may be, as required under this Act, or

- (b) employs as the master or engineer of an inland steam-vessel any person without ascertaining that he is at the time entitled to, and possessed of, such certificate "or licence"*

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

60. If any master wilfully fails to give notice, as required by section 32, of any wreck, abandonment, damage, casualty, or loss, he shall be punishable with fine which may extend to five hundred rupees, and, in default of payment of such fine, with simple imprisonment for a term which may extend to three months.

Penalty for master failing to give notice of wreck, or casualty.

61. If any person, whose certificate is suspended or cancelled under this Act, fails to deliver up the certificate as required by section 46, he shall be punishable with fine, which may extend to five hundred rupees.

Penalty for failing to deliver up suspended or cancelled certificate.

Penalty for taking or delivering or tendering for carriage dangerous goods on board inland steam-vessel without notice.

62. If any person, in contravention of section 50, takes with him on board any inland steam-vessel any dangerous goods, or delivers or tenders any such goods for carriage on any inland steam vessel, he shall be punishable with fine which may extend to two hundred rupees, and the goods shall be forfeited to Government

Penalty for misconduct or neglect endangering inland steam vessel or life or limb.

63. If any person employed or engaged in any capacity on board an inland steam-vessel, by wilful breach or by neglect of duty, or by reason of drunkenness,

- (a) does any act tending immediately to wreck, destroy or materially damage the vessel, or to endanger the life or limb of any person on board, or belonging to the vessel, or

- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any such person from immediate danger to life or limb,

he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both.

64. Where the owner or matter of an inland steam-vessel is convicted of an offence under this Act or any rule made thereunder committed on board, or in relation to, that steam-vessel, and is sentenced to pay a fine, the Magistrate who passes the sentence may direct the amount of the fine to be levied by distress and sale of the steam vessel and the tackle apparel and furniture thereof, or so much thereof as is necessary.

65. Except in the case of an offence against any rule made under section 53, no Magistrate shall try an offence under this Act, or any rule made thereunder, unless he is a Presidency Magistrate, or a Magistrate whose powers are not less than those of a Magistrate of the first-class.

66. If any person commits an offence against this Act or any rule made thereunder, he shall be triable for the offence in any place in which he may be found or which the Local Government by notification in the local official Gazette appoints in this behalf, or in any other place in which he might be tried under any other enactment for the time being in force.

CHAPTER VIII.

SUPPLEMENTAL.

67 (1) The Local Government may make rules to carry out the purpose of this Act not otherwise specially provided for.

(2) Any rule made under this section may contain a provision that any person committing a breach of it 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.

68. The Local Government may, with the previous sanction of the Governor-General in Council, by notification in the local official Gazette, declare that all or any of the provisions of the Chapters II and III shall not apply in the case of any specified class of steam-vessels, or shall apply to them with such modifications as may be specified in the notification.

69. Save in so far as the Governor-General in Council may, by notification in the Gazette of India otherwise direct, nothing in this Act or any rule made thereunder, shall apply to any inland steam-vessel belonging to, or in the service of, His Majesty or the Government of India.

70. The Local Government may ; by notification in the local official Gazette, define how much of any tidal water shall be deemed to be an inland water for the purposes of this Act.

Power for Local Government to define tidal water.

71. All fees payable under this Act may be recovered as fines under this Act.

72. (1) Subject to the provisions of section 31, every master of an inland steam-vessel who possesses a master's certificate granted under this Act and in force shall, in ports to which section 31 of the Indian Ports Act,* 1908, has been extended, be deemed, for the purposes of that section, to be the pilot of the steam-vessel of which he is in charge.

(2) Nothing in this section shall be deemed to affect the provisions of Bombay Act I, of 1863 (*An Act for the Registry of vessels and levy of pilotage fees on the river Indus*), which require persons in charge of vessels passing through any of the channels or tidal channels at the mouths of the river Indus to pay fees for pilotage.

Application of Act to vessels propelled by electricity or other mechanical power.

73. The provisions of this Act shall also apply to all vessels which ordinarily ply on inland waters and are propelled by electricity or other mechanical power (except steam) :

Provided that the Governor-General in Council may, by notification in the Gazette of India, declare that any provision of this Act shall in its application under this section to such vessels be subject to such modifications, for the purposes of adaptation, as may be specified in the notification.

74. (1) The power to make rules conferred on a Local Government by this Act is subject to the condition of the rules being made after previous publication.

(2) All such rules shall, when made, be published in the local official Gazette and shall thereupon have effect as if enacted in this Act.

75. The enactments mentioned in Schedule II. are repealed to the extent specified in the fourth column thereof :

Repeals and savings. Provided that all declararions, investigations and surveys made and certificates granted, suspended or cancelled under any of those enactments shall be deemed to have been respectively made, granted, suspended or cancelled under this Act.

* Act XV. of 1908.

SCHEDULE I.
RATES OF FEES,
[See sections 6 (a) and 19 (b).]

			Tons.	Ra.
For steam-vessels of less than	100	25
" "	100 tons and up to	...	200	40
" "	200 " " "	...	350	50
" "	350 " " "	...	700	60
" "	700 " " "	...	1,000	80
" "	1,000 " " "	...	1,500	100
" "	1,500 " and upwards	120

SCHEDULE II.
ENACTMENTS REPEALED.
(See section 75.)

Year.	No.	Short title.	Extent of repeal.
1884	VI.	The Inland Steam-vessels Act, 1884	So much as is unrepealed.*
1891	XII.	The Amending Act, 1891 ...	In the Second Schedule, Part I., the entries relating to Act VI, of 1884, and Act III. of 1890.
"	XIII.	The Inland Steam-vessels Act (1884) Amendment Act, 1891.	So much as is unrepealed.
1897	XIV.	The Indian Short Titles Act, 1897.	In the Schedule, the entry relating to Act XIII. of 1891.
1899	VII.	The Inland Steam-vessels Act, 1884, Amendment Act, 1899.	So much as is unrepealed.
1900	VI.	The Lower Burma Courts Act, 1900.	In the Second Schedule, the entry relating to Act VI. of 1884.*
1914	X.	The Repealing and Amending Act, 1914.	In the Second Schedule, the entries relating to Act XIII. of 1891, and Act VII. of 1899.
1915	XV.	The Inland Steam-vessels (Amendment) Act, 1915.	The whole Act.

* Certain entry after this repealed by Act 21 of 1923 has been omitted.

ACT NO. II. OF 1917.

The Motor Spirit (Duties) Act, 1917.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the
16th February, 1917.*

*An Act to provide for the imposition and levy of certain duties on
motor spirit.*

Whereas it is expedient to impose an excise duty and to increase the existing customs duty on motor spirit ; It is hereby enacted as follows :—

Short title, extent and duration. 1. (1) This Act may be called the Motor Spirit (Duties) Act, 1917.

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

(3) It shall remain in force during the continuance of the present war, and for a period of six months thereafter.

Definitions. 2. "Manufactory" means any place where motor spirit is refined or otherwise prepared.

"Motor spirit" means any inflammable hydro-carbon (including any mixture of hydro-carbons or any liquid containing hydro-carbon) which is capable of being used for providing reasonably efficient motive power for any form of motor vehicle.

3. (1) There shall be levied and collected at every manufactory in British India on all motor spirit produced in such manufactory, a duty at the rate of six annas on each imperial gallon.

Explanation—Motor spirit is said to be produced within the meaning of this section when it is issued out of the premises of the manufactory.

(2) If any duty payable under sub-section (1) is not paid within the time fixed by a notice issued in accordance with any rules made under this Act, the authority to which such duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty so unpaid, which such authority may in its discretion think it reasonable to require.

(3) All sums recoverable under sub-section (1) shall be recovered in the manner prescribed in the Indian Income-Tax

* The word "and" repealed by Act III of 1919 has been omitted.

Act, 1886,* section 30, sub-sections (1), (2) and (3), with respect to the sums therein referred to.

4. (1) After the commencement of this Act, no person shall issue any motor spirit out of the premises of any manufactory except in accordance with the provisions of rules made under this Act in that behalf, or, until such rules are made, in accordance with the general or special orders of the Local Government.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with fine which may extend to rupees one thousand or to a sum double the amount of the duty payable on any motor spirit so issued, whichever is greater.

5. The Governor-General in Council may, by notification in the *Gazette of India*, declare that any of the provisions of the Sea Customs Act, 1878,† relating to the levy of and exemption from, custom duties, drawback of duty warehousing, offences and penalties, confiscation, and the procedure relating to offences and appeals shall, with such modifications and alterations as he may consider necessary or desirable to adapt them to the circumstances, be applicable in regard to like matters in respect of the duty or motor spirit imposed by section 3 and may further, for the purpose of providing for the assessment and collection of the said duty and for purposes ancillary thereto make rules—

- (i) imposing on owners of manufactories the duty of furnishing returns and keeping records and books, prescribe the forms of such returns, records and books and the particulars to be contained therein respectively, and the manner in which the same are to be verified, and all such other conditions thereof as may be necessary,
- (ii) providing for the regulation of the issue of motor spirit out of manufactories, the assessment of the duty, and the issue of notices requiring payment and for the recovery of unpaid duty.
- (iii) providing for the inspection of manufactories and for the taking of samples and for the making of tests of any substance produced therein,
- (iv) generally carrying into effect the purposes thereinbefore specified.

(2) In making any rule under the rule-making power hereinbefore conferred, the Governor-General in Council may declare

* Act II. of 1886.

† Act VIII. of 1878.

that any breach thereof shall be punishable with fine which may extend to rupees five hundred.

6. In addition to the duty imposed by section 3 of Indian Tariff Act, 1894, *as subsequently amended read with Schedule II. of the said Act, there shall be levied and collected at every port to which that Act applies a duty at the rate of six annas on each imperial gallon of motor spirit, and this additional duty shall be deemed to be a duty imposed under section 3 of the said Act and that Act shall apply accordingly.

Imposition of additional duty on motor spirit imported into British India.

Act VIII. of 1894.

ACT NO. V. OF 1917.

The Destruction of Records Act, 1917.

PASSED BY THE GOVERNOR-GENERAL OF INDIA
IN COUNCIL.

*Received the assent of Governor-General on the
28th February 1917.*

An Act to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers.

WHEREAS it is expedient to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers ; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Destruction of Records Act, 1917.

Definitions. 2. In this Act.

(1) "The Chief Controlling Revenue-authority" means—

- (a) in the presidencies of Fort William in Bengal and Fort St. George and in the United Provinces and Bihar and Orissa,—the Board of Revenue ;
- (b) in the presidency of Bombay outside Sindh and the limits of the town of Bombay, - a Commissioner ;
- (c) in Sindh,—the Commissioner ;
- (d) in the Punjab and Burma,—the Financial Commissioner ; and
- (e) elsewhere,—the Local Government or such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

(2) "High Court" means the highest Civil Court of appeal in any local area.

3. (1) The authorities hereinafter specified may, from time to time, make rules for the disposal by destruction or other-wise, of such documents as are in the opinion of the authority making the rules, not of sufficient public value to justify their preservation.

(2) The authorities shall be—

- (a) in the case of documents in the possession or custody of a High Court or of the Courts of Civil or Criminal jurisdiction subordinate thereto,—the High Court ;

(b) in the case of documents in the possession or custody of Revenue Courts and officers,—the Chief Controlling Revenue-authority ; and

(c) in the case of documents in the possession or custody of any other public officer,—the Local Government or any officer specially authorised in that behalf by the Local Government.

(3) Rules made under this section by the High Court of Judicature at Fort William in Bengal shall be subject to the previous approval of the Governor-General in Council, and rules made by any other High Court, or by a Chief Controlling Revenue authority or by an officer specially authorized in that behalf by a Local Government, shall be subject to the previous approval of the Local Government.

4. All rules and orders directing or authorising the destruction or other disposal of documents in the possession or custody of any public officer, heretofore made by a Local Government, or with the approval of the Local Government by any authority not empowered to make such rules under the destruction of Records Act, 1879,* shall be deemed to have had the force of law from the date on which they were made, and all such rules and orders now in force shall continue to have the force of law until they are superseded by rules made under this Act.

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

Saving of certain documents.

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

Repeals.

THE SCHEDULE.
REPEAL OF ENACTMENTS.
(See section 6.)

1	2	3	4
Year.	Number.	Short title.	Extent of repeal.
1879	III.	The destruction of Records Act, 1879.	The whole.
1908	XVI.	The Indian Registration Act, 1908.	The words "and also for the destruction of such books, papers and documents as need no longer be kept" in clause (a) of sub-section (1) of section 69.
1913	II.	The Official Trustees Act, 1913.	Clause (ee) of sub-section (2) of section 30.
"	III.	The Administrator-General's Act, 1913.	Clause (ff) of sub-section (2) of section 50.

ACT NO. VI. OF 1917.

The Indian Tariff (Amendment) Act, 1917.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the assent of the Governor-General on the 7th March, 1917.

An Act further to amend the Indian Tariff Act, 1894.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894 ; * It is hereby enacted as follows :—

Short title and retrospective effect. 1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1917.

(2) It shall be deemed to have come into force on the first day of March, 1917, and any sums due on account of new duties leviable thereunder, or of any deficiency between the duties which have been paid and the duties which are leviable thereunder, shall be deemed to be duties short levied within the meaning of section 39 of the Sea Customs Act, 1878,† and that Act shall apply accordingly.

2 (Repealed by Act 6 of 1921).

3. In Schedule III. of the said Act—

Amendment of Schedule III of Act VIII of 1894. (i) For item 1 the following shall be substituted, namely :—

" 1	RAW JUTE—	Rs. A. P.
	(1) Cuttings Bale of 400 lbs. ...	1 4 0
	(2) All other descriptions " " " ...	4 8 0

(ii) For item 2 the following shall be substituted, namely ;—

" 2	JUTE MANUFACTURES, when not in actual use as coverings, receptacles, or bindings for other goods—	Rs. A. P.
	(1) Sacking (cloth, bags, twist, yarn, rope and twine). Ton of 2,240 lbs. ...	20 0 0
	(2) Hessians and all other descriptions of jute manufactures not otherwise specified. " " " ...	32 0 0

* Act VIII. of 1894.

† Act VIII. of 1878.

ACT NO. IX. OF 1917.

**The Indian Bills of Exchange (Amendment),
Act, 1917.**

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the 13th
March, 1917.*

As Act to the amend the Indian Bills of Exchange Act, 1916.

WHEREAS it is expedient to amend the Indian Bills of Exchange Act, 1916;* It is hereby enacted as follows :—

Short title and duration. 1. (1) This Act may be called the Indian Bills of Exchange (Amendment) Act, 1917.

(2) It shall be in force during the continuance of the present war, and for a period of six months thereafter.

2. In section 2 of the Indian Bills of Exchange Act, 1916,*
Amendment of section 2, of Act XIV. of 1916. before word "payment," wherever that word occurs in the said section, the words "acceptance or" shall be inserted.

* Act XIV. of 1916.

ACT NO. X. OF 1917.

The Indian Army (Amendment) Act, 1917.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the 21st
March, 1917.*

An Act further to amend the Indian Army Act, 1911.

WHEREAS it is expedient further amend the Indian Army Act, 1911,† It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Army (Amendment) Act, 1917.

2. In section 52 of the Indian Army Act, 1911* (hereinafter referred to as "the said Act"), after the words "in such manner," the words "and to such extent" shall be inserted.

Amendment of section 52 of Act VIII. of 1911.

Insertion of new section 52A in Act VIII. of 1911.

3. After section 52 of the said Act, the following section shall be inserted, namely:—
"52A. (1) In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been foreited under section 50, but in respect of whom a remission has been made under section 52, it shall be lawful, notwithstanding any provision in any enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

Provision for dependants of prisoners of war.

(3) Any payments hitherto made to dependants by way of deductions from pay and allowances which, if this section had been in force, could have been validly made are hereby validated."

4. In section 76 of the said Act, in sub-section (1), the words "held by the Commanding Officer of a Corps or department" and sub-section (2), are hereby repealed.

Amendment of section 76 of Act VIII. of 1911.

Substitution of new section for section 112 of Act VIII. of 1911.

5. For section 112 of the said Act, the following section shall be substituted, namely :—

* Act VIII. of 1911.

"112. When any person subject to this Act has been convicted by a Court-martial of any offence, the Governor General in Council or the Commander-in-Chief in India or, in the case of a sentence which he could have confirmed or which did not require confirmation, the Officer Commanding the Army, Division or Independent Brigade in which such person at the time of his conviction was serving, or the prescribed officer may—

- (1) pardon the person ;
- (2) mitigate or remit the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act ;
- (3) order the restoration to him of any service or other advantage forfeited under his sentence ;
- (4) readmit him to the service when he has been dismissed therefrom :

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

Amendment of section 113 (2) of Act VIII. of 1911. **6.** In section 113 (2) of the said Act, the following sub-head shall be inserted namely :—

"(ii) the constitution of authorities to decide for what persons to what amounts and in what manner, provision should be made for dependants under section 52A, and the due carrying out of such decisions."

ACT NO. XII. OF 1917.

The King of Oudh's Estate Validation Act 1917.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the 21st
March 1917.*

An Act to validate certain deeds of conveyance and a trust deed relating to certain properties of His late Majesty, Wajid Ali Shah, King of Oudh, and for other purposes.

WHEREAS doubts have arisen as to the validity of three deeds of conveyance all dated the 23rd November 1901, and a deed of declaration of trust of the same date, copies of which are set out in the Schedule to this Act, and all to which deeds purport to relate to certain properties then or formerly of his late Majesty, Wajid Ali Shah, King of Oudh (hereinafter, in this Act, called the late King), and in the case of the said trust deed to declare the trusts of a certain Emambara, mosque and burial ground, and for the up keep and maintenance thereof to constitute a certain Endowment Fund hereinafter in this Act referred to as the Sibtainabad Endowment Fund ;

AND WHEREAS by the said trust deed it was recited or assumed *inter alia* that a share amounting to rupees two hundred thousand in a certain Government Promissory Note No. 018878 for rupees five hundred thousand standing in the name of Ma kai Kisshore and deposited in the Government Treasury at Lucknow belonged to the estate of the late King, and that the said share was to form a part of the Sibtainabad Endowment Fund, and the interest thereon to be applied with the interest of certain other securities in the said trust deed referred to for the up keep and maintenance of the said Emambara, mosque and burial ground ;

AND WHEREAS all interest from the 1st of March 1901 to the 31st of December 1913 payable in respect of the said share of rupees two hundred thousand in the said Note has been paid and credited to the Sibtainabad Endowment Fund along with the interest of the said other securities and the said Emambara, mosque and burial ground have been kept up and maintained thereout ;

AND WHEREAS it now appears that the said share of rupees two hundred thousand did not, in fact, belong to the estate of the late King, and that on his death the interest thereon was or was intended to be payable to certain of the issue of the said Malkai

Kisshore, and that the inclusion of the interest of the said share in the Sibtainabab Endowment Fund was due to a misapprehension ;

AND WHEREBS there is now standing to the credit of the Sibtainabab Endowment Fund the sum of rupees seventy-seven thousand eight hundred and fifty-six being the accumulated balance after providing for the up-keep and maintenance of the said Emambara, mosque and burial ground ;

AND WHEREAS it is expedient that the said deeds of conveyance and the said trust deed and all acts and things done thereunder should be validated, and that at the same time it should be formally declared that the said share of rupees two hundred thousand no longer forms a part of the Sibtainabad Endowment Fund, and that the interest thereon shall be made available as from the 1st of January 1914, for the persons who may hereafter be deemed entitled thereto under the provisions hereinafter appearing ;

AND WHEREAS it is just and equitable that the said sum of rupees seventy seven thousand eight hundred and fifty-six should be released from the trusts of the said trust deed and should also be made available for distribution amongst the persons so entitled ;

AND WHEREAS it is also expedient to provide for the future management and distribution of the said share of rupees two hundred thousand and of the interest accrued due since the 1st of January 1914, and hereafter accruing due from time to time in respect thereof and also for the distribution of any future surplus monies which may accrue to the said Sibtainabab Endowment Fund after providing for the up-keep and maintenance of the said Emambara mosque and burial ground ;

Is hereby enacted as follows :—

Short title, **1. This Act may be called the King of Oudh's Estate Validation Act, 1917.**

2. Notwithstanding anything contained in any enactment or any rule of law to the contrary, the three Validation of certain deeds. deeds of conveyance and the trust deed, copies of which are set out in the Schedule, and all acts and things done under the said deeds are, save as is hereinafter provided, validated and confirmed :

Provided that, with effect from the 1st of January 1914, the said trust deed shall be construed as if no reference had been made therein to the share of rupees two hundred thousand of the said Government Promissory Note, and as if the sum of rupees thirteen thousand six hundred and thirty-four had been mentioned in the twelfth recital thereof instead of the sum of rupees sixteen thousand and the sum of rupees four hundred thousand instead of

the sum of rupees six hundred thousand, and with such further alterations and modifications as this construction may require.

3. The sum of rupees seventyseven thousand eight hundred and fifty-six shall be released from the trusts of the said trust deed, and shall be paid from the surplus monies of the said Sibtainabab Endowment Fund to such officer as the Governor General in Council may appoint, and shall be distributed in the manner hereinafter provided.

4. The sum referred to in section 3 and any further sums which the Governor-General in Council may at any time declare to be surplus monies of the Sibtainabad Endowment Fund as he is hereby empowered to do, and all sums payable in respect of interest on the said share of the said Government Promissory Note accrued due since the 1st of January, 1914, or hereafter to accrue due from time to time in respect thereof, are hereby declared to be pensions, and the said share of the said note is hereby declared to be a grant of money within the meaning of the Pensions Act 1871,* and that Act shall apply to such sums as if they were pensions of the classes referred to in sections 4 and 11 of the said Act and to the said share as if it was a grant of the class referred to in section 4 of the said Act, subject, however, to the following modifications, namely :—

- (i) any claim under section 5 of said Act as applied shall be preferred to such officer as the Local Government may authorise in this behalf ;
- (ii) the power of commutation conferred by section 10 of the said Act shall be exercisable without the consent of the holder where the payment to be made is at a rate less than a rate of rupee one per month ; and
- (iii) the power to make rules conferred by sections 5 and 14 of the said Act shall extend to a power to make rules prescribing the persons or classes of persons to whom, and the principles on which, all distributions under this Act shall be made.

* Act XXIII. of 1871.

ACT NO. XIV. OF 1917.

The Prevention of Cruelty to Animals Amendment Act, 1917.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*Received the assent of the Governor-General on the 21st
March, 1917.*

An Act to amend the prevention of Cruelty to Animals Act, 1890.

WHEREAS it is expedient to amend the Prevention of Cruelty to Animals Act, 1890;* It is hereby enacted as follows :—

Short title.

1. This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 1917.

Insertion of new sections 5A and 5B in Act XI. of 1890.

2. After section 5 of the Prevention of Cruelty to Animals Act, 1890* (hereinafter referred to as the said Act), the following sections shall be inserted, namely :—

Vide vol. III p. 514.

Insertion of new section 7A in Act XI. of 1890.

3. After section 7 of the said Act, the following section shall be inserted, namely :—

Vide vol. III. p. 515.

Amendment of section 8 of Act XI. of 1890.

4. In sub-section (2) of section 8 of the said Act after the words and figure "under sub-section (1)," the words, figure and letter "or under section 7A" shall be added.

* Act XI. of 1890.

ACT NO. XV. OF 1917.

**The Indian Registration (Amendment)
Act, 1917.**

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*[Received the assent of the Governor-General on the 13th
September, 1917.]*

An Act further to amend the Indian Registration Act, 1908.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908 ;* It is hereby enacted as follows :

Short title.

1. This Act may be called the India Registration (Amendment) Act, 1917.

Insertion of new section
23-A, in Act XVI. of
1908.

2. After section 23 of the Indian Registration Act, 1908,* the following section shall be inserted, namely :—

Vide vol. IV p. 466.

*Act XVI. of 1908.

ACT NO. XVI. OF 1917.*

The Patna University Act, 1917.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL

*Received the assent of the Governor-General on the 18th
September, 1917.*

An Act to establish and incorporate a University at Patna.

WHEREAS it is expedient to establish and incorporate a University at Patna, to be known as the Patna University ; It is hereby enacted as follows :—

Short title and com-
mencement. 1. (1) This Act may be called the Patna University Act, 1917

(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, unless there is anything repugnant in the subject or context,—

" College " means a college of the University or an external college ;

" College of the University " means the Patna College, the Training College for teachers at Patna, and any other educational institution admitted as a college of the University in accordance with this Act and the Regulations ;

" External College " means the Bihar National College, Bankipur, the Patna Law College, the Greer Bhumihar Brahman College, Muzaffarpur, the Tej Narayan Jubilee College, Bhagalpur, the Ravenshaw College, Cuttack, St. Columba's College, Hazaribagh, the Diamond Jubilee College, Monghyr, and any other educational institution admitted as an external College in accordance with this Act and the Regulations ;

" Local Government " means the Local Government of Bihar and Orissa ;

" Regulations " means Regulations for the time being in force of the University ;

" Senate " means the University Senate ;

" Syndicate " means the University Syndicate ;

" University staff " means such persons as may be declared by the Regulations to be members of the University staff ; and

" University " means the Patna University.

* This Act has been modified to a certain extent by B. & O. Act 2 of 1918.