

A
COLLECTION
OF
THE ACTS
OF
THE INDIAN LEGISLATURE

FOR THE YEAR

1926

CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1927

Price 1 anna or 1½d.

Government of India Publications are obtainable from
the Government of India Central Publication Branch,
Imperial Secretariat Building, 3, Government Place,
West, Calcutta, and from the following

Agents:—

EUROPE.

OFFICE OF THE HIGH COMMISSIONER FOR INDIA,
42, GROSVENOR GARDENS, LONDON, S.W. 1.

And at all Booksellers.
INDIA AND CEYLON.

Provincial Book Depôts:

MADRAS :—Office of the Superintendent, Government Press, Mount Road, Madras.
BOMBAY :—Superintendent, Government Book Depôt, Town Hall, Bombay.
SIND :—Library attached to the Office of the Commissioner in Sind, Karachi.
BENGAL :—Office of the Bengal Secretariat Book Depôt, Writers' Buildings, Room No. 1, Ground Floor, Calcutta.
UNITED PROVINCES OF AGRA AND OUDH :—Office of the Superintendent, Government Press, United Provinces of Agra and Oudh, Allahabad.
PUNJAB :—Office of the Superintendent, Government Printing, Punjab, Lahore.
BURMA :—Office of the Superintendent, Government Printing, Burma, Rangoon.
CENTRAL PROVINCES AND BERAH :—Office of the Central Provinces Secretariat, Nagpur.
ASSAM :—Office of the Superintendent, Assam Secretariat Press.
BIHAR AND ORISSA :—Office of the Superintendent, Government Printing, Bihar and Orissa, P.O. Gulzarbagh, Patna.
COORG :—Office of the Chief Commissioner of Coorg, Bangalore.
NORTH-WEST FRONTIER PROVINCE :—Office of the Manager, Government Printing and Stationery, Peshawar.

Thacker, Spink & Co., Calcutta and Simla.
W. Newman & Co., Ltd., Calcutta.
K. Cambay & Co., Calcutta.
S. K. Lahiri & Co., Calcutta.
The Indian School Supply Depôt, 309, Bow Bazar Street, Calcutta, and 226, Nawabpur, Dacca.
Butterworth & Co. (India), Ltd., Calcutta.
Rai M. C. Sarcar Bahadur & Sons, 90-2A, Harrison Road, Calcutta.
The Weldon Library, 17, Park Street, Calcutta.
Standard Literature Company, Limited, Calcutta.
Association Press, Calcutta.
Chukerverty, Chatterjee & Co., Ltd., 13, College Square, Calcutta.
The Book Company, Calcutta.
James Murray & Co., 12, Government Place, Calcutta. (For Meteorological Publications only.)
Roy Chaudhary & Co., 63/5, Russa Road, North, Calcutta.
Hippinbotham & Co., Madras.
V. Kalyanarama Iyer & Co., Madras.
P. R. Rama Iyer & Co., Madras.
Rochouse and Sons, Madras.
G. A. Nateson & Co., Publishers, George Town, Madras.
The Modern Stores, Salem, Madras.
Bright & Co., Trivandrum.
The Booklover's Resort, Talkad, Trivandrum, South India.
V. S. Swaminathan, Bookseller, West Tower Street, Madras.
E. M. Gopalakrishna Kone, Pudumandapam, Madras.
Vijapur & Co., Vizagapatam.
Thacker & Co., Ltd., Bombay.
D. B. Taraporevala, Sons & Co., Bombay.
Sunder Pandurang, Bombay.
Ravi Chandra Govind & Sons, Kalbadevi, Bombay.
N. M. Tripathi & Co., Booksellers, Princess Street, Kalbadevi Road, Bombay.
R. B. Umadikar & Co., The Bharat Book Depôt, Dharwar.
Proprietor, New Kitabkhana, Poona.
The Manager, Oriental Book Supplying Agency, 15, Shukrawar, Poona City.
R. S. Gondhalekar's Book Depôt, Publisher and Bookseller, Budhwar Chawk, Poona City.
Managing Director, Co-operative Bookstall, Booksellers and Publishers, Poona City.
The Standard Bookstall, Karachi, Quetta, Delhi, Murree and Rawalpindi.
J. Ray & Sons, 48 K. & L., Edwardes Road, Rawalpindi.
The Standard Bookstall, Quetta.
The Standard Book Depôt, Lahore, Lucknow, Nahtal, Mussorie, Dalhousie and Anbala Cantonment.

Karsadas Narandas & Sons, Surat.
Mangaldas & Son, Booksellers and Publishers, Bhaga Talao, Surat.
Mrs. Radhabai Atmaram Sagoon, Kalbadevi Road, Bombay.
A. H. Wheeler & Co., Allahabad, Calcutta and Bombay.
The Karachi Book Depôt, Karachi.
N. B. Mathur, Supdt., Nazir Kanun Hind Press, Allahabad.
The North India Christian Tract and Book Society, 18, Clive Road, Allahabad.
Ram Dayal Agarwala, 184, Katra, Allahabad.
Manager, Newal Kishore Press, Lucknow.
The Upper India Publishing House, Ltd., 41, Aminabad Park, Lucknow.
Munshi Saeta Ram, Managing Proprietor, Indian Army Book Depôt, Juhl, Cawnpore.
Rai Sahib M. Gulab Singh & Sons, Multan-Am Press, Lahore and Allahabad.
Rama Krishna & Sons, Booksellers, Anarkali, Lahore.
Puri Brothers, Booksellers and Publishers, Katcheri Road, Lahore.
The Tilak School Bookshop, Lahore.
The Standard Bookstall, Lahore.
Manager of the Imperial Book Depôt, 63, Chandney Chawk Street, Delhi.
Oxford Book and Stationery Company, Delhi.
Supdt., American Baptist Mission Press, Rangoon.
Proprietor, Rangoon Times Press, Rangoon.
The Modern Publishing House, Ltd., 30, Phayre Street, Rangoon.
The International Buddhist Book Depôt, Post Box No. 971, Rangoon.
Burma Book Club, Ltd., Rangoon.
Manager, the "Hitavada," Nagpur.
Bhisey Brothers, Booksellers and Stationers, Sitabald, Nagpur.
S. C. Talukdar, Proprietor, Students & Co., Cooch Behar.
Times of Ceylon Co., Ltd.
The Manager, Ceylon Observer, Colombo.
The Manager, The Indian Book Shop, Benares City.
R. C. Basak, Esq., Proprietor, Albert Library, Dacca.
The Srivilliputtur Co-operative Trading Union, Ltd., Srivilliputtur (Satu. S. I. R.).
Banwari Lal, Esq., Pakariya Street, Pilibhit, United Provinces.
The Manager, Educational Book Depôt, Jubbilore.
Raghunath Prasad & Sons, Patna City.
Dandekar Brothers, Indore City.
The Hyderabad Book Depôt, Chaderghat, Hyderabad (Deccan).

TITLES OF ACTS

PASSED BY

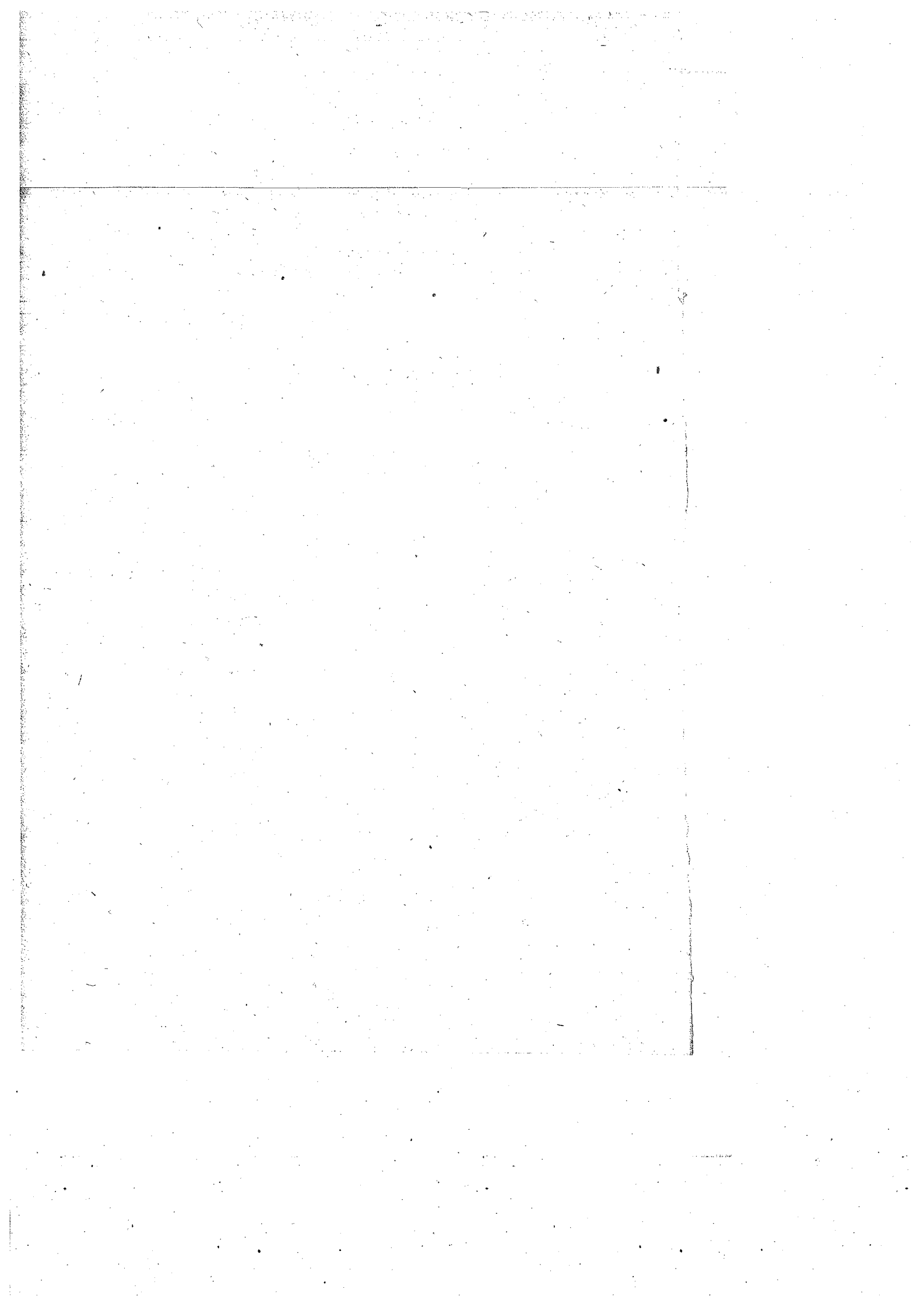
THE INDIAN LEGISLATURE IN THE YEAR 1926.

- I. An Act to resolve certain doubts as to the powers, in regard to the attachment of immoveable property, of Provincial Small Cause Courts.
- II. „ further to amend the Code of Criminal Procedure, 1898.
- III. „ to determine the liability of certain Governments to taxation in British India in respect of trading operations.
- IV. „ further to amend the Guardians and Wards Act, 1890.
- V. „ further to amend the Indian Lunacy Act, 1912.
- VI. „ further to amend the Code of Civil Procedure, 1908.
- VII. „ to consolidate and amend the law relating to the naturalization in British India of aliens resident therein.
- VIII. „ to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act in respect of railway wagons and of providing for the grant of bounties in respect of under-frames for railway passenger carriages.
- IX. „ to amend the Presidency-towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920.
- X. „ further to amend the Code of Criminal Procedure, 1898, for a certain purpose.
- XI. „ to provide for the validation of certain promissory notes.
- XII. „ to define and limit the powers of certain Courts in punishing contempts of Courts.
- XIII. „ further to amend the Indian Registration Act, 1908.
- XIV. „ further to amend the Madras Civil Courts Act, 1873.
- XV. „ further to amend the Legal Practitioners Act, 1879.
- XVI. „ to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India.
- XVII. „ further to amend the Indian Tariff Act, 1894.
- XVIII. „ further to amend the Madras Civil Courts Act, 1873.

- XIX. An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to repeal the Cotton Duties Act, 1896, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to provide for the appropriation of certain monies for the purpose of the reduction or avoidance of public debt.
- XX. „ to provide for the regular submission of returns of quantities of Cotton goods manufactured and Cotton Yarn spun in British India.
- XXI. „ to define in certain cases the rights of legal practitioners to sue for their fees and their liabilities to be sued in respect of negligence in the discharge of their professional duties.
- XXII. „ to amend the law relating to the appointment of legal practitioners in civil suits and for this purpose further to amend the Code of Civil Procedure, 1908.
- XXIII. „ to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi, and for that purpose to constitute a Joint Water Board to undertake such maintenance.
- XXIV. „ further to amend the Indian Income-tax Act, 1922 for certain purposes.
- XXV. „ further to amend the Indian Divorce Act.
- XXVI. „ further to amend the Indian Factories Act, 1911.
- XXVII. „ to explain certain provisions of the Transfer of Property Act, 1882.
- XXVIII. „ to amend the Usurious Loans Act, 1918, for certain purposes.
- XXIX. „ further to amend the Workmen's Compensation Act, 1923.
- XXX. „ further to amend the Negotiable Instruments Act, 1881 and the Code of Civil Procedure, 1908, for certain purposes.
- XXXI. „ further to amend the Indian Evidence Act, 1872, for a certain purpose.
- XXXII. „ further to amend the Administrator General's Act, 1913.
- XXXIII. „ further to amend the Indian Companies Act, 1913, for a certain purpose.
- XXXIV. „ to supplement the Sind Courts Act, 1926.
- XXXV. „ further to amend the Cantonments Act, 1924, for certain purposes.
- XXXVI. „ further to amend the Code of Criminal Procedure, 1898, for a certain purpose.

III

- XXXVII. An Act to amend the Indian Succession Act, 1925, for a certain purpose.
- XXXVIII. „ to provide for the constitution of Bar Councils in British India and for other purposes.
- XXXIX. „ further to amend the Provincial Insolvency Act, 1920, for certain purposes.
- XL. „ to amend the provisions of section 33 of the Indian Succession Act, 1925.



INDEX

TO THE

ACTS OF THE INDIAN LEGISLATURE FOR THE YEAR 1926.

	ACT.	SECTION.
ACT XXX of 1852 (NATURALIZATION)— so much as has not been repealed, repealed	VII	s. 15 & Sch.
ACT XXVII of 1866 (TRUSTEE)— section 2 amended	XXXIV	s. 2 & Sch.
ACT XXVIII of 1866 (TRUSTEES' AND MORTGAGEES' POWERS)— section 1 amended	"	"
ACT IV of 1869 (DIVORCE)— section 2 amended	XXV	2
section 3 amended	XXXIV	2 & Sch.
ACT I of 1872 (EVIDENCE)— section 68 amended	XXXI	2
ACT III of 1873 (MADRAS CIVIL COURTS)— section 28 amended	XVIII	2
section 29 inserted	XIV	2
ACT XVIII of 1875 (LAW REPORTS)— preamble amended	XXXIV	2 & Sch.
section 3 amended	"	"
ACT XVIII of 1879 (LEGAL PRACTITIONERS)— section 3 amended	XV	2
section 4 amended*	XXXVIII	19 & Sch.
section 6 amended*	"	"
section 28 repealed	XXI	6
section 29 repealed	"	"
section 30 repealed	"	"
section 31 repealed	"	"
section 36 amended	XV	3
section 38 amended*	XXXVIII	19 & Sch.
section 41 amended	XXXIV	2 & Sch.
	XXXVIII*	19 & Sch.
	}	
ACT XXVI of 1881 (NEGOTIABLE INSTRUMENTS)— section 80 amended	XXX	2
section 117 amended	"	3
ACT IV of 1882 (TRANSFER OF PROPERTY)— section 3 amended	XXVII	2

* These Amendments are prospective; see s. 19 (1) of the amending Act.

	ACT.	SECTION.
ACT IX OF 1887 (PROVINCIAL SMALL CAUSE COURTS)— section 17 amended	I	2
ACT VIII OF 1890 (GUARDIANS AND WARDS)— section 4 amended	IV	2
section 4A inserted	„	3
section 47 amended	„	4
ACT XVI OF 1891 [COLONIAL COURTS OF ADMIRALTY (INDIA)] section 2 amended	XXXIV	2 & Sch.
ACT VIII OF 1894 (TARIFF)— schedule II amended	XVII	2 & Sch.
ACT II OF 1896 (COTTON DUTIES)— repealed	XIX	3
ACT XIV OF 1897 (SHORT TITLES)— schedule repealed in part	VII	15 & Sch.
ACT V OF 1898 (CRIMINAL PROCEDURE)— section 4 amended	XXXIV	2 & Sch.
section 99A amended	XXXVI	2
section 99B amended	„	3
section 99D amended	„	4
section 99E amended	„	5
section 123 amended	X	2
section 170 amended	II	2
section 200 amended	„	3
section 202 amended	„	4
section 203 amended	„	5
section 266 amended	XXXIV	2 & Sch.
section 364 amended	„	„
section 365 amended	„	„
section 476 amended	II	6
ACT VI OF 1898 (POST OFFICE)— schedule I inserted*	XIX	4
ACT II OF 1899 (STAMP)— schedule I, Article 30 amended†	XXXVIII	19 & Sch.
ACT V OF 1908 (CIVIL PROCEDURE)— section 7 amended	I	3
section 103 amended	VI	2
section 122 amended	XXXIV	2 & Sch.
section 123 amended	„	„
schedule I amended	I	4
	XXII	2
	XXX	4
ACT IX OF 1908 (LIMITATION)— schedule I amended	XXXIV	2 & Sch.
ACT XVI OF 1908 (REGISTRATION)— section 35 amended	XIII	2

* To remain in force upto the 31st day of March, 1927; see s. 1(3) of the amending Act.

† This amendment is prospective; see s. 19(I) of the amending Act.

	ACT.	SECTION.
ACT III OF 1909 (PRESIDENCY-TOWNS INSOLVENCY)—		
preamble amended	IX	2
section 2 amended	"	3
	XXXIV	2 & Sch.
section 3 amended	IX	4
	XXXIV	2 & Sch.
section 4 amended	IX	5
	XXXIV	2 & Sch.
section 6 amended	IX	6
	XXXIV	2 & Sch.
section 77 amended	IX	7
	XXXIV	2 & Sch.
section 90 amended	IX	8
	XXXIV	2 & Sch.
section 104 substituted	IX	9
ACT XII OF 1911 (FACTORIES)—		
section 2 amended	XXVI	2
section 3 amended	"	3
section 7 amended	"	4
section 10 amended	"	5
section 19 amended	"	6
section 21 amended	"	7
section 25 amended	"	8
section 30 amended	"	9
section 31 amended	"	10
section 32A inserted	"	11
section 33 amended	"	12
section 34 amended	"	13
section 35 amended	"	14
section 36 amended	"	15
section 44A inserted	"	16
section 49 amended	"	17
ACT IV OF 1912 (LUNACY)—		
section 6 amended	V	2
new section 11A inserted	"	3
old section 11A re-numbered	"	"
section 11B amended	"	4
ACT III OF 1913 (ADMINISTRATOR GENERAL)—		
section 9 amended	XXXII	2
section 31 amended	"	"
section 37 amended	"	"
ACT VII OF 1913 (COMPANIES)—		
section 26 amended	XXXIII	2
ACT X OF 1914 (REPEALING AND AMENDING)—		
schedule II repealed in part	VII	15 & Sch.
ACT X OF 1918 (USURIOUS LOANS)—		
section 2 amended	XXVIII	2
section 3 amended	"	3
ACT XVI OF 1919 (NATURALIZATION)—		
repealed	VII	15 & Sch.

	ACT.	SECTION.
ACT V OF 1920 (PROVINCIAL INSOLVENCY)—		
preamble amended	IX	11
section 2 amended	"	"
	XXXIV	2 & Sch.
section 33 amended	XXXIX	2
section 54A inserted	"	3
section 59A inserted	"	4
section 67A inserted	"	5
section 70 amended	IX	11
section 79 amended	XXXIX	6
section 80 amended	"	7
ACT XI OF 1922 (INCOME-TAX)—		
section 19A inserted	XXIV	2
section 51 amended	"	3
section 52 amended	"	4
section 57 amended	"	5
section 58 amended	"	6
section 66 amended	"	7
section 66A inserted	"	8
ACT VIII OF 1923 (WORKMEN'S COMPENSATION)—		
section 3 amended	XXIX	2
ACT X OF 1923 (PAPER CURRENCY)—		
section 19 amended	XIX	5
ACT II OF 1924 (CANTONMENTS)—		
section 2 amended	XXXV	2
section 14 amended	"	"
section 22 amended	"	"
section 36 amended	"	"
section 41 amended	"	3
section 47 amended	"	4
section 48 amended	"	"
section 49 amended	"	5
section 50 amended	"	6
section 83 amended	"	2
section 99A inserted	"	7
section 101 amended	"	2
section 117A inserted	"	8
section 134 amended	"	2
section 151 amended	"	"
section 192 amended	"	"
section 200 amended	"	"
section 277 amended	"	9
section 280 amended	"	10
section 287 amended	"	"
schedule V amended	"	2
ACT XIV OF 1924 [STEEL INDUSTRY (PROTECTION)]—		
preamble amended	VIII	2
section 4 substituted	"	3
section 5 amended	"	4

	ACT.	SECTION.
ACT XXXIX OF 1925 (SUCCESSION)—		
section 33 amended	XL	2
section 33A inserted	"	3
section 57 amended	XXXVII	2
ADMINISTRATOR GENERAL'S (AMENDMENT) ACT, 1926 <i>see</i> Act III of 1913	XXXII	1
ADMIRALTY COURTS— <i>see</i> Act XVI of 1891.		
ADVOCATE— <i>see</i> Indian Bar Councils Act, 1926.		
ADVOCATE GENERAL— <i>see</i> Indian Bar Councils Act, 1926.		
ALIENS—		
ALIENAGE— <i>see</i> Indian Naturalization Act, 1926.		
ASSAM ACT III OF 1922 (ASSAM STAMP)— schedule 1A amended*	XXXVIII	19 & Sch.
ATTACHMENT OF IMMOVABLE PROPERTY— <i>see</i> Act I of 1926.		
ATTORNEY— <i>see</i> Indian Bar Councils Act, 1926.		
AUDITOR GENERAL— <i>see</i> Delhi Joint Water Board Act, 1926.		
BAR COUNCIL— <i>see</i> Indian Bar Councils Act, 1926.		
BENGAL ACT III OF 1922 (BENGAL STAMP)— schedule 1A amended *	"	19 & Sch.
BOMBAY ACT XVII OF 1920 (BOMBAY PLEADERS)—		
section 10 repealed	XXII	3
section 17 repealed	XXI	6
section 19 repealed	"	"
section 28 repealed	"	"
schedule II repealed in part	XXII	3
BOMBAY ACT VII OF 1926 (SIND COURTS)—		
schedule I repealed in part	XXXIV	3
schedule II repealed in part	"	"
BOMBAY PLEADERS ACT— <i>see</i> BOMBAY ACT XVII OF 1920. Indian Bar Councils Act, 1926.		

* This amendment is prospective; *see* s. 19 (1) of the amending Act.

VI INDEX TO THE ACTS OF THE INDIAN LEGISLATURE

	ACT.	SECTION.
CANTONMENTS (AMENDMENT) ACT, 1926 <i>see</i> Act II of 1924.	XXXV	1.
CENTRAL PROVINCES ACT I OF 1917 (CENTRAL PROVINCES COURTS)— section 19 repealed in part	IV	5
CENTRAL PROVINCES COURTS— <i>see</i> Central Provinces Act I of 1917.		
CIVIL COURTS (MADRAS)— <i>see</i> Act III of 1873.		
CIVIL PROCEDURE— <i>see</i> Act V of 1908.		
CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1926 <i>see</i> Act V of 1908.	VI	1
CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) ACT, 1926 <i>see</i> Act V of 1908. Bombay Act XVII of 1920.	XXII	1 (1)
CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1926	II	1
CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) ACT, 1926	X	1
CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT) ACT, 1926 <i>see</i> Act V of 1898.	XXXVI	1
COLONIAL COURTS OF ADMIRALTY— <i>see</i> Act XVI of 1891.		
COLLECTING RATE— <i>see</i> Delhi Joint Water Board Act, 1926.		
COMPANIES— <i>see</i> Act VII of 1913.		
CONTEMPT OF COURTS ACT, 1926	XII	1 (1)
bar of cognisance by High Court in respect of Contempt of subordinate Court in certain cases	„	2 (3)
Chief Court's Jurisdiction, etc., in respect of Contempt of itself	„	2 (2)
High Court's Jurisdiction, etc., in respect of Contempt of subordinate Courts	„	2 (1)
limit of punishment for Contempt of Court	„	3
CO-OPERATIVE SOCIETIES ACT, 1912— <i>see</i> Indian Trade Unions Act, 1926.		
COTTON DUTIES ACT, 1896— <i>see</i> Indian Finance Act, 1926 ; Act II of 1896.		

	ACT.	SECTION.
COTTON STATISTICS— <i>see</i> Cotton Industry (Statistics) Act, 1926.		
COTTON INDUSTRY (STATISTICS) ACT, 1926	XX	1 (1)
Penalties: provisions regarding	"	7
Return— of Cotton goods and cotton yarn: millowner's obligation to prepare and deliver	"	3 (1)
details to be entered in	"	3 (2)
publication of	"	5
exemption of mills or goods from operation of Act	"	8
Rules: power to make, by Governor General in Council	"	6
Suits, bar of, in respect of thing done under Act	"	9
CRIMINAL PROCEDURE— <i>see</i> Act V of 1898.		
DELHI JOINT WATER BOARD ACT, 1926	XXIII	1 (1)
Account and audit— of Board's funds	"	19
supply of accounts to constituent bodies	"	20
Auditor General— approval of, required to depositing Boards' money in Bank other than the Imperial Bank of India	"	18
to decide disputes as to liability for payment to, or by the Delhi Joint Water Board	"	15
to decide questions <i>re</i> capital cost of works and property, subject of Joint Water Board's loan	"	10 (2)
to frame rules <i>re</i> maintenance of renewal and replacement fund by the Joint Water Board	"	8
to prescribe method, etc., of audit and accounts of Boards' funds	"	19
Budget— Governor General in Council's powers in respect of presentation of	"	17
supply of copies of, to constituent bodies of Board	"	20
Bye-laws— power to make, by Board	"	28
Collecting rate— provisional, calculation of	"	13 (2)
Debt— of Delhi Joint Water Board to Delhi Municipal Committee: method of repayment	"	9
Governor General in Council: method of repayment	"	10
Delhi Municipal Committee— works and property of, vesting in Delhi Joint Water Board	"	5 & Sch. I
Issue rate— calculation of the final	"	12 (2)

	ACT.	SECTION.
DELHI JOINT WATER BOARD ACT, 1926—contd.		
Joint Water Board—		
a body-corporate	XXIII	4
chief Commissioner of Delhi, <i>ex-officio</i> President of constitution and members of	”	”
nomination of members by the Chief Com- missioner, Delhi, when constituent bodies fail to elect	”	3
custody and disbursement of monies received by . debt to Delhi Municipal Committee: method of payment	”	18
employment of Government agency for works, re- pairs, etc., on behalf of	”	9
	”	7
fund—		
Auditor General to frame rules regarding the maintenance of	”	8
maintenance of, for the renewal and replace- ment of works and property	”	8
matters relating to establishment, membership, meeting, power of contract, etc., which may be provided for by rules and bye-laws	”	27 & 28
power to make bye-laws	”	28
power to raise loan	”	6
right of user in property for aqueducts, lines, etc., and restriction of rights	”	22(1) & (2)
liability for compensation for damage done to property	”	23
water-supply by—		
payment for—		
at collecting rate	”	13
at issue rate	”	12
final settlement of accounts	”	14
liability for payment to or by Board: dis- pute regarding, to be decided by the Auditor General	”	15
mode of summary recovery	”	16
where made in bulk	”	11 & Sch. II
Loan—		
power to raise, by Joint Water Board	”	6
Meters—		
supply of, and cost	”	24
testing of	”	25
Penalty—		
provisions <i>re</i>	”	26
Provident Fund—		
establishment and maintenance of, for officers and servants of the Board	”	21
Rules—		
power to make, by the Governor General in Council	”	27

	ACT.	SECTION.
DELHI JOINT WATER BOARD ACT, 1926—contd.		
Works and property— list of, vested in the Board	XXIII	5 & Sch. I
power to construct or acquire additional	"	6
DELHI MUNICIPAL COMMITTEE— see Delhi Joint Water Board Act, 1926.		
DIVORCE— see Act IV of 1869.		
EVIDENCE— see Act I of 1872.		
FACTORIES— see Act XII of 1911.		
GOVERNMENT TRADING TAXATION ACT, 1926	III	1 (1)
liability of certain Governments to taxation in respect of trading operations	"	2
GUARDIANS AND WARDS (AMENDMENT) ACT, 1926	IV	1
see Act VIII of 1890.		
HIGH COURT— see Indian Bar Councils Act, 1926.		
INCOME-TAX— see Act XI of 1922. Indian Finance Act, 1926.		
INDIAN BAR COUNCILS ACT, 1926	XXXVIII	1 (1)
Advocates—		
admission and enrolment of: enrolment, stamp- duty and fee	"	8 (1)
defined	"	2
High Court to issue certificate of enrolment of	"	8 (3)
High Court to prepare and maintain a roll of	"	8 (2)
punishment for misconduct	"	10
removal of sex-disqualification for enrolment as	"	9 (3)
right of, to practice	"	14
Advocate-General—		
defined	"	2
a member of every Bar Council	"	4
Advocates-General of Bengal, Madras and Bombay to be <i>ex-officio</i> Chairmen of respective Bar Coun- cils	"	4 (4)
Amendments	"	19 & Sch.
Attorney—		
condition of enrolment as advocate for practising in High Court not applicable to	"	8

	ACT.	SECTION.
INDIAN BAR COUNCILS ACT, 1926— <i>contd.</i>		
Bar Council—		
a body-corporate	XXXVIII	3 (2)
Advocates-General of Bengal, Madras and Bombay		
<i>ex-officio</i> Chairmen of	"	4 (4)
Chairman of	"	4 (4)
composition and strength of	"	4 (1)
for every High Court to which Act applies	"	3 (1)
powers of—		
to acquire and hold property	"	3 (2)
to contract	"	3 (2)
to make bye-laws	"	7
to make rules regarding admission as advocates	"	9
general powers to make rules	"	15
with regard to the first rules made by High Court	"	6 (2)
matters regarding constitution and procedure to be provided for by rules	"	6
reference to, of cases of misconduct, etc., of advocates	"	10 (2)
special provisions regarding elected members of the first	"	5 (1)
term of office of the nominated and elected members of the first	"	5 (2)
Tribunal of—		
a Civil Court for certain purposes	"	13 (2)
constitution of	"	11 (2)
inquiry by, into reference of cases of misconduct on the part of advocates	"	"
inquiry to be deemed a judicial proceeding	"	13 (2)
proceedings in, to be deemed Civil proceedings for purposes of s. 132 of the Indian Evidence Act, 1872	"	13 (4)
procedure in	"	12
president of	"	11 (2)
to have powers of Court in respect of certain matters	"	13 (1)
suits against, bar of	"	17
Vice-Chairman of	"	4 (4)
Bombay Pleaders' Act, 1920—		
provisions of, except s. 7, when to cease to apply in respect of advocates of Bombay High Court	"	19 (3)
Bye-laws—		
power to make, by Bar Council: purposes	"	7
District Court—		
power of inquiry into cases of misconduct on the part of advocates	"	10 (2)
powers of a Court in respect of certain matters	"	13
procedure in inquiry	"	12

	ACT.	SECTION.
INDIAN BAR COUNCILS ACT, 1926—contd.		
High Court—		
application of Act to	XXXVIII	1 (2)
bar council for	„	3
defined	„	2
first rules of bar Council to be made by	„	6 (2)
powers of, with regard to the nomination and election of members of Bar Council	„	4
powers of with regard to the punishment of advocates	„	10
preparation and maintenance of roll of advocates by previous sanction of, required to making of certain rules by Bar Council	„	8 (2)
saving of powers to make rules by, as regards practice in original jurisdiction	„	9, 15
to issue certificate of enrolment of advocates	„	14 (3)
to make rules of procedure in District Courts and Tribunals referred to in ss. 10 and 11 of Act	„	8 (3)
	„	12
Letters Patent—		
establishing High Courts: provisions when to be deemed repealed so far as they are inconsistent with Act and rules made thereunder	„	19 (2)
Original Jurisdiction—		
saving of powers of Calcutta and Bombay High Courts in respect of matters regulating admission, etc., of persons to act or plead in	„	9 (4)
	„	14 (3)
Rules—		
general power to make, by Bar Council	„	15
making of, by Bar Council to regulate admission as advocates	„	9
making of, by High Court, regarding fees payable as costs in proceedings under Act	„	16
regarding procedure to be followed in inquiries against advocates	„	12
making of, to provide for matters relating to constitution, procedure, etc., of Bar Councils	„	6
publication of, in local official gazette	„	18
Savings	„	9(4), 19(4)
Woman—		
sex: no disqualification for enrolment as advocate	„	9 (3)
INDIAN COMPANIES (AMENDMENT) ACT, 1926 see Act VII of 1913.	XXXIII	1
INDIAN DIVORCE (AMENDMENT) ACT, 1926 see Act IV of 1869.	XXV	1
INDIAN EVIDENCE (AMENDMENT) ACT, 1926 see Act I of 1872.	XXXI	1
INDIAN FACTORIES (AMENDMENT) ACT, 1926 see Act XII of 1911.	XXVI	1 (1)

	ACT.	SECTION.
INDIAN FINANCE ACT, 1926	XIX	1 (I)
Cotton Duties Act, 1896— repayment as drawback of duty paid under	„	3
repeal of	„	„
Income-tax— fixation of	„	6 & Sch. II.
Indian Paper Currency Act, 1923— amendment of	„	5
Indian Salt Act, 1882— construction of s. 7 of, <i>re</i> imposition of salt duty*	„	2
Postal rate— fixation of	„	4 & Sch. I
Reparation annuities— payable by Germany: appropriation of share of British India	„	7
Salt duty— fixation of	„	2
Super-tax— fixation of	„	6 & Sch. II
INDIAN INCOME-TAX (AMENDMENT) ACT, 1926 <i>see</i> Act XI of 1922.	XXIV	1 (I)
INDIAN INSOLVENCY (AMENDMENT) ACT, 1926	IX	1 (I)
Provincial Insolvency Act, 1920— saving of pending proceedings under <i>see</i> Act III of 1909; Act V of 1920.	„	10
INDIAN LIFE ASSURANCE COMPANIES ACT, 1912— <i>see</i> Indian Trade Unions Act, 1926.		
INDIAN LUNACY (AMENDMENT) ACT, 1926 <i>see</i> Act IV of 1912.	V	1
INDIAN NATURALIZATION ACT, 1926	VII	1 (I)
Alienage— declaration of, when may be made	„	10 (I)
effect of	„	10 (2)
“British Subject,” defined	„	2 (a)
“Certificate of Naturalization”— defined	„	2 (b)
contents and form of application for	„	4 (I)
grant of	„	3 & 5
effect of	„	7
limitation to	„	14

* To remain in force up to the 31st day of March, 1927; *see* s. 1 (3) of the amending Act.

	ACT.	SECTION.
INDIAN NATURALIZATION ACT, 1926— <i>contd.</i>		
“Certificate of Naturalization”— <i>contd.</i>		
grant of— <i>contd.</i>		
oath of allegiance on	VII	6
effect of	”	7
revocation of: provisions <i>re</i>	”	8
effect of revocation	”	9
Minor, defined	”	2 (c)
Oaths and affidavits—		
swearing of	”	12
Repeals	”	15 & Sch.
Rules—		
power to make, by Local Government	”	13 (1)
purposes of	”	13 (2)
INDIAN PENAL CODE—		
<i>see</i> Indian Trade Unions Act, 1926.		
INDIAN REGISTRATION (AMENDMENT) ACT, 1926	XIII	1
<i>see</i> Act XVI of 1908.		
INDIAN SALT ACT—		
<i>see</i> Indian Finance Act, 1926.		
INDIAN SUCCESSION (AMENDMENT) ACT, 1926	XXXVII	1 (1)
<i>see</i> Act XXXIX of 1925.	XL	1
INDIAN TARIFF (AMENDMENT) ACT, 1926	XVII	1 (1)
<i>see</i> Act VIII of 1894.		
INDIAN TRADE UNIONS ACT, 1926	XVI	1 (1)
Appeal—		
against refusal to register a Trade Union or against		
cancellation of certificate of registration	”	11
to High Court	”	11 (4)
Civil Suit—		
immunity of officers and members of registered		
Trade Unions from punishment in case of, in		
certain circumstances	”	18
Criminal Conspiracy—		
immunity of officers and members of registered		
Trade Unions from punishment in case of, in		
certain circumstances	”	17
Co-operative Societies Act, 1912—		
inapplication of provisions of, to registered Trade		
Unions	”	14
Funds—		
for political purposes: members' contribution not		
compulsory: objects	”	16
of a registered Trade Union: on what objects to be		
spent	”	15

	ACT.	SECTION.
INDIAN TRADE UNIONS ACT, 1926—contd.		
Indian Companies Act, 1913—		
Indian Life Assurance Companies Act, 1912— inapplication of provisions of, to registered Trade Unions	XVI	14
Indian Penal Code— Provisions of s. 120(2): immunity of officers and members of registered Trade Unions from punishment under, in certain circumstances	„	17
Industry— proportion of officers belonging to, in the Trade Unions	„	22
Minor— rights of, to membership of Trade Unions	„	21
Notice— to registered Trade Union and of its change of address	„	12
Offences— cognisance by Presidency Magistrate or Magistrate of the first class only: procedure	„	33
Penalties— provisions regarding	„	31, 32
Provident Insurance Societies Act, 1912— inapplication of provisions of, to registered Trade Unions	„	14
Registrar— appointment of	„	3
power to call for additional particulars and require alteration of name before registering Trade Unions	„	7
Registration— application for	„	5
mode of	„	4
Regulations— power to make, by Local Government	„	29
previous publication	„	30
Restraint of Trade— not to vitiate agreement between members of registered Trade Unions	„	19
Returns— of receipts and expenditure, etc.	„	28
Rules— provisions of	„	6

	ACT.	SECTION.
INDIAN TRADE UNIONS ACT, 1926—contd.		
Societies Registration Act, 1860—		
inapplication of, to registered Trade Unions	XVI	14
Trade—		
clause in the nature of restraint of, not to vitiate agreement between members of registered Trade Union	"	19
supplying false information regarding: punishment for	"	32
Trade Union—		
appointment of Registrar for	"	3
definition of	"	2
proportion of officers to be connected with industry particulars regarding, to be provided for by rules	"	22
Registered—		
a body-corporate	"	13
amalgamation of several	"	24
notice of	"	25
effect of	"	26
change of name of	"	23
notice of	"	25
effect of	"	26
dissolution of: procedure	"	27
inapplication of certain Acts to	"	14
funds of—		
constitution of separate, for political purposes	"	16
general: objects	"	15
rights and liabilities of: provisions re	"	Ch. III
rights of minors to membership	"	21
right to inspect account books and lists of members	"	20
registration of—		
application for	"	4, 5
appointment of Registrar	"	3
cancellation of: appeal against	"	10, 11
certificate of, when issued: effect of certificate dependant on executive being constituted according to Act	"	9
when made	"	6
	"	8
JOINT WATER BOARD—		
<i>see</i> Delhi Joint Water Board Act, 1926.		
INSOLVENCY (AMENDMENT) ACT, 1926	IX	1 (I)
<i>see</i> Act III of 1909 ;		
Act I of 1920.		
LAW REPORTS—		
<i>see</i> Act XVIII of 1875.		
LEGAL PRACTITIONERS—		
Appointment of, in Civil Suits	XXII	2
<i>see</i> Legal Practitioners (Amendment) Act, 1926		
<i>see</i> Legal Practitioners (Fees) Act, 1926 ;		
Act XVIII of 1879.		

	ACT.	SECTION.
LEGAL PRACTITIONERS (AMENDMENT) ACT, 1926— <i>see</i> Act XVIII of 1879.	XV	1
“tout” defined	„	2 (a)
LEGAL PRACTITIONERS (FEES) ACT, 1926	XXI	1 (I)
agreement for engagement of legal practitioners	„	3
liability of legal practitioners to be sued	„	5
repeals	„	6
right of legal practitioners to sue for fees	„	4
LETTERS PATENT— <i>see</i> Indian Bar Councils Act, 1926.		
LIMITATION— <i>see</i> Act IX of 1908.		
LUNACY— <i>see</i> Act IV of 1912.		
MADRAS ACT VI OF 1922 (MADRAS STAMP)— Article 25 in Sch. 1A amended*	XXXVIII	19 & Sch.
MADRAS CIVIL COURTS (AMENDMENT) ACT, 1926 <i>see</i> Act III of 1873.	XIV	1
MADRAS CIVIL COURTS (SECOND AMENDMENT) ACT, 1926 <i>see</i> Act III of 1873.	XVIII	1
MORTGAGEES' POWERS— <i>see</i> Act XXVIII of 1866.		
NATURALIZATION— <i>see</i> Act XXX of 1852; Act XVI of 1919; Indian Naturalization Act, 1926.		
NEGOTIABLE INSTRUMENTS (INTEREST) ACT, 1926 <i>see</i> Act XXVI of 1881. Act V of 1908.	XXX	1
ODDH COURTS— <i>see</i> United Provinces Act IV of 1925.		
PAPER CURRENCY— <i>see</i> Act X of 1923.		
POSTAL RATES— <i>see</i> Indian Finance Act, 1926.		
POST OFFICE— <i>see</i> Act VI of 1898.		
PRESIDENCY-TOWNS INSOLVENCY— <i>see</i> Act III of 1909.		

* This amendment is prospective; *see* s. 19 (I) of the amending Act.

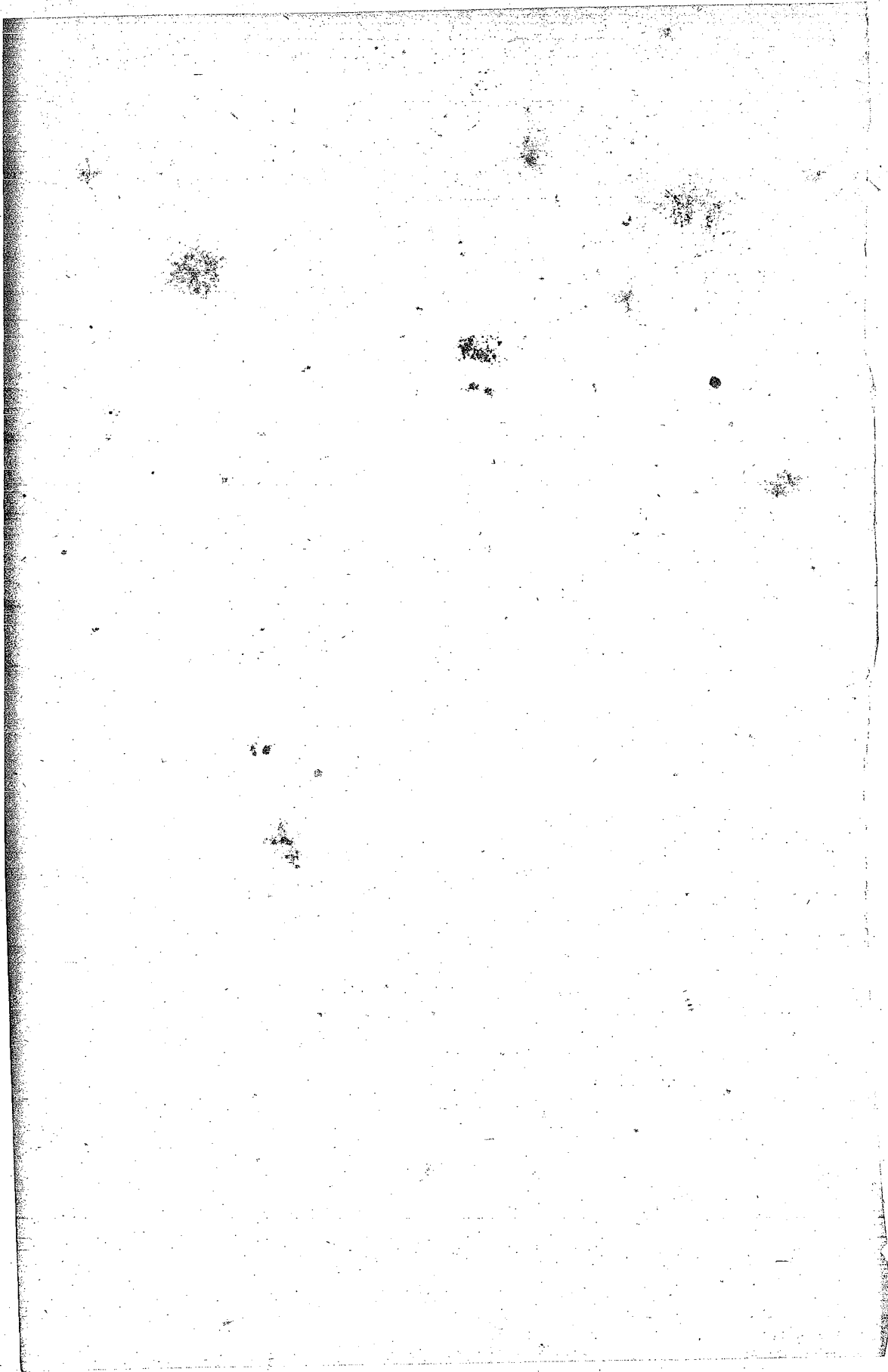
	ACT.	SECTION.
PROMISSORY NOTES (STAMP) ACT, 1926	XI	1 (1)
validation of certain promissory notes	"	2
PROVIDENT FUND— <i>see</i> Delhi Joint Water Board Act, 1926.		
PROVIDENT INSURANCE SOCIETIES ACT, 1912— <i>see</i> Indian Trade Unions Act, 1926		
PROVINCIAL INSOLVENCY (AMENDMENT) ACT, 1926 [*]	XXXIX	1
<i>see</i> Act V of 1920.		
PROVINCIAL INSOLVENCY ACT, 1920— <i>see</i> Indian Insolvency (Amendment) Act, 1920.		
PROVINCIAL SMALL CAUSE COURT— <i>see</i> Act IX of 1887.		
PUNJAB ACT VI OF 1918 (PUNJAB COURTS)— section 30 repealed in part	IV	5
PUNJAB ACT VIII OF 1922 [INDIAN STAMP (PUNJAB AMENDMENT)]— schedule 1A amended*	XXXVIII	19 & Sch.
PUNJAB COURTS— <i>see</i> Punjab Act VI of 1918.		
REGISTRAR— <i>see</i> Indian Trade Unions Act, 1926.		
REGISTRATION— <i>see</i> Act XVI of 1908.		
REPARATION ANNUITIES— <i>see</i> Indian Finance Act, 1926.		
REPEALING AND AMENDING— <i>see</i> Act X of 1914.		
RESTRAINT OF TRADE— <i>see</i> Indian Trade Unions Act, 1926.		
SALT DUTY— <i>see</i> Indian Finance Act, 1926.		
SHORT TITLES— <i>see</i> Act XIV of 1897.		
SIND COURTS (SUPPLEMENTARY) ACT, 1926	XXXIV	1 (1)
<i>see</i> Act XXVII of 1866 ; Act XXVIII of 1866 ; Act IV of 1869 ; Act XVIII of 1875 ; Act XVIII of 1879 ; Act XVI of 1891 ;		

* This amendment is prospective ; *see* s. 19 (1) of the amending Act.

XVIII INDEX TO THE ACTS OF THE INDIAN LEGISLATURE

	ACT.	SECTION.
SIND COURTS (SUPPLEMENTARY) ACT, 1926— <i>contd.</i> Act V of 1898 ; Act V of 1908 ; Act IX of 1908 ; Act III of 1909 ; Act V of 1920 ; Bombay Act VII of 1926.		
SMALL CAUSE COURTS— <i>see</i> Act IX of 1887.		
SMALL CAUSE COURTS (ATTACHMENT OF IMMOVEABLE PROPERTY) ACT, 1926 <i>see</i> Act IX of 1887 ; Act V of 1908.	I	1
SOCIETIES REGISTRATION ACT, 1860— <i>see</i> Indian Trade Unions Act, 1926.		
STAMP— <i>see</i> Act II of 1899 ; Assam Act III of 1922 ; Bengal Act III of 1922 ; Madras Act VI of 1922 ; Punjab Act VIII of 1922.		
STEEL INDUSTRY (PROTECTION)— <i>see</i> Act XIV of 1924.		
STEEL INDUSTRY (AMENDMENT) ACT, 1926 <i>see</i> Act XIV of 1924.	VIII	1
SUCCESSION— <i>see</i> Act XXXIX of 1925.		
SUPER-TAX— <i>see</i> Indian Finance Act, 1926.		
TARIFF— <i>see</i> Act VIII of 1894.		
TAXATION— <i>see</i> Indian Finance Act, 1926 ; Government Trading Taxation Act, 1926.		
TRADE— <i>see</i> Government Trading Taxation Act, 1926 ; Indian Trade Unions Act, 1926 ; Restraint of Trade.		
TRADE UNIONS— <i>see</i> Indian Trade Unions Act, 1926.		
TRANSFER OF PROPERTY (AMENDMENT) ACT, 1926 <i>see</i> Act IV of 1882. “ Attested ” defined	XXVII “	1 2

	ACT.	SECTION.
TRUSTEE— <i>see</i> Act XXVII of 1866.		
TRUSTEES' AND MORTGAGEES' POWERS— <i>see</i> Act XXVIII of 1866.		
UNITED PROVINCES ACT IV OF 1925 (QUDH COURTS)— section 31 repealed in part	IV	5
USURIOUS LOANS (AMENDMENT) ACT, 1926* <i>see</i> Act X of 1918.	XXVIII	1
WARDS— <i>see</i> Act VIII of 1890.		
WATER BOARD— <i>see</i> Delhi Joint Water Board Act, 1926.		
WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1926 <i>see</i> Act VIII of 1923.	XXIX	1



ACT No. I OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th February, 1926.)

An Act to resolve certain doubts as to the powers, in regard to the attachment of immoveable property, of Provincial Small Cause Courts.

WHEREAS it is expedient further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, for the purpose of resolving certain doubts which have arisen as to the powers, in regard to the attachment of immoveable property, of Courts constituted under the Provincial Small Cause Courts Act, 1887, and of Courts exercising the jurisdiction of a Court of Small Causes under that Act; It is hereby enacted as follows:—

1. This Act may be called the Small Cause Courts (Attachment of Immoveable Property) Act, 1926. Short title.

2. (1) In sub-section (1) of section 17 of the Provincial Small Cause Courts Act, 1887, for the words beginning with the words "The procedure" and ending with the words "are applicable" the following shall be substituted, namely:— Amendment of section 17, Act IX of 1887.

"The procedure prescribed in the Code of Civil Procedure, 1908, shall, save in so far as is otherwise provided by that Code or by this Act."

(2) In sub-section (2) of the same section, for the figures "253" the figures "145" shall be substituted, and after the words "Code of Civil Procedure" the figures "1908" shall be added. of 1908.

3. In clause (b) of section 7 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), for the words "so far as they relate to injunctions and interlocutory orders" the following shall be substituted, namely:— Amendment of section 7, Act V of 1903.

"so far as they authorise or relate to—

- (i) orders for the attachment of immoveable property,
- (ii) injunctions,

Price 1 anna or 1½d.

*Small Cause Courts (Attachment of [ACT I OF 1926.]
Immoveable Property).*

- (ii) injunctions,
- (iii) the appointment of a receiver of immoveable property, or
- (iv) the interlocutory orders referred to in clause (e) of section 94."

Amendment
of Order
XXXVIII in
the First
Schedule to
Act V of 1908.
Small Cause
Court not to
attach im-
moveable
property.

4. To Order XXXVIII in the First Schedule to the said Code, after rule 12 the following rule shall be added, namely:—

" 13. Nothing in this Order shall be deemed to empower any Court of Small Causes to make an order for the attachment of immoveable property."

ACT No. II OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th
February, 1926.)

An Act further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1926. Short title.

2. Sub-section (4) of section 170 of the said Code is hereby repealed. Amendment of section 170, Act V of 1898.

3. In proviso (b) to section 200 of the said Code, after the words "thinks fit, and" the words "where the complaint is made in writing" shall be inserted. Amendment of section 200, Act V of 1898.

4. For the proviso to sub-section (1) of section 202 of the said Code the following proviso shall be substituted, namely:— Amendment of section 202, Act V of 1898.

"Provided that, save where the complaint has been made by a Court, no such direction shall be made unless the complainant has been examined on oath under the provisions of section 200."

5. In section 203 of the said Code, for the words "any investigation" the words "the investigation" shall be substituted; and after the word "inquiry" the words and brackets "(if any)" shall be inserted. Amendment of section 203, Act V of 1898.

6. In sub-section (1) of section 476 of the said Code,— Amendment of section 476, Act V of 1898.

(a) to the first paragraph the following proviso shall be added, namely:—

"Provided that, where the Court making the complaint is a High Court, the complaint may be signed by such officer of the Court as the Court may appoint."; and

(b) in the second paragraph the word "Chief" shall be omitted.

Price 1 anna or 1½d.

MGIPC—L—I-127—13-4-26—12,500.

1875

1876

1877

1878

1879

1880

1881

1882

1883

1884

1885

1886

1887

1888

1889

1890

1891

1892

1893

1894

1895

1896

1897

1898

1899

1900

1901

1902

1903

1904

1905

1906

1907

1908

1909

1910

1911

1912

1913

1914

1915

1916

1917

1918

1919

1920

1921

1922

1923

1924

1925

1926

1927

1928

1929

1930

1931

1932

1933

1934

1935

ACT No. III OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th
February, 1926.)

An Act to determine the liability of certain Governments to taxation in British India in respect of trading operations.

WHEREAS it is expedient to determine the liability to
taxation for the time being in force in British India
of the Government of any part of His Majesty's Dominions,
exclusive of British India, in respect of any trade or business
carried on by or on behalf of such Government; It is hereby
enacted as follows:—

1. (1) This Act may be called the Government Trading
Taxation Act, 1926. Short title and
commencement.

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

2. (1) Where a trade or business of any kind is carried
on by or on behalf of the Government of any part of His
Majesty's Dominions, exclusive of British India, that Govern-
ment shall, in respect of the trade or business and of all opera-
tions connected therewith, all property occupied in British
India and all goods owned in British India for the purposes
thereof, and all income arising in connection therewith, be
liable— Liability
of certain
Governments
to taxation
in respect
of trading
operations.

(a) to taxation under the Indian Income-tax Act, 1922,
in the same manner and to the same extent as in
the like case a company would be liable;

(b) to all other taxation for the time being in force in
British India in the same manner as in the like
case any other person would be liable.

(2) For the purposes of the levy and collection of income-
tax under the Indian Income-tax Act, 1922, in accordance
with the provisions of sub-section (1), any Government to
which that sub-section applies shall be deemed to be a com-
pany within the meaning of that Act, and the provisions of
that Act shall apply accordingly.

(3) In this section the expression "His Majesty's Domi-
nions" includes any territory which is under His Majesty's
protection or in respect of which a mandate is being exercised
by the Government of any part of His Majesty's Dominions.

Price 1 anna or 1½d.

MGIPC—L—1-128—13-4-26—7,500.

STATE OF TEXAS

COUNTY OF _____

Know all men by these presents, that _____ of the County of _____ State of Texas, for and in consideration of the sum of _____ Dollars, to _____ in hand paid by _____ the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said _____ of the County of _____ State of Texas, all that certain _____

ACT No. IV OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th
February, 1926.)

An Act further to amend the Guardians and Wards Act, 1890.

WHEREAS it is expedient further to amend the Guardians and Wards Act, 1890, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Guardians and Wards (Amendment) Act, 1926.

2. In section 4 of the Guardians and Wards Act, 1890 (hereinafter referred to as the said Act), for clause (5) the following clause shall be substituted, namely:—

“(5) ‘the Court’ means—

(a) the District Court having jurisdiction to entertain an application under this Act for an order appointing or declaring a person to be a guardian; or

(b) where a guardian has been appointed or declared in pursuance of any such application—

(i) the Court which, or the Court of the officer who, appointed or declared the guardian or is under this Act deemed to have appointed or declared the guardian; or

(ii) in any matter relating to the person of the ward the District Court having jurisdiction in the place where the ward for the time being ordinarily resides; or

(c) in respect of any proceeding transferred under section 4A, the Court of the officer to whom such proceeding has been transferred.

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

“4A. (1) The High Court may, by general or special order, empower any officer exercising original civil jurisdiction subordinate to a District Court, or authorise the Judge of any District

Short title.

Amendment of section 4, Act VIII of 1890.

Insertion of new section 4A in Act VIII of 1890.

Power to confer jurisdiction on subordinate judicial officers and to transfer proceedings to such officers.

Guardians and Wards (Amendment). [ACT IV OF 1926.]

District Court to empower any such officer subordinate to him, to dispose of any proceedings under this Act transferred to such officer under the provisions of this section.

(2) The Judge of a District Court may, by order in writing, transfer at any stage any proceeding under this Act pending in his Court for disposal to any officer subordinate to him empowered under sub-section (1).

(3) The Judge of a District Court may at any stage transfer to his own Court or to any officer subordinate to him empowered under sub-section (1) any proceeding under this Act pending in the Court of any other such officer.

(4) When any proceedings are transferred under this section in any case in which a guardian has been appointed or declared, the Judge of the District Court may, by order in writing, declare that the Court of the Judge or officer to whom they are transferred shall, for all or any of the purposes of this Act, be deemed to be the Court which appointed or declared the guardian."

Amendment of
section 47, Act
VIII of 1860.

4. In section 47 of the said Act, the word "District" shall be omitted.

Repeals.

5. Clause (b) of sub-section (2) of section 19 of the Central Provinces Courts Act, 1917, clause (b) of sub-section (2) of section 30 of the Punjab Courts Act, 1918, and clause (b) of sub-section (2) of section 31 of the Oudh Courts Act, 1925, are hereby repealed.

C. P. Act
I of 1917.
Pun. Act
VI of 1918.
U. P. Act
IV of 1925.

ACT No. V OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th
February, 1926.)

An Act further to amend the Indian Lunacy Act, 1912.

WHEREAS it is expedient further to amend the Indian Lunacy Act, 1912, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Lunacy (Amendment) Act, 1926.

2. (1) For sub-section (1) of section 6 of the Indian Lunacy Act, 1912 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of sub-section (3), the petition shall be presented by the husband or wife of the alleged lunatic, or, if there is no husband or wife or the husband or wife is prevented by reason of insanity, absence from India or otherwise from making the presentation, by the nearest relative of the alleged lunatic who is not so prevented.”

(2) In sub-section (2) of the same section, for the words “If the petition is not so presented, it” the following shall be substituted, namely:—

“If the petition is not presented by the husband or wife, or, where there is no husband or wife, by the nearest relative of the alleged lunatic, the petition.”

3. Section 11A of the said Act shall be renumbered as section 11B, and after section 11 of the said Act the following section shall be inserted, namely:—

“11A. (1) The Magistrate may, subject to the provisions of this section, by order in writing (hereinafter referred to as an order of substitution), transfer the duties and responsibilities under this Act of the person on whose petition a reception order has been made to any other person who is willing to undertake the same, and such other person shall thereupon be deemed for the purposes of this Act to be the person on whose petition the reception order was made, and all references in this Act to such last-mentioned person shall be construed accordingly:

Provided

1

Price 1 anna or 1½d.

Indian Lunacy (Amendment). [ACT V OF 1926.]

Provided that no such order of substitution shall release the person upon whose petition the reception order was made or, if he is dead, his legal representative from any liability incurred before the order of substitution was made.

(2) Before making any order of substitution, the Magistrate shall send a notice to the person upon whose petition the reception order was made, if he is alive, and to any relative of the lunatic to whom, in the opinion of the Magistrate, notice should be given; the notice shall specify the name of the person in whose favour it is proposed to make such order and the date, which shall be not less than twenty days from the sending of the notice, upon which any objection to the making of the order will be considered.

(3) On such date or any subsequent date to which the proceedings may be adjourned, the Magistrate shall consider any objection made by any person to whom notice has been sent, or by any other relative of the lunatic, and shall receive all such evidence as may be produced by or on behalf of any of such persons and such further evidence, if any, as the Magistrate thinks necessary, and may thereafter make or refrain from making an order of substitution:

Provided that, if the person on whose petition the reception order was made is dead and any other person is willing and, in the opinion of the Magistrate, fitted to undertake the duties and responsibilities under this Act of such first-mentioned person, the Magistrate shall make such an order.

(4) If in proceedings under this section any question arises as to the person to whom the duties and responsibilities under this Act of a person upon whose petition a reception order has been made shall be entrusted, the Magistrate shall give preference to the person who is the nearest relative of the lunatic, unless, for reasons to be recorded in writing, the Magistrate considers that such preference would not be in the interests of the lunatic.

(5) The Magistrate may make such order for the payment of the costs of an inquiry under this section by any person who is a party thereto or out of the estate of the lunatic, as he thinks fit.

(6) Any notice under sub-section (2) may be sent by post to the last known address of the person for whom it is intended."

Amendment of
section 11B,
Act IV of 1912.

4. In section 11B of the said Act as renumbered, in clause (e) of sub-section (2), after the figures " 11 " the figures and letter " 11A " shall be inserted.

ACT No. VI OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th
February, 1926.)

An Act further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of
Civil Procedure, 1908, for the purpose hereinafter
appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure Short title.
(Amendment) Act, 1926.

2. In section 103 of the Code of Civil Procedure, 1908, Amendment of
section 103,
Act V of 1903.
for the words " but not determined by the lower appellate
Court " the words " which has not been determined by the
lower appellate Court or which has been wrongly determined
by such Court by reason of any illegality, omission, error or
defect such as is referred to in sub-section (I) of section 100 " V of 1903.
shall be substituted.

Price 1 anna or 1½d.

1977/1/10

ACT No. VII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th
February, 1926.)

**An Act to consolidate and amend the law relating to the
naturalization in British India of aliens resident therein.**

WHEREAS it is expedient to consolidate and amend the law
relating to the naturalization in British India of aliens
resident therein; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Naturalization Act, 1926. Short title,
extent and
commencement.

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

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

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

(a) "British subject" means a British subject as defined¹
in section 27 of the British Nationality and Status
of Aliens Act, 1914;

(b) "certificate

¹ The expressions "British subject" and "natural-born British subject" are defined in sections 27 and 1, respectively, of the British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. 5, ch. 17), as follows:—

"27 * * * The expression 'British subject' means a person who is a natural-born British subject or a person to whom a certificate of naturalization has been granted or a person who has become a subject of His Majesty by reason of any annexation of territory."

* * * * *

"1. (1) The following persons shall be deemed to be natural-born British subjects, namely:—

(a) any person born within His Majesty's dominions and allegiance; and

(b) any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject,

1

Price 1 anna or 1½d.

- (b) "certificate of naturalization" means a certificate of naturalization granted under this Act; and
- (c) "minor" means any person subject to the Indian Majority Act, 1875, who has not attained his ^{IX of 1875.} majority within the meaning of that Act, or any other person who has not attained the age of eighteen years.

3. (1) The

and who fulfils any of the following conditions, that is to say, if either—

- (i) his father was born within His Majesty's allegiance; or
 - (ii) his father was a person to whom a certificate of naturalization had been granted; or
 - (iii) his father had become a British subject by reason of any annexation of territory; or
 - (iv) his father was at the time of that person's birth in the service of the Crown; or
 - (v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and
- (c) any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects:

Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorised in special cases by regulations made under this Act—

(i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act; and

(ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.

(2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.

(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive."

3. (1) The Local Government may grant a certificate of naturalization to any person who makes an application in this behalf and satisfies the Local Government—

Grant of certificate of naturalization.

- (a) that he is not a minor;
- (b) that he is neither a British subject nor a subject of any state in Europe or America or of any state of which an Indian British subject is prevented by or under any law from becoming a subject by naturalization;
- (c) that he has, during a period of not less than five years immediately preceding the date of the application, either resided in British India or been in the service of the Crown under the Government;
- (d) that he is of good character;
- (e) that he has an adequate knowledge of a language which has been declared by the Local Government, by notification in the local official Gazette, to be a principal vernacular of the province; and
- (f) that he intends, if the application is granted, to reside in British India or to enter or continue in the service of the Crown under the Government:

Provided that nothing in clause (e) or clause (f) shall apply in the case of a woman who was a British subject previously to her marriage to a person not a British subject and whose husband has died or whose marriage has been dissolved.

(2) Nothing in this section shall be deemed to prevent the grant of a certificate of naturalization to any person to whom a certificate of naturalization has been issued under the Indian Naturalization Act, 1852.

XXX of 1852.

4. (1) Every application for a certificate of naturalization shall be in writing and shall state, to the best of the knowledge and belief of the applicant,—

Contents and form of application.

- (a) his age;
- (b) his place of birth;
- (c) his place of residence;
- (d) his profession, trade, or occupation;
- (e) full

(e) full particulars regarding his qualifications in respect of the matters referred to in clauses (a) to (f) of sub-section (1) of section 3;

(f) whether he has at any time previously applied for the grant of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914, or the Indian Naturalization Act, 1852, or ^{4 & 5 Geo. 5, c. 17,} ~~XXX~~ of 1852, this Act;

(g) whether any such application has been rejected;

(h) whether any such certificate has been granted to him; and

(i) whether any such certificate granted to him has been revoked.

(2) Every such application shall be signed by the applicant and shall be accompanied by an affidavit sworn by him verifying that the statements contained therein are true to the best of his knowledge and belief.

(3) The Local Government shall satisfy itself as to the truth of the statements contained in the application, and for this purpose may cause to be made such further inquiry, if any, and may require such further evidence, if any, either by affidavit or otherwise, as it thinks necessary.

Grant of certificate.

5. (1) If the Local Government is satisfied that the applicant is qualified under section 3 for the grant of a certificate of naturalization and is otherwise a fit person for the grant of such certificate, it may grant a certificate reciting the qualifications of the applicant for such grant and conferring upon him all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(2) Any such certificate may, if the applicant so requests, include the name of any minor child of the applicant, not being by birth a British subject, who was born before the date of the certificate and is for the time being resident in British India and under the control of the applicant; and shall grant to any child so included all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(3) The grant of a certificate of naturalization shall be in the absolute discretion of the Local Government, and no appeal shall

shall lie from any refusal to grant any such certificate or to include in any such grant any particular right, privilege or capacity.

6. ~~Every person to whom a certificate of naturalization~~ ^{Oath of allegiance.} has been granted shall, within thirty days from the date of the grant thereof, take and subscribe the following oath, namely:—

“ I, A. B., of
do hereby swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His Heirs and Successors ”:

Provided that the Local Government may extend the time allowed under this section in any case in which it is satisfied that failure to take and subscribe the oath within that time was due to sufficient cause.

7. (1) No certificate of naturalization shall have effect until the person to whom it is granted has taken and subscribed the oath prescribed by section 6, but upon the taking and subscribing of such oath such person, the wife of any such person, and any child of any such person who has been included in the certificate under sub-section (2) of section 5, shall, when in British India, be deemed to be British subjects and be entitled to all the rights, privileges and capacities of a British subject born within British India, except such rights, privileges or capacities, if any, as may have been withheld from them respectively by the certificate, and shall within British India be subject to all the obligations, duties and liabilities of a British subject. ^{Effect of grant of certificate and taking of oath.}

(2) When the person to whom a certificate of naturalization has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to, such person shall, if she or he is not a British subject and if such person aforesaid at the date of the marriage or birth, as the case may be, retains any rights, privileges or capacities of a British subject under this Act, be entitled to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities, to which such person aforesaid was at that date entitled and subject.

8. (1) Where the Local Government of the province in which a person to whom a certificate of naturalization has been granted ^{Revocation of certificate.}

granted under this Act, or the Indian Naturalization Act, 1852, resides, or, in the case of any such person who is not for the time being resident in British India, the Local Government, by which such a certificate was granted to such person, is satisfied that the certificate was obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate has been granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Local Government shall, by order in writing, revoke the certificate.

(2) Without prejudice to the foregoing provisions, such Local Government shall, by order in writing, revoke such a certificate of naturalization as aforesaid in any case in which it is satisfied that the person to whom the certificate was granted—

- (a) has, during any war in which His Majesty is engaged, unlawfully traded or communicated with the enemy, or with a subject of an enemy state, or been engaged in, or associated with, any business which is to his knowledge carried on in such a manner as to assist the enemy in such war; or
- (b) has, within five years of the date of the grant of the certificate, been sentenced by any Court in His Majesty's dominions to transportation or to penal servitude, or to imprisonment for a term of not less than twelve months, or to pay a fine of not less than one thousand rupees; or
- (c) was not of good character at the date of the grant of the certificate; or
- (d) has since the date of the grant of the certificate been, for a period of not less than seven years, ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm or company carrying on business, or of an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or
- (e) remains, according to the law of a state at war with His Majesty, a subject of that state;

and

and that the continuance of the certificate is not conducive to the public good.

(3) Nothing in this section shall be deemed to authorise the revocation by one Local Government of a certificate granted by another Local Government without the concurrence of that other Local Government, or, if that Local Government refuses to concur, of the Governor General in Council.

(4) The Local Government may, if it thinks fit, before making an order under this section, refer the case for such inquiry as is hereinafter specified, and, in any case to which sub-section (1) or clause (a), clause (c) or clause (e) of sub-section (2) applies, the Local Government shall, by notice given to, or sent by post to the last known address of, the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and, if the holder so claims in accordance with the notice, the Local Government shall refer the case for inquiry accordingly.

(5) An inquiry under this section shall be held by such person or persons and in such manner as the Local Government may direct in each case.

(6) Where a certificate is revoked under this section, the revocation shall have effect from such date as may be directed by the Local Government, and thereupon the certificate shall be given up and cancelled; and any person who, without reasonable cause the burden of proving which shall lie upon him, fails to give up his certificate within one month from the aforesaid date, shall be punishable with fine, which may extend to one thousand rupees.

(7) For the purposes of this section, any person who has acquired any of the rights, privileges or capacities of naturalization under sub-section (2) of section 5 or sub-section (2) of section 7 by reason of the grant to his parent of a certificate of naturalization, may, after he has attained majority, be deemed to be a person to whom a certificate of naturalization has been granted.

9. (1) Where a certificate is revoked under section 8, the former holder thereof shall cease to be deemed to be a British subject. Effect of revocation of certificate.

(2) On such revocation, the Local Government may, by order in writing, direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall
cease

cease to be deemed to be British subjects; but where no such direction is made, the status of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation :

Provided that, in the case of a wife who was at birth a British subject, no such order as aforesaid shall be made, unless the Local Government is satisfied that, if she had held a certificate of naturalization in her own right, the certificate could properly have been revoked under section 8, and the provisions of that section as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

Declaration of alienage.

10. (1) A declaration of alienage in such manner as may be prescribed by rules made under this Act may be made,—

- (a) within one year of his attaining majority, by any child who has acquired any of the rights, privileges or capacities of naturalization under sub-section (2) of section 5, or sub-section (2) of section 7; or
- (b) within six months from the date of the revocation of a certificate under section 8, or of the death of, or of the dissolution of her marriage with, the holder of any such certificate as is therein referred to, by the wife of the person whose certificate has been revoked, or who has died, or whose marriage to her has been dissolved, as the case may be.

(2) Where a declaration of alienage has been made in the manner aforesaid, the person making the same, and the wife of any such person, and any children of any such person who are minors and are not by birth British subjects, shall cease to be deemed to be British subjects.

Inquiries.

11. Every person making an inquiry under the orders of a Local Government under sub-section (3) of section 4, and every person appointed to hold an inquiry under sub-section (5) of section 8, shall be deemed to be a public servant within the meaning of the Indian Penal Code, and shall for the purposes XLV of 1860. of such inquiry have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, v of 1908. in respect of the following matters:—

- (i) enforcing the attendance of any person and examining him on oath;
- (ii) compelling

(ii) compelling the production of documents and material objects; and

(iii) issuing commissions for the examination of witnesses;

and every such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

12. (1) All oaths and affidavits for the purposes of this Act shall be sworn before a Magistrate or such other person as may be appointed in this behalf by the Local Government. Oaths and affidavits.

(2) The Magistrate or other person by whom an oath of allegiance is administered under section 6 shall grant to the person making the same a certificate in writing of his having taken and subscribed such oath and of the date of his taking and subscribing the same, and shall forward to the Local Government the oath so taken and subscribed, together with a copy of such certificate.

13. (1) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, make rules to give effect to the provisions of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the form or forms in which certificates of naturalization shall be granted, and the manner in which they shall be recorded;

(b) the manner in which declarations of alienage shall be made and recorded;

(c) the recording of oaths of allegiance; and

(d) the fees which may be imposed for the issue of any certificate, whether of naturalization or otherwise, granted under this Act.

14. Nothing contained in this Act shall be deemed to entitle to any of the rights, privileges or capacities of a British subject the child of any person who is himself so entitled by reason only of the inclusion of his name in a certificate of naturalization under sub-section (2) of section 5 or of the grant of a certificate of naturalization to his parent. Limitation to the grant of naturalization under this Act.

15. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof. Repeals.

THE SCHEDULE.

Indian Naturalization. [ACT VII OF 1926.]

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 15.)

Year.	No.	Short title.	Extent of repeal.
1852	XXX	The Indian Naturalization Act, 1852.	So much as has not been repealed.
1897	XIV	The Indian Short Titles Act, 1897.	So much of the Schedule as relates to the Indian Naturalization Act, 1852.
1914	X	The Repealing and Amending Act, 1914.	So much of the Second Schedule as relates to the Indian Naturalization Act, 1852.
1919	XVI	The Indian Naturalization (Amendment) Act, 1919.	The whole.

ACT No. VIII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th February, 1926.)

An Act to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act in respect of railway wagons and of providing for the grant of bounties in respect of underframes for railway passenger carriages.

WHEREAS it is expedient to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act in respect of railway wagons and of providing for the grant of bounties in respect of underframes for railway passenger carriages; It is hereby enacted as follows:—

1. This Act may be called the Steel Industry (Amendment) Act, 1926. Short title.

2. In the preamble to the Steel Industry (Protection) Act, 1924 (hereinafter referred to as the said Act), the words " and bounties " shall be omitted, and after the words " to the said industry " the following words shall be inserted, namely:— Amendment of preamble to Act XIV of 1924.

" and the liability which may be incurred during that period in respect of bounties."

3. For section 4 of the said Act the following section shall be substituted, namely:— Substitution of new section for section 4, Act XIV of 1924.

" 4. (1) The Governor General in Council may pay by way of bounties— Bounties on railway wagons and underframes for carriages.

(a) in respect of iron or steel wagons ordered during the financial year commencing on the 1st day of April, 1924, by any railway administration as defined in section 3 of the Indian Railways Act, 1890, such sums, not exceeding in the aggregate a sum of thirteen lakhs and sixty thousand rupees, as he thinks fit, and

(b) in

Price 1 anna or 1½d.

Steel Industry (Amendment). [ACT VIII OF 1926.]

(b) in respect of iron or steel wagons and of underframes for railway carriages ordered after the 31st day of March, 1925, and before the 1st day of April 1927, by any such railway administration, such sums, not exceeding in the aggregate a sum of nineteen lakhs and forty thousand rupees, as he thinks fit.

(2) No bounty shall be payable in respect of any wagon or underframe, unless the Governor General in Council is satisfied—

(a) in the case of a wagon, that it is suitable for the public carriage of animals or goods on a railway in India,

(b) in the case of an underframe, that it is suitable for the erection thereon of a public carriage for the conveyance of passengers on a railway in India, and

(c) that a substantial portion of the component parts of the wagon or underframe has been manufactured in British India.

(3) The Governor General in Council may, by notification in the Gazette of India, prescribe the conditions subject to which and the manner in which the bounties referred to in sub-section (1) may be paid."

4. In section 5 of the said Act, for the words "or wagons" the words "wagons or underframes" shall be substituted.

Amendment of
section 5,
Act XIV of
1924.

ACT No. IX OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th February, 1926.)

An Act to amend the Presidency-towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920.

WHEREAS it is expedient to extend the operation of the Presidency-towns Insolvency Act, 1909, to the town of Karachi and to amend the said Act and the Provincial Insolvency Act, 1920, for the said purpose, and for the further purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Insolvency (Amendment) Act, 1926.

Short title and commencement.

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

2. In the preamble to the Presidency-towns Insolvency Act, 1909 (hereinafter referred to as the said Act), for the words "town of Rangoon" the words "towns of Rangoon and Karachi" shall be substituted.

Amendment of preamble to Act III of 1909.

3. After clause (b) of section 2 of the said Act the following clauses shall be inserted, namely:—

Amendment of section 2, Act III of 1909.

"(bb) 'judge' includes a Judicial Commissioner and an Additional Judicial Commissioner;

(bbb) 'limits of the ordinary original civil jurisdiction' means, in respect of the Court of the Judicial Commissioner of Sind, the limits of the municipal district of Karachi as from time to time constituted under the Bombay District Municipal Act, 1901, the Port of Karachi, the Cantonments of Karachi and Manora, and any area within the original civil jurisdiction of the said Court notified in this behalf by the Local Government."

4. In

1

Price 1 anna or 1½d.

III of 1909.

V of 1920.

III of 1909.

Bom. Act III of 1901.

Insolvency (Amendment).

[ACT IX

Amendment of
section 3,
Act III of 1909.

4. In section 3 of the said Act,—

(a) in clause (a), for the words “ and Bombay ” the words “ Bombay and Rangoon ” shall be substituted; and

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

“ (b) the Court of the Judicial Commissioner of Sind.”

Amendment of
section 4,
Act III of 1909.

5. In section 4 of the said Act, for the words “ Chief Judge ” the words “ Judicial Commissioner ” shall be substituted.

Amendment of
section 6,
Act III of 1909.

6. In sub-section (1) of section 6 of the said Act, for the words “ Chief Judge ” the words “ Judicial Commissioner ” shall be substituted.

Amendment of
section 7,
Act III of 1909.

7. In sub-section (1) of section 77 of the said Act, for the words “ and Bombay, and the Chief Judge of the Chief Court of Lower Burma ” the words “ Bombay and Rangoon and the Judicial Commissioner of Sind ” shall be substituted.

Amendment of
section 90,
Act III of 1909.

8. In sub-section (8) of section 90 of the said Act, for the words “ Chief Court of Lower Burma ” the words “ Court of the Judicial Commissioner of Sind ” shall be substituted.

Substitution of
new section 104,
Act III of 1909.

9. For section 104 of the said Act the following section shall be substituted, namely:—

Procedure on
charge under
section 103.

“ 104. (1) Where the Court is satisfied, after such preliminary inquiry, if any, as it thinks necessary, that there is ground for inquiring into any offence referred to in section 103 and appearing to have been committed by the insolvent, the Court may record a finding to that effect and make a complaint of the offence in writing to a Presidency Magistrate or a Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1898.

V of 1898.

(2) Any complaint made by the Court under sub-section (1) may be signed by such officer of the Court as the Court may appoint in this behalf.”

Saving of
pending
proceedings.

10. Any proceedings under the Provincial Insolvency Act, 1920, pending in the Court of the Judicial Commissioner of Sind at the commencement of this Act, shall continue, and all the provisions of the said Act shall apply thereto as if this Act had not been passed.

V of 1920.

11. In

OF 1926.] *Insolvency (Amendment).*

V of 1920.

11. In the Provincial Insolvency Act, 1920,—

Amendment of
Act V of 1920.

(a) in the preamble, for the words "Town of Rangoon" the words "Towns of Rangoon and Karachi" shall be substituted;

(b) in clause (b) of sub-section (1) of section 2, for the words "and of the Town of Rangoon" the words "the Town of Rangoon and the limits of the ordinary original civil jurisdiction of the Court of the Judicial Commissioner of Sind as defined in section 2 of the Presidency-towns Insolvency Act, 1909" shall be substituted; and

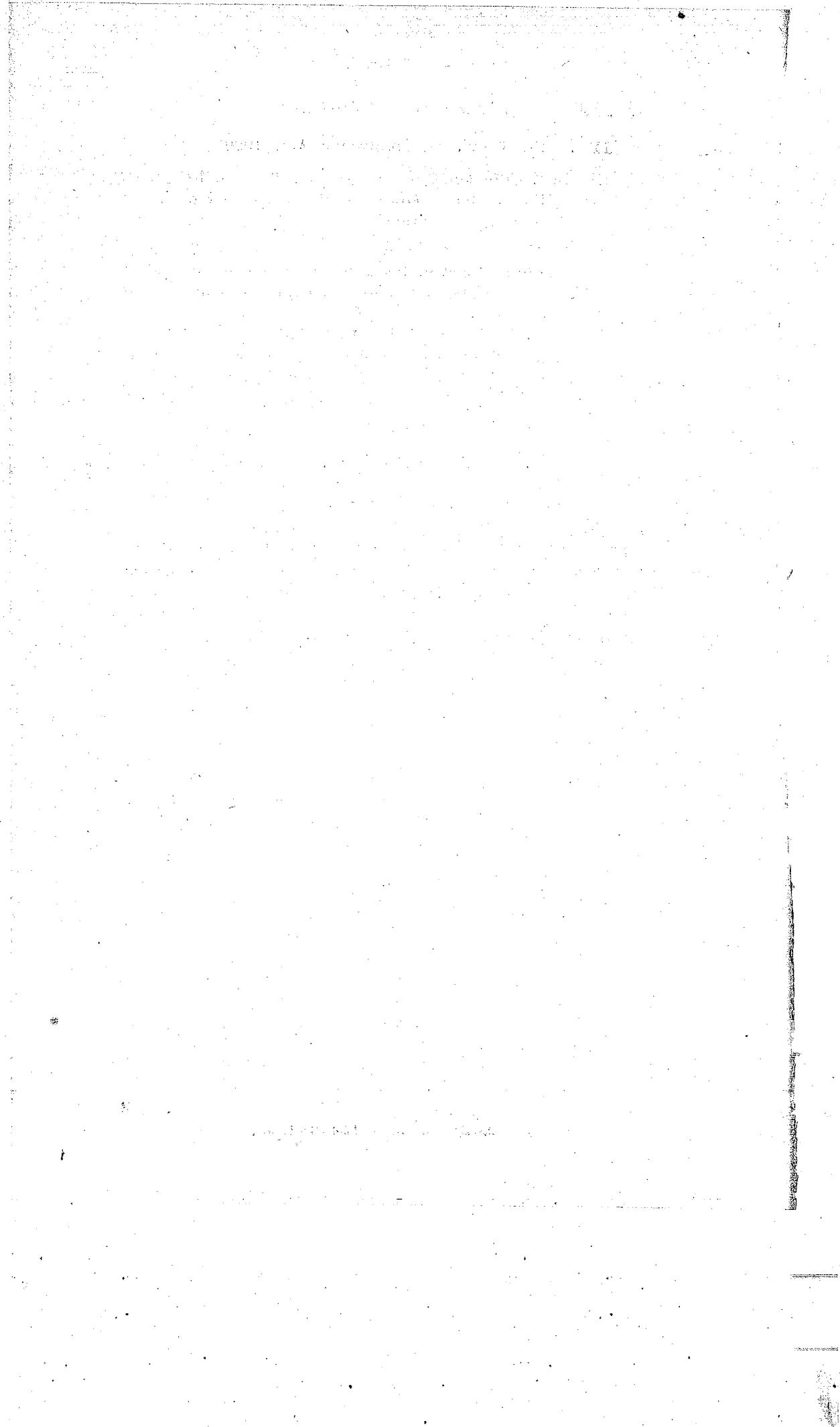
III of 1909.

(c) for sub-sections (1), (2) and (3) of section 70 the following shall be substituted, namely:—

"70. Where the Court is satisfied, after such preliminary inquiry, if any, as it thinks necessary, that there is ground for inquiring into any offence referred to in section 69 and appearing to have been committed by the insolvent, the Court may record a finding to that effect and make a complaint of the offence in writing to a Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1898."

Procedure on
charge under
section 69.

V of 1898.



ACT No. X OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

*(Received the assent of the Governor General on the 26th
February, 1926.)*

**An Act further to amend the Code of Criminal Procedure,
1898, for a certain purpose.**

WHEREAS it is expedient further to amend the Code of
Criminal Procedure, 1898, for the purpose hereinafter
appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Criminal Procedure
(Second Amendment) Act, 1926. Short title.

2. In sub-section (6) of section 123 of the Code of Criminal
Procedure, 1898, the words and figures " or section 109 " Amendment of
section 123,
Act V of 1908.
shall be omitted, and before the word and figures " section
110 " the words and figures " section 109 or " shall be inserted.

Price 1 anna or 1½d.

MGIPC—L—L-137—13-4-26—7,500.

ACT NO. 7, 1904

AN ACT TO AMEND THE ACTS RELATIVE TO THE

REGISTRATION OF DEEDS AND TO REPEAL CERTAIN

ACTS RELATIVE TO THE REGISTRATION OF DEEDS

AND TO REPEAL CERTAIN ACTS RELATIVE TO THE

REGISTRATION OF DEEDS AND TO REPEAL CERTAIN

ACTS RELATIVE TO THE REGISTRATION OF DEEDS

AND TO REPEAL CERTAIN ACTS RELATIVE TO THE

REGISTRATION OF DEEDS AND TO REPEAL CERTAIN

ACTS RELATIVE TO THE REGISTRATION OF DEEDS

AND TO REPEAL CERTAIN ACTS RELATIVE TO THE

REGISTRATION OF DEEDS AND TO REPEAL CERTAIN

ACTS RELATIVE TO THE REGISTRATION OF DEEDS

AND TO REPEAL CERTAIN ACTS RELATIVE TO THE

REGISTRATION OF DEEDS AND TO REPEAL CERTAIN

ACTS RELATIVE TO THE REGISTRATION OF DEEDS

AND TO REPEAL CERTAIN ACTS RELATIVE TO THE

REGISTRATION OF DEEDS AND TO REPEAL CERTAIN

ACTS RELATIVE TO THE REGISTRATION OF DEEDS

AND TO REPEAL CERTAIN ACTS RELATIVE TO THE

ACT No. XI of 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 2nd March, 1926.)

An Act to provide for the validation of certain promissory notes.

WHEREAS it is expedient to provide for the validation of certain promissory notes stamped with postage stamps of the denomination of two or four annas ; It is hereby enacted as follows :—

Short title
and extent.

1. (1) This Act may be called the Promissory Notes (Stamp) Act, 1926.

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

Validation of
certain pro-
missory
notes.

2. A promissory note payable on demand for an amount exceeding two hundred and fifty rupees, executed after the 30th day of September, 1923, and before the 5th day of January, 1925, and stamped with an adhesive stamp or adhesive stamps inscribed for postage and of the value required by the law in force at the time the promissory note was executed, shall not, by reason only of the fact that the stamp or the stamps or any of them is or are of a description other than that required by such law, be deemed for any of the purposes of the Indian Stamp Act, 1899, or of the rules II of 1899, made thereunder, not to have been duly stamped.

Price 1 anna or 1½d.

MGIPC—S5—I-141—12-4-26—7,500

MEMORANDUM

TO : [Illegible]

FROM : [Illegible]

SUBJECT: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible]

[Illegible]

ACT No. XII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th
March, 1926.)

An Act to define and limit the powers of certain Courts in punishing contempts of courts.

WHEREAS doubts have arisen as to the powers of a High Court of Judicature to punish contempts of subordinate Courts;

AND WHEREAS it is expedient to resolve these doubts and to define and limit the powers exercisable by High Courts and Chief Courts in punishing contempts of court; It is hereby enacted as follows:—

1. (1) This Act may be called the Contempt of Courts Act, 1926.

Short title,
extent and
commencement.

(2) It shall extend to the whole of British India.

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

2. (1) Subject to the provisions of sub-section (3), the High Courts of Judicature established by Letters Patent shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to them as they have and exercise in respect of contempts of themselves.

Power of
superior Courts
to punish
contempts
of court.

(2) Subject to the provisions of sub-section (3), a Chief Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempt of itself as a High Court referred to in sub-section (1).

(3) No High Court shall take cognisance of a contempt alleged to have been committed in respect of a Court subordinate

1

Price 1 anna or 1½d.

Contempts of Courts. [ACT XII OF 1926.]

ordinate to it where such contempt is an offence punishable under the Indian Penal Code.

XLV of 1860.

3. Save as otherwise expressly provided by any law for the time being in force, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine, which may extend to two thousand rupees, or with both :

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court.

ACT No. XIII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th March, 1926.)

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

XVI of 1908.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, so as to enable some Sub-Registrars to exercise and perform the powers and duties of a Registrar to hold an inquiry on denial of execution; It is hereby enacted as follows:—

1. This Act may be called the Indian Registration (Amendment) Act, 1926. Short title.

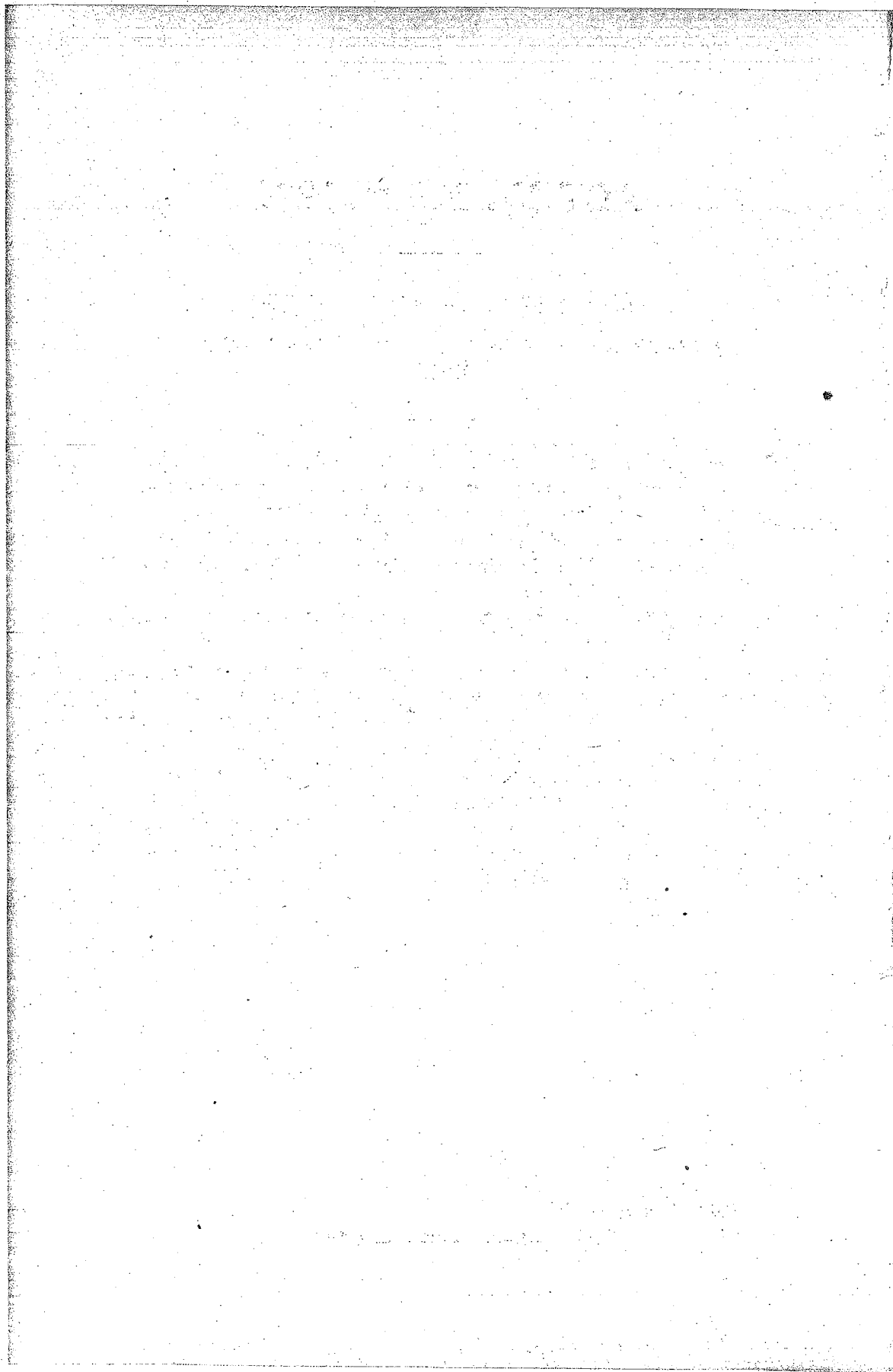
XVI of 1908.

2. To sub-section (3) of section 35 of the Indian Registration Act, 1908, the following proviso shall be added, namely:— Amendment of section 35, Act XVI of 1908.

“ Provided further that the Local Government may, by notification in the local official Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.”

Price 1 anna or 1½d.

MGIPC—L—I-143—17-4-26—12,500.



ACT No. XIV OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act further to amend the Madras Civil Courts Act, 1873.

III of 1873. **W**HEREAS it is expedient further to amend the Madras Civil Courts Act, 1873, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Civil Courts (Amendment) Act, 1926. short title.

III of 1873. 2. After section 28 of the Madras Civil Courts Act, 1873, the following section shall be inserted, namely:—

“ 29. (1) The High Court may, by general or special order, authorise any Subordinate Judge to take cognizance of, or any District Judge to transfer to any Subordinate Judge under his control, any proceedings under the Indian Succession Act, 1925, which cannot be disposed of by District Delegates. Insertion of new section 29 in Act III of 1873. Exercise by Subordinate Judge of jurisdiction of District Judge in certain proceedings.

XXXIX of 1925. (2) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge, and may either himself dispose of them or transfer them to a Court under his control competent to dispose of them.

(3) Notwithstanding anything contained in section 13, proceedings taken cognizance of by, or transferred to, a Subordinate Judge under the provisions of this section shall be disposed of by him subject to the law applicable to like proceedings when disposed of by the District Judge.”

Price Anna 1 or 1½d.]

MGIPC—L—I-164—8-5-26—9,500.

MEMO TO MRX & TOA

CONFIDENTIAL

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

MEMO TO MRX & TOA

CONFIDENTIAL

MEMO TO MRX & TOA

ACT No. XV OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act further to amend the Legal Practitioners Act, 1879.

WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879, for the purposes hereinafter appearing; It is hereby enacted as follows:—

XVIII of 1879.

1. This Act may be called the Legal Practitioners (Amendment) Act, 1926. Short title.

XVIII of 1879.

2. For the definition of "tout" in section 3 of the Legal Practitioners Act, 1879 (hereinafter referred to as the said Act), the following definition shall be substituted, namely:—

Amendment of section 3, Act XVIII of 1879.

" 'tout' means a person—

(a) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(b) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or of revenue-offices, or railway stations, landing stages, lodging places or other places of public resort."

3. In section 36 of the said Act,—

Amendment of section 36, Act XVIII of 1879.

(a) in sub-section (1) after the word "satisfaction" the words "or to the satisfaction of any subordinate Court as provided in sub-section (2A)" shall be inserted;

(b) to

Price Anna 1 or 1½d.]

1

Legal Practitioners (Amendment). [ACT XV OF 1926.]

(b) to sub-section (1) the following *Explanation* shall be added, namely:—

“*Explanation.*—The passing of a resolution, declaring any person to be or not to be a tout, by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practise as legal practitioners in any Court or revenue-office, shall be evidence of the general repute of such person for the purposes of this sub-section.”;

(c) after sub-section (2) the following sub-section shall be inserted, namely:—

“(2A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any Court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that Court to hold an inquiry in regard to such persons; and the subordinate Court shall thereupon hold an inquiry into the conduct of such persons and, after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate Court to be a tout; and that authority may include the name of any such person in the list of touts framed and published by that authority:

Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard”;

(d) after sub-section (5) the following sub-section shall be inserted, namely:—

“(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.”

ACT No. XVI OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

**An Act to provide for the registration of Trade Unions and
in certain respects to define the law relating to registered
Trade Unions in British India.**

WHEREAS it is expedient to provide for the registration
of Trade Unions and in certain respects to define the
law relating to registered Trade Unions in British India; It
is hereby enacted as follows: —

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Indian Trade Unions Act, 1926. Short title,
extent and
commencement.

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

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

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

(a) “executive” means the body, by whatever name
called, to which the management of the affairs of a
Trade Union is entrusted;

(b) “officer”, in the case of a Trade Union, includes any
member of the executive thereof, but does not in-
clude an auditor;

(c) “prescribed” means prescribed by regulations made
under this Act;

(d) “registered office” means that office of a Trade Union
which is registered under this Act as the head office
thereof;

(e) “Registered

1

Price Anna 1 or 1½d.]

- (e) "Registered Trade Union" means a Trade Union registered under this Act;
- (f) "Registrar" means a Registrar of Trade Unions appointed by the Local Government under section 3, and "the Registrar", in relation to any Trade Union, means the Registrar appointed for the province in which the head or registered office, as the case may be, of the Trade Union is situated;
- (g) "trade dispute" means any dispute between employers and workmen or between workmen and workmen, or between employers and employers which is connected with the employment or non-employment, or the terms of employment or the conditions of labour, of any person, and "workmen" means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises; and
- (h) "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions:

Provided that this Act shall not affect—

- (i) any agreement between partners as to their own business;
- (ii) any agreement between an employer and those employed by him as to such employment; or
- (iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft.

CHAPTER II.

Registration of Trade Unions.

Appointment of
Registrars.

3. Each Local Government shall appoint a person to be the Registrar of Trade Unions for the province.

4. Any

4. Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the Trade Union under this Act.

Mode of
registration.

5. (1) Every application for registration of a Trade Union shall be made to the Registrar, and shall be accompanied by a copy of the rules of the Trade Union and a statement of the following particulars, namely:—

Application for
registration.

- (a) the names, occupations and addresses of the members making the application;
- (b) the name of the Trade Union and the address of its head office; and
- (c) the titles, names, ages, addresses and occupations of the officers of the Trade Union.

(2) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars as may be prescribed.

6. A Trade Union shall not be entitled to registration under this Act, unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely:—

Provisions to be
contained in the
rules of a Trade
Union.

- (a) the name of the Trade Union;
- (b) the whole of the objects for which the Trade Union has been established;
- (c) the whole of the purposes for which the general funds of the Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act;
- (d) the maintenance of a list of the members of the Trade Union and adequate facilities for the inspection thereof by the officers and members of the Trade Union;
- (e) the admission of ordinary members who shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary

rary

rary members as officers required under section 22 to form the executive of the Trade Union;

- (f) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members;
- (g) the manner in which the rules shall be amended, varied or rescinded;
- (h) the manner in which the members of the executive and the other officers of the Trade Union shall be appointed and removed;
- (i) the safe custody of the funds of the Trade Union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the officers and members of the Trade Union; and
- (j) the manner in which the Trade Union may be dissolved.

Power to call for further particulars and to require alteration of name.

7. (1) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 5, or that the Trade Union is entitled to registration under section 6, and may refuse to register the Trade Union until such information is supplied.

(2) If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall require the persons applying for registration to alter the name of the Trade Union stated in the application, and shall refuse to register the Union until such alteration has been made.

Registration.

8. The Registrar, on being satisfied that the Trade Union has complied with all the requirements of this Act in regard to registration, shall register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.

Certificate of registration.

9. The Registrar, on registering a Trade Union under section 8, shall issue a certificate of registration in the prescribed form

form which shall be conclusive evidence that the Trade Union has been duly registered under this Act.

10. A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar—

Cancellation of registration.

- (a) on the application of the Trade Union to be verified in such manner as may be prescribed, or
- (b) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by section 6:

Provided that not less than two months' previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.

11. (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to such Judge, not below the grade of an additional or assistant Judge of a principal Civil Court of original jurisdiction, as the Local Government may appoint in this behalf.

Appeal.

(2) The Judge may, after such inquiry as he deems necessary, dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of section 9, or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of the inquiry, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court; and he may also direct by whom the whole or any part of the costs of the inquiry shall be paid, and such costs shall be recovered as if they had been awarded in a suit under the Civil Procedure Code, 1908.

(4) In the event of the dismissal of an appeal under subsection (2), the person aggrieved shall have the right of appeal to the High Court.

12. All

Registered office.

12. All communications and notices to a registered Trade Union may be addressed to its registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in section 8.

Incorporation of registered Trade Unions.

13. Every registered Trade Union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both moveable and immovable property and to contract, and shall by the said name sue and be sued.

Certain Acts not to apply to registered Trade Unions.

14. The following Acts, namely:—

- | | |
|--|--------------|
| (a) The Societies Registration Act, 1860, | XXI of 1860. |
| (b) The Co-operative Societies Act, 1912, | II of 1912. |
| (c) The Provident Insurance Societies Act, 1912, | V of 1912. |
| (d) The Indian Life Assurance Companies Act, 1912, and | VI of 1912. |
| (e) The Indian Companies Act, 1913, | VII of 1913. |

shall not apply to any registered Trade Union, and the registration of any such Trade Union under any such Act shall be void.

CHAPTER III.

Rights and Liabilities of registered Trade Unions.

Objects on which general funds may be spent.

15. The general funds of a registered Trade Union shall not be spent on any other objects than the following, namely:—

- (a) the payment of salaries, allowances and expenses to officers of the Trade Union;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) the prosecution or defence of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs;
- (d) the

- (d) the conduct of trade disputes on behalf of the Trade Union or any member thereof;
- (e) the compensation of members for loss arising out of trade disputes;
- (f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- (h) the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members;
- (i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;
- (j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and
- (k) subject to any conditions contained in the notification, any other object notified by the Governor General in Council in the Gazette of India.

16. (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (2).

Constitution of a separate fund for political purposes.

(2) The objects referred to in sub-section (1) are:—

- (a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted

constituted under the Government of India Act or of any local authority, before, during, or after the election in connection with his candidature or election; or

- (b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
- (c) the maintenance of any person who is a member of any legislative body constituted under the Government of India Act or of any local authority; or
- (d) the registration of electors or the selection of a candidate for any legislative body constituted under the Government of India Act or for any local authority; or
- (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

Criminal conspiracy in trade disputes.

17. No officer or member of a registered Trade Union shall be liable to punishment under sub-section (2) of section 120B of the Indian Penal Code, in respect of any agreement made between the members for the purpose of furthering any such object of the Trade Union as is specified in section 15, unless the agreement is an agreement to commit an offence.

XLV of 1860.

Immunity from civil suit in certain cases.

18. (1) No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any Civil Court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union.

19. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered Trade Union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade:

Enforceability of agreements.

Provided that nothing in this section shall enable any Civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any members of a Trade Union shall or shall not sell their goods, transact business, work, employ or be employed.

20. The account books of a registered Trade Union and the list of members thereof shall be open to inspection by an officer or member of the Trade Union at such times as may be provided for in the rules of the Trade Union.

Right to inspect books of Trade Union.

21. Any person who has attained the age of fifteen years may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary, and may, subject as aforesaid, enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules:

Rights of minors to membership of Trade Unions.

Provided that no person who has not attained the age of eighteen years shall be an officer of any such Trade Union.

22. Not less than one-half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected:

Proportion of officers to be connected with the industry.

Provided that the Local Government may, by special or general order, declare that the provisions of this section shall not apply to any Trade Union or class of Trade Unions specified in the order.

23. Any registered Trade Union may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 25, change its name.

Change of name.

24. Any

Amalgamation
of Trade Unions.

24. Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such Trade Unions or either or any of them, provided that the votes of at least one-half of the members of each or every such Trade Union entitled to vote are recorded, and that at least sixty per cent. of the votes recorded are in favour of the proposal.

Notios of
change of name
or amalgama-
tion.

25. (1) Notice in writing of every change of name and of every amalgamation, signed, in the case of a change of name, by the Secretary and by seven members of the Trade Union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is a party thereto, shall be sent to the Registrar, and where the head office of the amalgamated Trade Union is situated in a different province, to the Registrar of such province.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the province in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under section 6, register the Trade Union in the manner provided in section 8, and the amalgamation shall have effect from the date of such registration.

Effects of
change of
name and of
amalgamation.

26. (1) The change in the name of a registered Trade Union shall not affect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

(2) An

(2) An amalgamation of two or more registered Trade Unions shall not prejudice any right of any of such Trade Unions or any right of a creditor of any of them.

27. (1) When a registered Trade Union is dissolved, notice ^{Dissolution.} of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration.

(2) Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provide for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

28. (1) There shall be sent annually to the Registrar, on ^{Returns.} or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered Trade Union during the year ending on the 31st day of March next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such 31st day of March. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the Trade Union during the year to which the general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of the despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration.

CHAPTER IV.

Regulations.

29. (1) Subject to the control of the Governor General in ^{Power to make regulations.} Council, the Local Government may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In

11

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the manner in which Trade Unions and the rules of Trade Unions shall be registered and the fees payable on registration;
- (b) the transfer of registration in the case of any registered Trade Union which has changed its head office from one province to another;
- (c) the manner in which, and the qualifications of persons by whom, the accounts of registered Trade Unions or of any class of such Unions shall be audited;
- (d) the conditions subject to which inspection of documents kept by Registrars shall be allowed and the fees which shall be chargeable in respect of such inspections; and
- (e) any matter which is to be or may be prescribed.

Publication of regulations.

30. (1) The power to make regulations conferred by section 29 is subject to the condition of the regulations being made after previous publication.

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

(3) Regulations so made shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Act.

CHAPTER V.

Penalties and Procedure.

Failure to submit returns.

31. (1) If default is made on the part of any registered Trade Union in giving any notice or sending any statement or other document as required by or under any provision of this Act, every officer or other person bound by the rules of the Trade Union to give or send the same, or, if there is no such officer or person, every member of the executive of the Trade Union, shall be punishable with fine which may extend to five rupees

rupees and, in the case of a continuing default, with an additional fine which may extend to five rupees for each week after the first during which the default continues :

Provided that the aggregate fine shall not exceed fifty rupees.

(2) Any person who wilfully makes, or causes to be made, any false entry in, or any omission from, the general statement required by section 28, or in or from any copy of rules or of alterations of rules sent to the Registrar under that section, shall be punishable with fine which may extend to five hundred rupees.

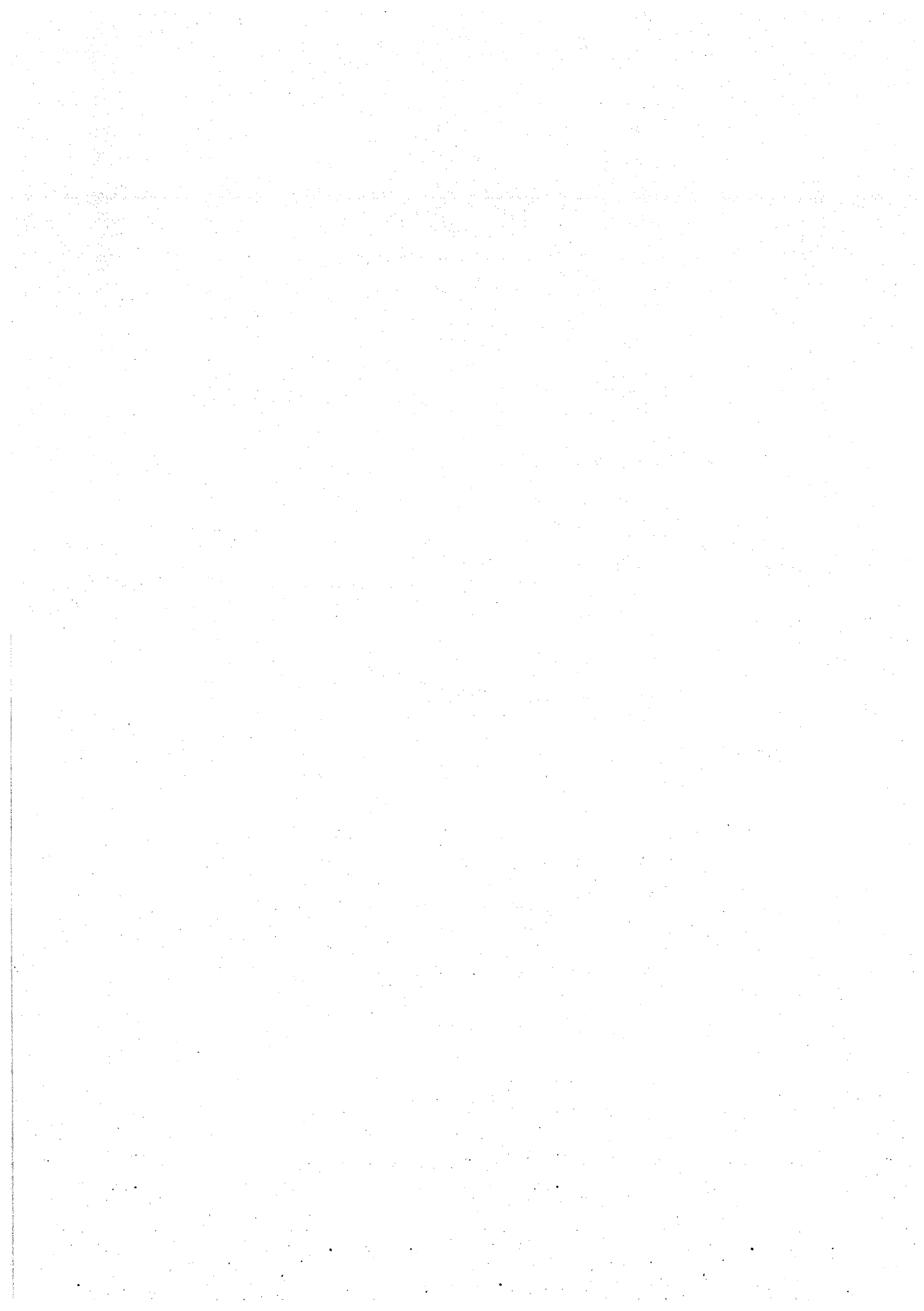
32. Any person who, with intent to deceive, gives to any member of a registered Trade Union or to any person intending or applying to become a member of such Trade Union any document purporting to be a copy of the rules of the Trade Union or of any alterations to the same which he knows, or has reason to believe, is not a correct copy of such rules or alterations as are for the time being in force, or any person who, with the like intent, gives a copy of any rules of an unregistered Trade Union to any person on the pretence that such rules are the rules of a registered Trade Union, shall be punishable with fine which may extend to two hundred rupees.

Supplying false information regarding Trade Unions.

33. (1) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Cognizance of offences.

(2) No Court shall take cognizance of any offence under this Act, unless complaint thereof has been made by, or with the previous sanction of, the Registrar or, in the case of an offence under section 32, by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.



ACT No. XVII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act further to amend the Indian Tariff Act, 1894.

WHEREAS it is expedient further to amend the Indian
Tariff Act, 1894, for the purposes hereinafter appear-
ing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Tariff (Amend-
ment) Act, 1926. Short title and
commencement.

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

2. In the Second Schedule to the Indian Tariff Act, 1894,
there shall be made the amendments specified in the Schedule
to this Act. Amendment of
the Second
Schedule,
Act VIII of
1894.

THE SCHEDULE.

(See section 2.)

AMENDMENTS TO THE SECOND SCHEDULE TO THE INDIAN TARIFF Act, 1894.

1. After Item No. 10A, the following Item shall be in-
serted, namely:—

“10B Stick or Seed Lac.”

2. In sub-head (a) of Item No. 12, for the figures and words
“5th, 6th, 8th, 9th or 10th item” the figures and words “3rd,
4th, 6th, 7th, or 8th sub-head” shall be substituted; and for
the words “the 1st or 3rd item”, the words “that Item”
shall be substituted.

3. In Item No. 15, after the word “hay-tedders” the word
“hay-presses” shall be inserted.

4. In

Price Anna 1 or 1½d.]

1

4. In Item No. 34A, for the figures " 20 " in the entry in the fourth column the figure " 5 " shall be substituted.

5. In Item No. 34B, for the entry in the fourth column the following entry shall be substituted, namely:—

15 per cent. or Rs. 5 per pound of Saccharine contents, whichever is higher.

6. For Item No. 41 the following Item shall be substituted, namely:—

" 41	MINERAL OIL—		
	(1) which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer, and is ordinarily used for the batching of jute or other fibre ;	Ton	Rs. 10.
	(2) which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer, and is such as is not ordinarily used for any other purpose than for lubrication ;	Imperial gallon.	One anna and four pies.
	(3) which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer, and is such as is not ordinarily used except as fuel or for some sanitary or hygienic purpose.	<i>Ad valorem</i>	7½ per cent."

7. In Item No. 42—

(a) for sub-head (1) the following shall be substituted, namely:—

" (1) Firearms, including gas and air guns, gas and air rifles and gas and air pistols, not otherwise specified (see Nos. 86A and 141).	Each	Rs. 15 or 30 per cent. <i>ad valorem</i> , whichever is higher."
---	------	--

(b) sub-heads (3) and (4) shall be omitted, and sub-heads (5) to (10) shall be re-numbered as (3), (4), (5), (6), (7) and (8), respectively; and

(c) in sub-head (3) as so re-numbered, for the words " gas-guns and rifles " the words " gas guns, gas rifles and gas pistols " shall be substituted.

8. After Item No. 46B the following Items shall be inserted, namely:—

" 46C	PORTLAND CEMENT	Ton	Rs. 9.
46D	PRINTER'S INK	<i>Ad valorem</i>	5 per cent."

9. For

9. For Item No. 51B the following shall be substituted, namely:—

“The following textile machinery and apparatus by whatever power operated, namely:—Healds, heald cords and heald knitting needles; reeds and shuttles; warp and weft preparation machinery and looms; dobbies; Jacquard machines; Jacquard harness linen cards; Jacquard cards; punching plates for Jacquard cards; warping mills; multiple box sleys; solid border sleys; tape sleys, swivel sleys; tape looms; wool carding machines; wool spinning machines; hosiery machinery; coir mat shearing machines; coir fibre willowing machines; heald knitting machines; doobby cards; lattices and lags for dobbies; wooden winders; silk looms; silk throwing and reeling machines; cotton yarn reeling machines; sizing machines; doubling machines; silk twisting machines; cone winding machines; piano card cutting machines; harness building frames; card lacing frames; drawing and denting hooks; sewing thread balls making machines; *cumbli* finishing machinery; hank boilers; cotton carding and spinning machines; mail eyes, lingoos, comber boards and comber board frames; take-up motions; temples and pickers; picking bands; and printing machines”.

10. In Item No. 54, the word “ink” shall be omitted, and after the words “but excluding” the words, figures and brackets “ink (*see* No. 46D) and” shall be inserted.

11. To Item No. 74 the following shall be added, namely:—
“not otherwise specified (*see* No. 10B)”.

12. After Item No. 86 the following Item shall be inserted, namely:—

“86A	ORNAMENTAL ARMS of an obsolete pattern possessing only an antiquarian value; masonic and theatrical and fancy dress swords, provided they are virtually useless for offensive or defensive purposes; and <i>d/h/s</i> intended exclusively for domestic, agricultural and industrial purposes.	<i>Ad valorem.</i>	15 per cent.”
------	--	--------------------	---------------

13. In Item No. 103, after the word “cement” the words and brackets (“other than Portland cement”) shall be inserted.

14. In Item No. 126, for the words and figures “entry No. 42”, the words and figures “entries Nos. 42, 86A and 141” shall be substituted.

15. To Item No. 141 the following shall be added, namely:—

“toy cannons, air guns and air pistols for the time being excluded, in any part of British India, from the operation of all the prohibitions and directions contained in the Indian Arms Act, 1878; and bows and arrows”.

ACT No. XVIII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act further to amend the Madras Civil Courts Act, 1873.

III of 1873.

WHEREAS it is expedient further to amend the Madras Civil Courts Act, 1873, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Civil Courts (Second short title.
Amendment) Act, 1926.

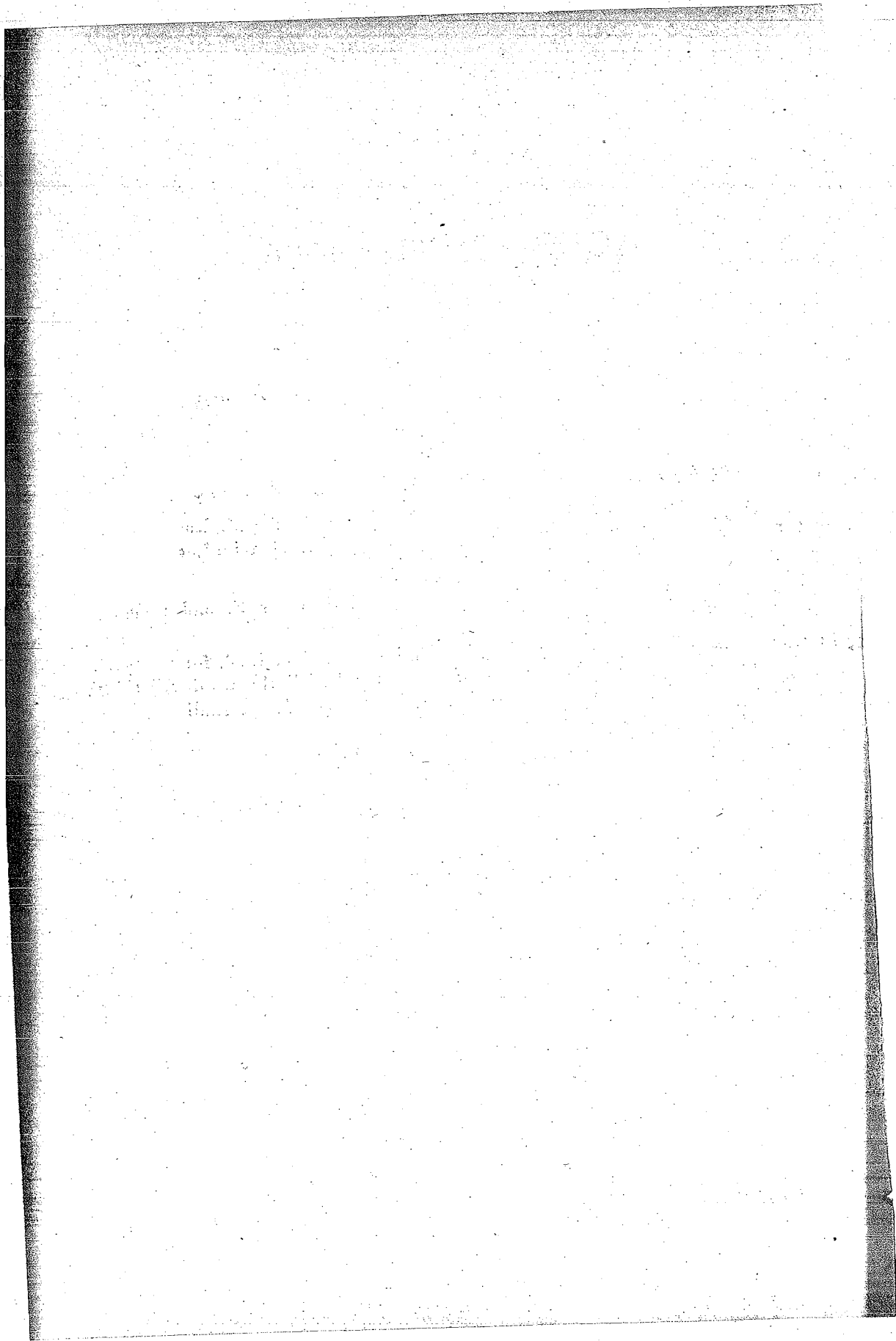
III of 1873.

2. In section 28 of the Madras Civil Courts Act, 1873, for Amendment of
section 28,
Act III of 1873. the words " five hundred " and " two hundred " the words " one thousand " and " three hundred ", respectively, shall be substituted.

Price Anna 1 or 1½d.]

1

MGIPC—L—1-160—10-5-26—7,500.



ACT No. XIX OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to repeal the Cotton Duties Act, 1896, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to provide for the appropriation of certain monies for the purpose of the reduction or avoidance of public debt.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to repeal the Cotton Duties Act, 1896, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to provide for the appropriation of certain monies for the purpose of the reduction or avoidance of public debt; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Finance Act, 1926. Short title, extent and duration.

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

(3) Sections 2 and 4 shall remain in force only up to the 31st day of March, 1927.

2. The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma and Aden, be construed as if, with effect from the 1st day of April, 1926, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, Fixation of salt duty.

Price Anna 1 or 1½d.]]

II of 1896.

VI of 1898,
X of 1923.

XII of 1882.

in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.

Repeal of Act
II of 1893.

3. The Cotton Duties Act, 1896, is hereby repealed:

II of 1896.

Provided that any person who hereafter exports by sea any goods on which duty has been paid under the said Act may apply, in the manner provided therein, for the repayment as drawback of the duty so paid, and the Customs-collector shall allow such drawback if he is satisfied that such person would have been entitled to receive payment thereof if the said Act had not been repealed.

Postal rates.

4. With effect from the 1st day of April, 1926, the schedule contained in the First Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act.

VI of 1898.

Amendment of
Act X of 1923.

5. In sub-section (7) of section 19 of the Indian Paper Currency Act, 1923, for the figures " 1926 " the figures " 1927 " shall be substituted.

X of 1923.

Income-tax
and super-tax.

6. (1) Income-tax for the year beginning on the 1st day of April, 1926, shall be charged at the rates specified in Part I of the Second Schedule.

(2) The rates of super-tax for the year beginning on the 1st day of April, 1926, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be those specified in Part II of the Second Schedule.

XI of 1922.

(3) For the purposes of the Second Schedule, " total income " means total income as determined, for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Indian Income-tax Act, 1922.

XI of 1922.

Appropriation
of share of
Dawes annuities
to reduction or
avoidance of
debt.

7. The balance of all monies accruing to the Governor General in Council after the 31st day of March, 1926, as the share of British India in the annuities payable by Germany under the agreement between the Allied Governments and the German Government signed at London on the 30th day of August, 1924, which remains after payment out of such monies of such amounts as may be payable to local authorities or other persons by way of reparation for loss or damage due to enemy action in the late war, shall be appropriated and applied for the purpose of the reduction or avoidance of public debt.

SCHEDULE I.

SCHEDULE I.

Schedule to be inserted in the Indian Post Office Act, 1898.

[*See section 4.*]

“ THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

[*See section 7.*]

Letters.

For a weight not exceeding two and a half tolas One anna.

For every two and a half tolas, or fraction thereof, exceeding two and a half tolas. One anna.

Postcards.

Single Half an anna.

Reply One anna.

Book, Pattern and Sample Packets.

For every five tolas or fraction thereof Half an anna.

Registered Newspapers.

For a weight not exceeding eight tolas Quarter of an anna.

For a weight exceeding eight tolas and not exceeding twenty tolas. Half an anna.

For every twenty tolas, or fraction thereof, exceeding twenty tolas. Half an anna.

Parcels.

For a weight not exceeding twenty tolas Two annas.

For a weight exceeding twenty tolas and not exceeding forty tolas. Four annas.

For every forty tolas, or fraction thereof, exceeding forty tolas. Four annas.”

SCHEDULE II.

SCHEDULE II.

[See section 6.]

PART I.

Rates of Income-tax.

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	Rate.
(1) When the total income is less than Rs. 2,000.	Nil.
(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000.	Five pies in the rupee.
(3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000	Six pies in the rupee.
(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 20,000.	Nine pies in the rupee.
(5) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000.	One anna in the rupee.
(6) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000.	One anna and three pies in the rupee.
(7) When the total income is Rs. 40,000 or upwards.	One anna and six pies in the rupee.
B. In the case of every company and registered firm, whatever its total income.	One anna and six pies in the rupee.

PART II.

Rates of Super-tax.

In respect of the excess over fifty thousand rupees of total income:—	Rate.
(1) in the case of every company	One anna in the rupee.
(2) (a) in the case of every Hindu undivided family—	
(i) in respect of the first twenty-five thousand rupees of the excess.	Nil.
(ii) for every rupee of the next twenty-five thousand rupees of such excess.	One anna in the rupee.
(b) in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company, for every rupee of the first fifty thousand rupees of such excess,	One anna in the rupee.

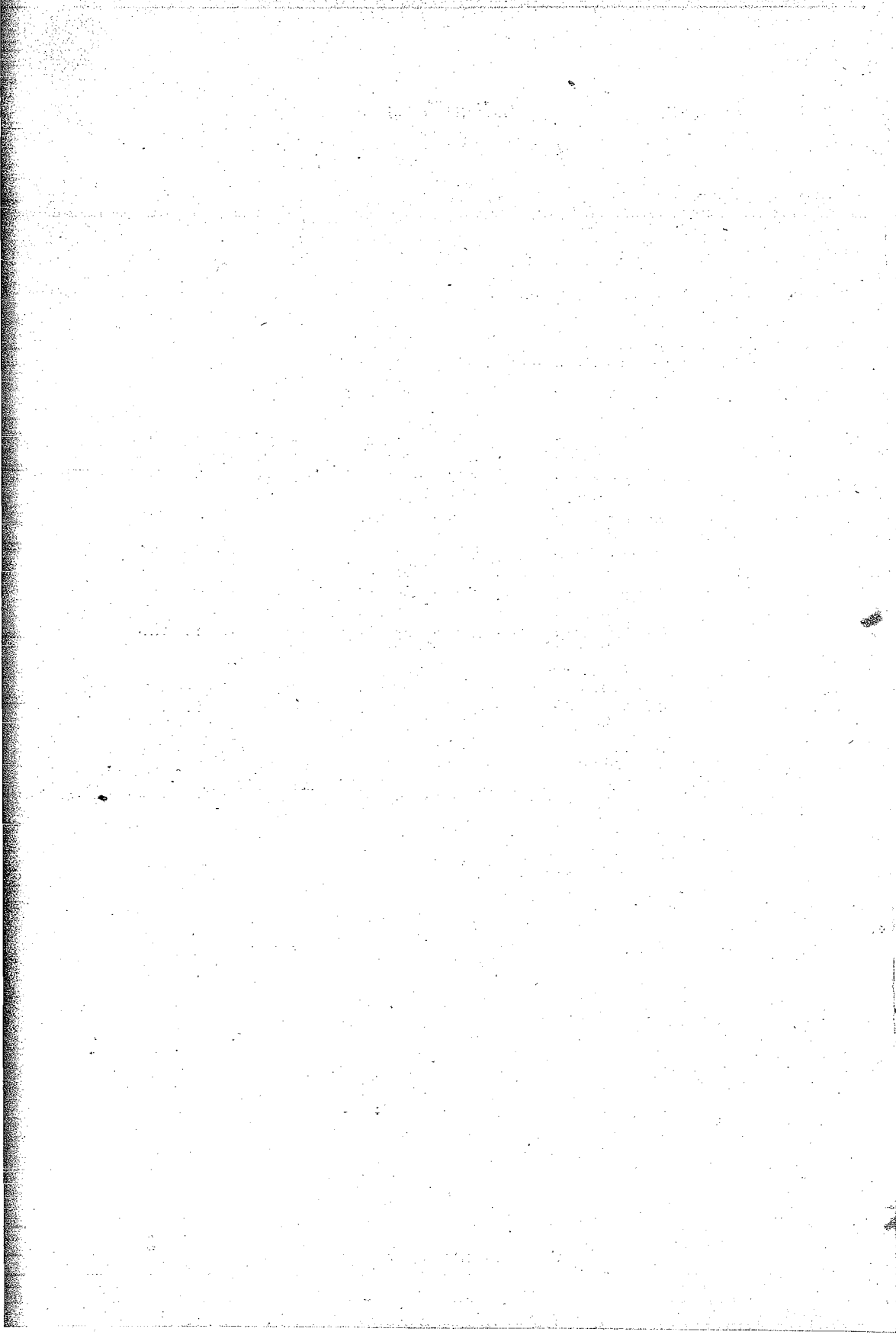
SCHEDULE II—contd.

[See section 6.]

PART II.

Rates of Super-tax—contd.

- (c) in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—
- | | |
|--|--------------------------------------|
| (i) for every rupee of the second fifty thousand rupees of such excess. | One and a half annas in the rupee. |
| (ii) for every rupee of the next fifty thousand rupees of such excess. | Two annas in the rupee. |
| (iii) for every rupee of the next fifty thousand rupees of such excess. | Two and a half annas in the rupee. |
| (iv) for every rupee of the next fifty thousand rupees of such excess. | Three annas in the rupee. |
| (v) for every rupee of the next fifty thousand rupees of such excess. | Three and a half annas in the rupee. |
| (vi) for every rupee of the next fifty thousand rupees of such excess. | Four annas in the rupee. |
| (vii) for every rupee of the next fifty thousand rupees of such excess. | Four and a half annas in the rupee. |
| (viii) for every rupee of the next fifty thousand rupees of such excess. | Five annas in the rupee. |
| (ix) for every rupee of the next fifty thousand rupees of such excess. | Five and a half annas in the rupee. |
| (x) for every rupee of the remainder of the excess. | Six annas in the rupee. |



ACT No. XX OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act to provide for the regular submission of returns of quantities of cotton goods manufactured and cotton yarn spun in British India.

II of 1896. **W**HEREAS it is expedient, notwithstanding the repeal of the Cotton Duties Act, 1896, to provide for the regular submission of returns of the quantities of cotton goods manufactured and cotton yarn spun in British India; It is hereby enacted as follows:—

1. (1) This Act may be called the Cotton Industry (Statistics) Act, 1926. Short title and extent.

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

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

- (a) "cotton goods" or "goods" includes all tissues and other articles (except yarn and thread) woven, knitted or otherwise manufactured wholly or partly from cotton yarn;
- (b) "cotton yarn" or "yarn" means yarn wholly or partly composed of cotton fibres;
- (c) "mill" means any building or place where cotton goods are woven, knitted or otherwise manufactured, or where cotton yarn is spun, by machinery moved otherwise than by manual labour, and includes every part of such building or place;
- (d) "owner", in relation to any mill, includes the managing agent or other principal officer of the mill; and
- (e) "prescribed" means prescribed by rules made under this Act.

3. (1) The owner of every mill shall each month prepare and deliver, or cause to be prepared and delivered, to the prescribed officer a return of all cotton goods manufactured and all cotton yarn spun in the mill during the preceding month by machinery Delivery of monthly returns of goods and yarn manufactured by mill-owners.

Price Anna 1 or 1½d.]

machinery moved otherwise than by manual labour, and shall subscribe a declaration of the truth of the return at the foot thereof.

(2) Save as may be otherwise prescribed, every such return shall state, in respect of each description of goods and of yarn, the quantity manufactured during the period to which the return relates, and shall contain such further information, and be in such form and be subject to such conditions as to verification and otherwise, as may be prescribed.

(3) Every such return shall be delivered to the prescribed officer or posted to his address within seven days after the end of the month to which it relates.

Power to inspect mills and take copies of records.

4. (1) Any officer authorised by the Local Government by order in writing in this behalf shall have free access at all reasonable times during working hours to any mill and may at any time, with or without notice to the owner, examine and take copies of, or extracts from, the records of the mill for the purpose of testing the accuracy of any return made under section 3, or of informing himself as to any particulars regarding which information is required for the purposes of this Act or any rules made thereunder :

Provided that no officer not especially empowered by the Local Government in this behalf shall be entitled to inspect any record containing the description or formulæ of any trade process.

(2) All copies and extracts and all information acquired by any officer in the inspection of any mill under this section shall be treated as strictly confidential.

Publication of returns.

5. The Governor General in Council shall, from the returns delivered under section 3, cause to be compiled and published, in such form as he may direct, statements showing for each month the total quantities of goods manufactured and of yarn spun in mills in British India.

Power to make rules.

6. (1) The Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of any return required under this Act, the particulars to be contained therein, and the manner in which the return shall be verified;

(b) the

- (b) the nature of the records to be maintained by the owners of mills;
- (c) the powers and duties, in regard to the inspection of mills under this Act, of the officers authorised to make such inspections; and
- (d) any other matter which may be or is to be prescribed.

7. (1) Any person who—

Penalties.

- (a) knowingly falsifies any record of manufacture or production kept in a mill, or
- (b) being required to deliver a return under section 3, knowingly delivers a false return, or
- (c) omits to make any return required by section 3, or refuses to sign or complete the same, or
- (d) knowingly does any act, not otherwise punishable under this Act, in contravention of the provisions of any rule made under this Act,

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

(2) Any person who discloses any particulars or other information acquired by him in the inspection of any mill under this Act shall be punishable with fine which may extend to one thousand rupees:

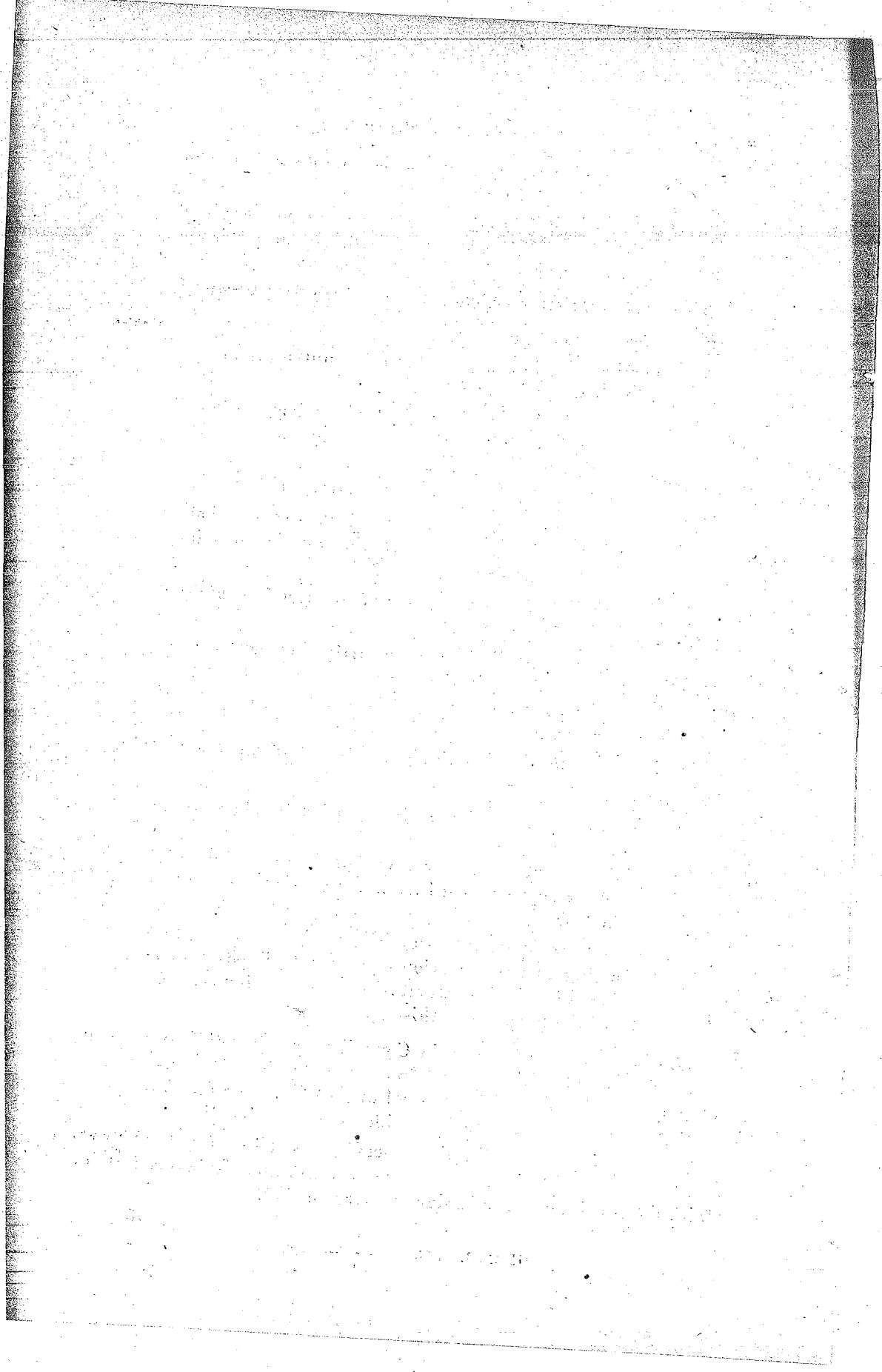
Provided that nothing in this sub-section shall apply to the disclosure—

- (a) of any such particulars or information for the purpose of a prosecution under section 193 of the Indian Penal Code or under this Act, in respect of any return kept or record made for the purposes of this Act, or
- (b) of any such particulars or information to any person acting in the execution of any duty imposed upon him by this Act, where the disclosure is necessary for the purposes of this Act.

XLV of 1890.

8. The Governor General in Council may, by notification Exemption. in the Gazette of India, exempt from the operation of this Act or of any specified provision thereof any mill or class of mills, or any goods or class of goods, specified in the notification.

9. No suit or other legal proceeding shall be instituted Protection for acts done under this Act. against any person in respect of anything which is in good faith done or intended to be done under this Act.



ACT No. XXI OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act to define in certain cases the rights of legal practitioners to sue for their fees and their liabilities to be sued in respect of negligence in the discharge of their professional duties.

WHEREAS it is expedient to define in certain cases the rights of legal practitioners to sue for their fees and their liabilities to be sued in respect of negligence in the discharge of their professional duties; It is hereby enacted as follows:—

1. (1) This Act may be called the Legal Practitioners (Fees) Act, 1926. Short title, extent and commencement.

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

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

2. For the purposes of this Act, unless there is anything repugnant in the subject or context, Interpretation.

(a) "legal practitioner" means a legal practitioner as defined in section 3 of the Legal Practitioners Act, 1879; and

(b) a legal practitioner shall not be deemed to "act" if he only pleads, or to agree to "act" if he agrees only to plead.

3. Any legal practitioner who acts or agrees to act for any person may by private agreement settle with such person the terms of his engagement and the fee to be paid for his professional services. Agreement for engagement of legal practitioner.

4. Any

Price Anna 1 or 1½d.]

Legal Practitioners (Fees). [ACT XXI OF 1926.]

Right of legal practitioner to sue for fees.

4. Any such legal practitioner shall be entitled to institute and maintain legal proceedings for the recovery of any fee due to him under the agreement, or, if no such fee has been settled, a fee computed in accordance with the law for the time being in force in regard to the computation of the costs to be awarded to a party in respect of the fee of his legal practitioner.

Liability of legal practitioner to be sued.

5. No legal practitioner who has acted or agreed to act shall, by reason only of being a legal practitioner, be exempt from liability to be sued in respect of any loss or injury due to any negligence in the conduct of his professional duties.

Repeals.

6. Sections 28 to 31 of the Legal Practitioners Act, 1879, XVIII of 1879, and sections 17, 19 and 28 of the Bombay Pleaders Act, 1920, Bom. Act XVII of 1920, are hereby repealed.

ACT No. XXII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act to amend the law relating to the appointment of legal practitioners in civil suits and for this purpose further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient to amend the law relating to the appointment of legal practitioners in civil suits and for this purpose further to amend the Code of Civil Procedure, 1908; It is hereby enacted as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Second Amendment) Act, 1926.

Short title and commencement.

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

2. In Order III of Schedule I to the Code of Civil Procedure, 1908,—

Amendment of Order III, Schedule I, Act V of 1908.

(a) in rule 1 for the words "duly appointed to act" the words "appearing, applying or acting, as the case may be," shall be substituted; and

(b) for rule 4 the following rule shall be substituted, namely:—

"4. (1) No pleader shall act for any person in any Court, unless he has been appointed for the purpose by such person by a document in writing signed by such person or by his recognised agent or by some other person duly authorised by or under a power of attorney to make such appointment.

Appointment of pleader.

(2) Every such appointment shall be filed in Court and shall be deemed to be in force until determined with the leave of the Court by a writing signed

Price Anna 1 or 1½d.]

Code of Civil Procedure (Second Amendment) [ACT XXII OF 1926.]

signed by the client or the pleader, as the case may be, and filed in Court, or until the client or the pleader dies, or until all proceedings in the suit are ended so far as regards the client.

(3) For the purposes of sub-rule (2) an application for review of judgment, an application under section 144 or section 152 of this Code, any appeal from any decree or order in the suit and any application or act for the purpose of obtaining copies of documents or return of documents produced or filed in the suit or of obtaining refund of monies paid into the Court in connection with the suit shall be deemed to be proceedings in the suit.

(4) The High Court may, by general order, direct that, where the person by whom a pleader is appointed is unable to write his name, his mark upon the document appointing the pleader shall be attested by such person and in such manner as may be specified by the order.

(5) No pleader who has been engaged for the purpose of pleading only shall plead on behalf of any party, unless he has filed in Court a memorandum of appearance signed by himself and stating—

- (a) the names of the parties to the suit,
- (b) the name of the party for whom he appears, and
- (c) the name of the person by whom he is authorised to appear:

Provided that nothing in this sub-rule shall apply to any pleader engaged to plead on behalf of any party by any other pleader who has been duly appointed to act in Court on behalf of such party."

Repeals.

3. Section 10 and Form C in Schedule II of the Bombay Pleadings Act, 1920, are hereby repealed. Bom. Act XVII
of 1920.

ACT No. XXIII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th March, 1926.)

An Act to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi, and for that purpose to constitute a Joint Water Board to undertake such maintenance.

WHEREAS it is expedient to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi, and for that purpose to constitute a Joint Water Board to undertake such maintenance; It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Delhi Joint Water Board Act, 1926. Short title and commencement.

(2) It shall come into force on the 1st day of April, 1926.

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

- (a) "the Board" means the Delhi Joint Water Board constituted by this Act;
- (b) "Chief Commissioner" means the Chief Commissioner of Delhi; and
- (c) "constituent body" means any one of the following bodies, namely:—
 - (i) the Delhi Municipal Committee,
 - (ii) the Delhi Civil Lines Notified Area Committee,
 - (iii) the Cantonment Authority, Delhi New Cantonments, and
 - (iv) the Imperial Delhi Municipal Committee, or such other authority as is for the time being entrusted with the distribution of water in the New Capital area.

3. (1) As

13

Price Anna 1 or 1½d.]

Constitution, property and liabilities of the Board.

Constitution of
the Board.

3. (1) As soon as possible after the commencement of this Act, there shall be constituted a Joint Water Board for Delhi consisting of nine members, of whom—

- (a) one shall be the Chief Commissioner;
- (b) four shall be members of the Delhi Municipal Committee elected by that Committee;
- (c) one shall be a member of the Delhi Civil Lines Notified Area Committee elected by that Committee;
- (d) one shall be a person nominated by the Officer Commanding the Delhi Independent Brigade; and
- (e) two shall be persons nominated by the Governor General in Council.

(2) If any constituent body fails to elect within three months from the commencement of this Act any member who is to be elected by it under sub-section (1), or to fill within three months any vacancy in the office of a member so elected, the Chief Commissioner may nominate to the vacancy any member of that constituent body and the person so nominated shall hold office until the constituent body concerned elects another member in his place.

Incorporation
of the Board.

4. (1) The Board constituted under section 3 shall be a body corporate by the name of the Delhi Joint Water Board, having perpetual succession and a common seal with power to acquire and hold property, both moveable and immoveable, and to contract, and shall by the said name sue and be sued.

(2) The Chief Commissioner shall be *ex-officio* President of the Board.

(3) The Secretary of the Board shall be a person, not being a member of the Board, appointed by the Board.

Property of the
Board.

5. Upon the constitution of the Board there shall be vested in the Board the works and other property specified in Parts A and B of Schedule I which were formerly the property of the Delhi Municipal Committee and of the Government, respectively.

Power to
construct additional
works.

6. If the Board is of opinion that the works and other property for the time being vested in it are inadequate for the purpose of the efficient supply of water under this Act, it may borrow money from the Governor General in Council or, with the sanction of the Governor General in Council and on such terms

terms as he may approve, from any constituent body for the purpose of constructing additional works or of acquiring additional property, and the loan so raised shall be expended in the construction of such works or the acquisition of such property, and any works so constructed or property so acquired shall vest in the Board.

7. The Governor General in Council may direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Board shall be carried out on behalf of the Board by the Governor General in Council, and the Board shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by the Governor General in Council on behalf of a local authority.

Employment of Government agency for repairs, etc.

8. (1) The Board shall, for the purpose of the renewal and replacement of the works and property vested in it, maintain a fund in such manner and subject to such conditions as the Auditor General may by rules prescribe.

Renewal and replacement fund.

(2) Without prejudice to the generality of the power of the Auditor General to make rules under sub-section (1), such rules shall provide for the following matters, namely:—

- (a) the amount of the annual payments to be made into the fund,
- (b) the manner in which the balances of the fund shall be invested, and
- (c) the manner in which and the objects upon which the balances and the interest accruing thereon may be expended.

9. In consideration of the transfer to the Board of the works and other property of the Delhi Municipal Committee, specified in Part A of Schedule I, the Board shall be deemed to have taken from the Committee a loan of five lakhs of rupees bearing interest at the rate of six rupees per cent. per annum, and such loan shall be repaid to the Committee in equated half-yearly instalments of principal and interest over a period of fifty years or such shorter period, if any, not being less than thirty years, as the Committee may, before the payment of the first half-yearly instalment becomes due, elect.

Debt of the Board to the Municipal Committee, Delhi.

10. (1) In consideration of the transfer to the Board of the works and other property of the Government specified in Part B of Schedule II, the Board shall be deemed to have taken from

Debt of the Board to the Governor General in Council.

from the Governor General in Council a loan of nineteen lakhs of rupees or of a sum equal to one-half of the capital cost of the works and property specified in that Part, whichever sum is less, and such loan shall bear interest at the rate of six rupees per cent. per annum and shall be repaid to the Governor General in Council in equated half-yearly instalments of principal and interest over a period of fifty years.

(2) For the purposes of this section, the capital cost of the works and other property specified in Part B of Schedule I shall be the amount recorded in the accounts of the Governor General in Council as the capital cost thereof, and, if any question arises as to the capital cost of any such works or property, it shall be referred to the Auditor General, whose decision shall be final.

Supply of water and payment therefor.

Supply of water. 11. The Board shall be bound to supply to each constituent body, at the place or places specified in respect of such body in Schedule II or at such other place or places as may be agreed between the Board and such body, water in bulk up to the amount demanded by such body or, if the total demand of the constituent bodies is in excess of the available supply, up to such proportion in the case of each constituent body as the Board may determine:

Provided that, if the Delhi Municipal Committee by notice in writing to the Board so requires, the amount supplied to the Committee shall not in any one day during such period as may be specified in the notice be less than five-sevenths of the total supply available during that day or seven and a half million gallons, whichever amount is less.

Constituent
bodies to pay
actual cost of
supply of water.

12. (1) Each constituent body shall pay for the water supplied to it the actual cost of supplying such water at a rate in respect of each thousand gallons of water supplied (hereinafter referred to as the final issue rate) calculated in the manner prescribed in this section.

Provided that the Delhi Municipal Committee shall be required to pay, in respect of each financial year, for the actual water supplied to it or for one thousand four hundred and sixty million gallons of water, whichever amount is greater, at the final issue rate or at the rate of three annas per thousand gallons, whichever is less, and any amount by which the price at the final issue rate of the supply actually taken by the
Committee

or 1926.]

Delhi Joint Water Board.

Committee exceeds the sum so payable by the Committee shall be payable to the Board by the Governor General in Council.

(2) The final issue rate shall be calculated for each financial year after the accounts of the year have been closed by dividing the amount of the total expenditure of the Board during the year by the number of thousand gallons supplied by the Board during that year to the constituent bodies.

(3) For the purposes of sub-section (2) there shall be taken into account as expenditure of the Board—

- (a) all establishment charges, including all expenditure upon repairs and maintenance not debitable to the fund established under section 8;
- (b) repayments of principal and payments of interest in respect of any loan taken by the Board under section 6;
- (c) the equated instalments payable to the Delhi Municipal Committee and the Governor General in Council under sections 9 and 10; and
- (d) payments into the fund established under section 8 after deduction of such income, if any, from interest on the balances of the fund as is, under rules made by the Auditor General under that section, to be deemed to be current revenue of the Board.

13. (1) Pending the calculation of the final issue rate for any financial year, payments for water supplied during that year shall be made provisionally at an estimated rate (hereinafter referred to as the collecting rate). Provisional
collecting rate.

(2) The collecting rate shall be calculated at the time of the framing of the budget estimates for the financial year by dividing the sum of the amount of the estimated expenditure of the Board in that year and of an addition of five per cent. of that amount by the number of thousand gallons of water estimated as likely to be supplied during that year.

(3) If any difference of opinion arises as to the supply of water to be estimated for the purposes of the ascertainment of the collecting rate the decision of the President of the Board thereon shall be final.

(4) Each constituent body shall pay on demand after the close of each quarter of each financial year the cost of the water supplied to it in that quarter calculated at the collecting rate:

Provided

Provided that, in the case of the water supplied to the Delhi Municipal Committee, if the collecting rate exceeds the rate of three annas per thousand gallons, the difference between the amount payable at that rate and the amount payable at the collecting rate shall be payable to the Board by the Governor General in Council.

Final settlement
of accounts.

14. (1) If the final issue rate for any financial year exceeds the collecting rate determined for that year, the balance due shall be recovered from each constituent body, or, in the case of an excess over the three annas rate payable by the Delhi Municipal Committee, from the Governor General in Council.

(2) If the final issue rate is less than the collecting rate, the excess collection shall be refunded to the constituent bodies from whom it was collected or, in the case of any amount recovered in excess from the Governor General in Council under sub-section (4) of section 13, to the Governor General in Council.

(3) If the total amount of water supplied during any financial year to the Delhi Municipal Committee is found to have been less than the minimum prescribed in sub-section (1) of section 12, the payment for the deficiency calculated at the final issue rate or at the rate of three annas per thousand gallons, whichever is less, shall be recovered from the Delhi Municipal Committee.

(4) Where any amount has been recovered under sub-section (3) from the Delhi Municipal Committee, then, if any recovery has been made from the Governor General in Council under sub-section (4) of section 13, the amount so recovered from the Committee or such portion thereof as is equal to the amount recovered from the Governor General in Council, shall be refunded to him.

Disputes as to
liability for pay-
ments to or by
the Board.

15. (1) If any dispute arises between the Board and the Governor General in Council or any constituent body as to the liability of the Governor General in Council or the constituent body to pay any sum demanded by the Board or as to the right of the Governor General in Council or the constituent body to any refund, or as to the amount of any refund, from the Board, the Governor General in Council or the constituent body, as the case may be, may require the Board to refer the matter in dispute to the Auditor General, and the decision of the Auditor General thereon shall be final:

Provided

Provided that, where the dispute relates to the liability of the Governor General in Council or a constituent body to make any payment to the Board, the payment shall be made to the Board pending the decision of the Auditor General.

(2) In making any such reference the Board shall furnish to the Auditor General and to the Governor General in Council or the constituent body concerned, as the case may be, a full statement of the grounds of its claim, and the Auditor General shall consider such statement, together with any like statement received from the Governor General in Council or the constituent body, within six weeks from the date of such reference.

16. If any constituent body does not, within one month of the receipt of a demand for any sum claimed by the Board, pay such sum, the Chief Commissioner may, on a requisition from the Board in this behalf,—

Summary
recovery of sums
due from
constituent
bodies.

(a) if the balances of the constituent body are kept in the Government Treasury, order the officer in charge of the Treasury to reduce the balance at the credit of that body by the amount of the sum due and pay that amount to the Board, or

(b) in any other case, deduct the amount of the sum due from any contribution or sum payable by him on behalf of the Government to the constituent body and pay the amount so deducted to the Board.

Budget and Accounts.

17. The budget estimates of the Board for each financial year shall be presented to the Board before the first day of March in the preceding financial year by the President, and the budget as finally passed shall be subject to the approval of the Governor General in Council, who shall have power to reduce any item in the estimates of expenditure and to restore any provision which he considers to be essential for the safe and efficient conduct of the business of the Board.

Presentation of
budget esti-
mates.

18. (1) All monies received by the Board shall be credited into a separate account maintained for the purpose in the Government Treasury or, if the Board so elects, into a banking account kept with the Imperial Bank of India or any other bank approved by the Auditor General in this behalf.

Custody and
disbursement
of monies.

(2) All

Delhi Joint Water Board. [ACT XXIII

(2) All funds for disbursement shall be drawn by means of cheques which shall be signed by the President or by such other member of the Board as the President may, with the approval of the Board, authorise in this behalf.

Provisions for audit.

19. The accounts of the Board shall be maintained in such form and shall be subject to such audit by such agency and on such terms and conditions as the Auditor General may prescribe.

Supply of copies of budget and accounts.

20. The Board shall furnish each financial year to the Chief Commissioner and to each constituent body a copy of its budget and of the accounts of the preceding financial year.

Provident Fund.

Provident Fund.

21. (1) The Board shall establish and maintain a Provident Fund for such of its officers and servants as are in receipt of a monthly pay exceeding twenty rupees.

(2) The rules providing for the establishment and maintenance of the Provident Fund established for its officers and servants by the Delhi Municipal Committee shall, with such modifications only as may be necessary to adapt them for the purpose, apply for the purpose of the establishment and maintenance of the Provident Fund referred to in sub-section (1) until such time as the Board may, with the sanction of the Chief Commissioner, make other rules in this behalf.

(3) Contributions made by the Board to the Provident Fund shall be deemed to be establishment charges for the purpose of clause (a) of sub-section (3) of section 12.

Rights of user in property.

Rights of user of property for aqueducts, lines, etc.

22. (1) The Board may place and maintain aqueducts, conduits and lines of mains or pipes over, under, along or across any immovable property without acquiring the same, and may at any time, for the purpose of examining, repairing, altering or removing any aqueduct, conduit or line of mains or pipes, enter on any property over, under, along or across which the aqueduct, conduit or line of mains or pipes has been placed:

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, conduit or line of mains or pipes is placed.

(2) The

(2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in or under the control or management of the Government or any local authority or railway administration, save with the permission of the Governor General in Council or the Local Government or the local authority or railway administration, as the case may be, and in accordance with any rules made in this behalf under this Act:

Provided that the Board may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain the supply of water without interruption, or is such that delay would be dangerous to human life or property.

23. In the exercise of the powers conferred upon it by section 22, the Board shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by it. Compensation for damage.

Meters.

24. (1) For the purpose of measuring and recording the amount of water supplied to each constituent body, the Board shall affix meters at the points of junction between the communication pipes of the constituent body and the mains or pipes belonging to the Board, and the cost of such meters shall be borne by the Board. Supply of meters.

(2) It shall be presumed, until the contrary is proved, that the quantity of water supplied through any connection is the quantity indicated by the meter affixed to that connection.

25. (1) If any constituent body desires to have any meter tested, it may make an application in this behalf accompanied by a fee of two hundred and fifty rupees, and, on receipt of such application and fee, the Board shall forthwith cause the meter to be tested at a time and place of which due notice shall have been given to the constituent body. Testing of meters.

(2) If the meter is found on being tested to be incorrect, the Board shall be bound to replace or repair the same and to refund the fee paid under sub-section (1) together with such sum, if any, as is proved to the satisfaction of the Board to have been paid in excess by the constituent body by reason of the incorrectness of the meter.

26. Any

Penalties.

Penalties.

26. Any person who—

- (a) wilfully obstructs any person acting under the authority of the Board in setting out the line of any works, or pulls up or removes any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such works, or defaces or destroys any works made for the same purpose, or
- (b) wilfully or negligently breaks, injures or opens any lock, cock, valve, pipe or other water work belonging to the Board, or
- (c) unlawfully obstructs the flow of, or flushes, draws off, diverts or takes water from, any water work belonging to the Board, or any water or stream by which any such water work is supplied, or
- (d) obstructs any officer or servant of the Board in the discharge of his duties under this Act, or refuses or wilfully neglects to furnish him with the means necessary for making any entry, inspection, examination, or inquiry thereunder in relation to any water work, or
- (e) bathes in, at or upon any water work, or washes, throws or causes to enter therein any animals, or throws any rubbish, dirt, filth or other offensive matter into any water work, or washes or cleans therein any cloth, wool or leather or the skin of any animal, or causes the water of any sink, sewer or drain or of any steam engine or boiler or any other dirty water to turn or be brought into any water work, or does any other act whereby the water in any water work is fouled or likely to be fouled,

shall be punishable with fine which may extend to two hundred and fifty rupees.

Rules and bye-laws.

Power of the Governor General in Council to make rules.

27. (1) The Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act for the purpose of carrying into effect the provisions thereof.

(2) In

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the term of office of members of the Board;
- (b) the circumstances in which and the authority by which any member may be removed;
- (c) the minimum number of meetings of the Board to be held during any year; and
- (d) the conditions subject to which the Board may exercise the powers conferred by section 22 in respect of property of the Government or of a local authority or railway administration.

28. The Board may, with the sanction of the Chief Commissioner, make bye-laws, consistent with this Act and any rules made thereunder, to provide for all or any of the following matters, namely:—

Power to make
bye-laws.

- (a) the manner in which business shall be conducted at meetings of the Board;
- (b) the maintenance by the Board of a record of all business transacted;
- (c) the definition of the powers of the Board to enter into contracts which shall be binding on the Board, and the manner in which such contracts shall be executed;
- (d) the definition of the powers of the Board in respect of the appointment, promotion and dismissal of officers and servants of the Board;
- (e) the grant of pay and leave to officers and servants of the Board, and the payment of leave allowances to such officers and servants, and the remuneration to be paid to any person appointed to act for any officer or servant to whom leave is granted;
- (f) the regulation of the payment of pensions, gratuities, compassionate allowances and travelling allowances to officers and servants of the Board;
- (g) the circumstances in which security may be demanded from officers and servants of the Board and the amount and nature of such security in each case;

(h) The

- (h) the preparation of supplementary estimates of expenditure not included in the budget estimates and the manner in which such estimates shall be presented to the Board and sanctioned;
- (i) the general regulation of all matters incidental to the Provident Fund and the investment thereof; and
- (j) any other matter for which provision is required for the efficient discharge of the duties or business of the Board.

SCHEDULE I.

(See sections 5, 9 and 10.)

LIST OF WORKS AND PROPERTY.

PART A.

LIST OF WORKS TAKEN OVER FROM THE DELHI MUNICIPAL COMMITTEE.

1. At Chandrawal—

- (a) 2 Settling tanks, each 160' × 63'.
- (b) 8 „ „ „ 163' × 60'.
- (c) 8 Filter beds „ 113' × 80'.

(The above tanks have been converted into settling tanks of greater depth by raising the walls and making certain other alterations.)

- (d) 6 Filter beds each 170' × 100' (one of which has been converted into two settling tanks for the Paterson filters).

- (e) The pipe connections to and from the above settling tanks and filter beds.

(f) Pumping Station—

with 80' brick chimney and coal bins and tramway and including the following plant—

- 3 Babcock and Wilcox Boilers Register Nos. D.-65, D.-66 and D.-94,
- 2 Green's Economisers,
- 3 Donkey Pumps,
- 3 Pumping Engines Nos. 2428, 2429 and 2907,
- 2 Travelling cranes.

(g) Workshop

(g) Workshop equipped with—

- 1 Lathe 20' bed,
- 1 Lathe 12' bed,
- 1 Lathe 6' bed,
- 1 Shaping machine,
- 1 Drilling machine,
- 1 Slotting machine,
- 1 Power hammer,
- 2 Hearths,
- 1 Saw Bench,
- 1 Vice Bench with 7 vices,
- 1 Grindstone,
- 1 Double Emery wheel,
- 1 Blower,
- 1 Steam engine with necessary shafting for running the workshop,
- 5 Almirahs for keeping stores,
- Carpenters shop.

(h) Superintendent's Bungalow consisting of 4 main rooms and with 14 servants and staff quarters and the necessary latrines, etc.

(i) Office and Stores, with weighbridge.

(j) Clear water Reservoir, 2 Nos., total capacity 1,200,000 gallons with pipe connections.

2. *From Chandrawal to Hindu Rao—*

- 1 rising main 18" diameter.
- 1 rising main 20" diameter.
- 1 18" venturi meter.

3. *At Hindu Rao—*

Reservoir, capacity 2½ million gallons,

Byepass and other pipes at Reservoir.

Valve House including 24" outlet from the Reservoir and 24", 16" and 12" delivery mains at valve house.

Chowkidars' Quarters, 6 Nos.

PART B.

PART B.

LIST OF WORKS TAKEN OVER FROM THE GOVERNMENT.

1. At Wazirabad—

- (a) River training works.
- (b) River Intake.
- (c) Pumping Station with 120' steel chimney, coal store and weighbridge and including the following plant—
 - 2 Babcock and Wilcox Boilers, Register No. D.-152 D.-153 with stoker engine, feed pumps and Economiser complete,
 - 3 Engine and centrifugal pumps, Nos. 2012, 2013, 2014,
 - Travelling crane.
- (d) 2 Settling tanks and filters, and clear water reservoir, and pipe connections.
- (e) 41 Quarters.

2. From Wazirabad to Chandrawal—

- (a) 28" venturi meters.
- (b) Rising main 36" diameter with Nallah crossing.
- (c) Approach Road and Irish Bridge.
- (d) 2 Silt tanks near Shah Alam's Mosque.
- (e) Masonry conduit from silt tanks to Chandrawal.

3. At Chandrawal—

- (a) Alterations to tanks and filters.
- (b) Paterson Filter Plant with the necessary supply and delivery channels, and including—
 - Filter and Chemical House.
 - 4 Coagulating Tanks.
 - 2 Tanks by conversion of 170 × 100 filter bed.
 - 15 Paterson Filters.
 - 1 Paterson chloronome and two weighing machines.
 - 2 Motor driven Air Compressors.
- (c) 1 clear

- (c) 1 clear water reservoir, 1 million gallons capacity.
- (d) Pumping Station with 150' steel chimney and coal store including the following plant—
 - 2 Babcock and Wilcox Boilers, Register No. D.-154 D.-155 with stoker engine and feed pumps and Economiser complete,
 - 2 Engines and Pumps, Nos. 3056 and 3057,
 - Travelling crane.
- 4. *From Chandrawal to Mutiny Memorial—*
 - (a) 24" venturi meter.
 - (b) Rising main 24" diameter.
 - (c) 20" connection from 24" Government main to 20" Municipal main.
 - (d) 16" connection from 24" main to Hindu Rao Reservoir.
 - (e) Mutiny Memorial Reservoir, capacity 1 million gallons with inlet and outlet pipes at site.
 - (f) Gauging Chamber with necessary control valves and inlet and outlet pipes.
- 5. *From Mutiny Memorial to Talkatora—*
 - (a) 26" diameter steel syphon to Idgah.
 - (b) 26" venturi meter with chowkidar's quarter.
 - (c) Idgah Gauging Chamber with inlet and outlet pipes.
 - (d) Masonry conduit from Idgah to Talkatora.
 - (e) Talkatora Reservoir, capacity $2\frac{1}{4}$ million gallons with inlet and outlet pipes and bypass.
 - (f) Quarters, 5 units.
- 6. *From Talkatora to New Cantonments—*
 - (a) Pumping Station with 2 motor driven centrifugal pumps and starters, etc., complete.
 - (b) Rising main 10" diameter.
 - (c) Reservoir capacity 400,000 gallons with inlet and outlet pipes and bypass.
 - (d) Quarters, one unit.
- 7. Any other work constructed as part of the New Capital Project which the Governor General in Council may hand over to the Board.

SCHEDULE II.

SCHEDULE II.

(See section 11.)

**PLACES AT WHICH THE BOARD WILL DELIVER A SUPPLY OF WATER
IN BULK.**

- (a) Hindu Rao Reservoir, for supply to the Delhi Municipal Committee.
- (b) Mutiny Memorial Reservoir, for supply to the Delhi Civil Lines Notified Area Committee.
- (c) Idgah Reservoir, for supply to the Delhi Municipal Committee and for the purposes of the southern and western City Extensions.
- (d) Talkatora Reservoir, for supply to the Imperial Delhi Municipal Committee.
- (e) Cantonment Reservoir, for supply to the Cantonment Authority, Delhi New Cantonments.

ACT No. XXIV OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act further to amend the Indian Income-tax Act, 1922, for certain purposes.

WHEREAS it is expedient further to amend the Indian
Income-tax Act, 1922, for the purposes hereinafter
appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Income-tax
(Amendment) Act, 1926. Short title and
commencement.

(2) It shall come into force on the 1st day of April, 1926.

2. After section 19 of the Indian Income-tax Act, 1922
(hereinafter referred to as the said Act), the following section Insertion of new
section 19A in
Act XI of 1922.
shall be inserted, namely:—

“ 19A. The principal officer of every company shall, on or
before the 15th day of June in each year, furnish to the pre-
scribed officer a return in the prescribed form and verified in
the prescribed manner of the names and of the addresses, as
entered in the register of shareholders maintained by the com-
pany, of the shareholders to whom a dividend or aggregate
dividends exceeding such amount as may be prescribed in this
behalf has or have been distributed during the preceding year
and of the amount so distributed to each such shareholder.” Supply of
information
regarding
dividends.

3. In clause (c) of section 51 of the said Act, after the
words “ mentioned in ” the word and figures “ section 19A ” Amendment of
section 51,
Act XI of 1922.
shall be inserted.

4. In section 52 of the said Act, after the words “ men-
tioned in ” the words and figures “ section 19A or ” shall be Amendment of
section 52,
Act XI of 1922.
inserted.

5. (1) In sub-section (1) of section 57 of the said Act, for
the word “ assessee ” the word “ person ” shall be substituted. Amendment of
section 57,
Act XI of 1922.

(2) For

Price Anna 1 or 1½d.]

(2) For sub-section (2) of the same section the following sub-sections shall be substituted, namely:—

“(2) Where the Income-tax Officer has reason to believe that any person, who is a shareholder in a company, is resident out of British India and that the total income of such person will in any year exceed the maximum amount which is not chargeable to super-tax under the law for the time being in force, he may, by order in writing, require the principal officer of the company to deduct at the time of payment of any dividend from the company to the shareholder in that year super-tax at such rate as the Income-tax Officer may determine as being the rate applicable in respect of the income of the shareholder in that year.

(3) If in any year the amount of any dividend or the aggregate amount of any dividends paid to any shareholder by a company (together with the amount of any income-tax payable by the company in respect thereof) exceeds the maximum amount of the total income of a person which is not chargeable to super-tax under the law for the time being in force, and the principal officer of the company has not reason to believe that the shareholder is resident in British India, and no order under sub-section (2) has been received in respect of such shareholder by the principal officer from the Income-tax Officer, the principal officer shall at the time of payment deduct super-tax on the amount of such excess at the rate which would be applicable under the law for the time being in force if the amount of such dividend or dividends (together with the amount of such income-tax as aforesaid) constituted the whole total income of the shareholder.”

(3) Sub-section (3) of the same section shall be re-numbered as sub-section (4), and in that sub-section for the words “an assessee” the words “another person” and for the word “assessee”, where it occurs for the second time, the word “person” shall be substituted.

Amendment of
section 58,
Act XI of 1922.

6. To sub-section (1) of section 58 of the said Act the following proviso shall be added, namely:—

“Provided that sub-sections (4) to (9) of section 18 shall apply, so far as may be, to the assessment, collection

tion and recovery of super-tax under sub-section (2) or sub-section (3) of section 57."

7. To section 66 of the said Act the following sub-section shall be added, namely:—

Amendment of section 66 Act XI of 1922.

"(8) For the purposes of this section "the High Court" means—

- (a) in relation to the North-West Frontier Province and British Baluchistan, the High Court of Judicature at Lahore;
- (b) in relation to the province of Ajmer-Merwara, the High Court of Judicature at Allahabad; and
- (c) in relation to the province of Coorg, the High Court of Judicature at Madras."

8. After section 66 of the said Act the following section shall be inserted, namely:—

Insertion of new section 66A in Act XI of 1922.

"66A. (1) When any case has been referred to the High Court under section 66, it shall be heard by a Bench of not less than two Judges of the High Court, and in respect of such case the provisions of section 98 of the Code of Civil Procedure, 1908, shall, so far as may be, apply notwithstanding anything contained in the Letters Patent of any High Court established by Letters Patent or in any other law for the time being in force.

References to be heard by Benches of High Courts, and appeal to lie in certain cases to Privy Council.

v of 1908.

(2) An appeal shall lie to His Majesty in Council from any judgment of the High Court delivered on a reference made under section 66 in any case which the High Court certifies to be a fit one for appeal to His Majesty in Council.

v of 1908.

(3) The provisions of the Code of Civil Procedure, 1908, relating to appeals to His Majesty in Council shall, so far as may be, apply in the case of appeals under this section in like manner as they apply in the case of appeals from decrees of a High Court:

Provided that nothing in this sub-section shall be deemed to affect the provisions of sub-section (5) or sub-section (7) of section 66:

Provided, further, that the High Court may, on petition made for the execution of the order of His Majesty in Council in respect of any costs awarded thereby, transmit

Indian Income-tax (Amendment). [ACT XXIV OF 1926.]

transmit the order for execution to any Court subordinate to the High Court.

- (4) Where the judgment of the High Court is varied or reversed in appeal under this section, effect shall be given to the order of His Majesty in Council in the manner provided in sub-sections (5) and (7) of section 66 in the case of a judgment of the High Court.
- (5) Nothing in this section shall be deemed—
- (a) to bar the full and unqualified exercise of His Majesty's pleasure in receiving or rejecting appeals to His Majesty in Council, or otherwise howsoever, or
 - (b) to interfere with any rules made by the Judicial Committee of the Privy Council, and for the time being in force, for the presentation of appeals to His Majesty in Council, or their conduct before the said Judicial Committee."

ACT No. XXV OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act further to amend the Indian Divorce Act.

IV of 1889.

WHEREAS it is expedient further to amend the Indian Divorce Act, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Divorce (Amendment) short title.
Act, 1926.

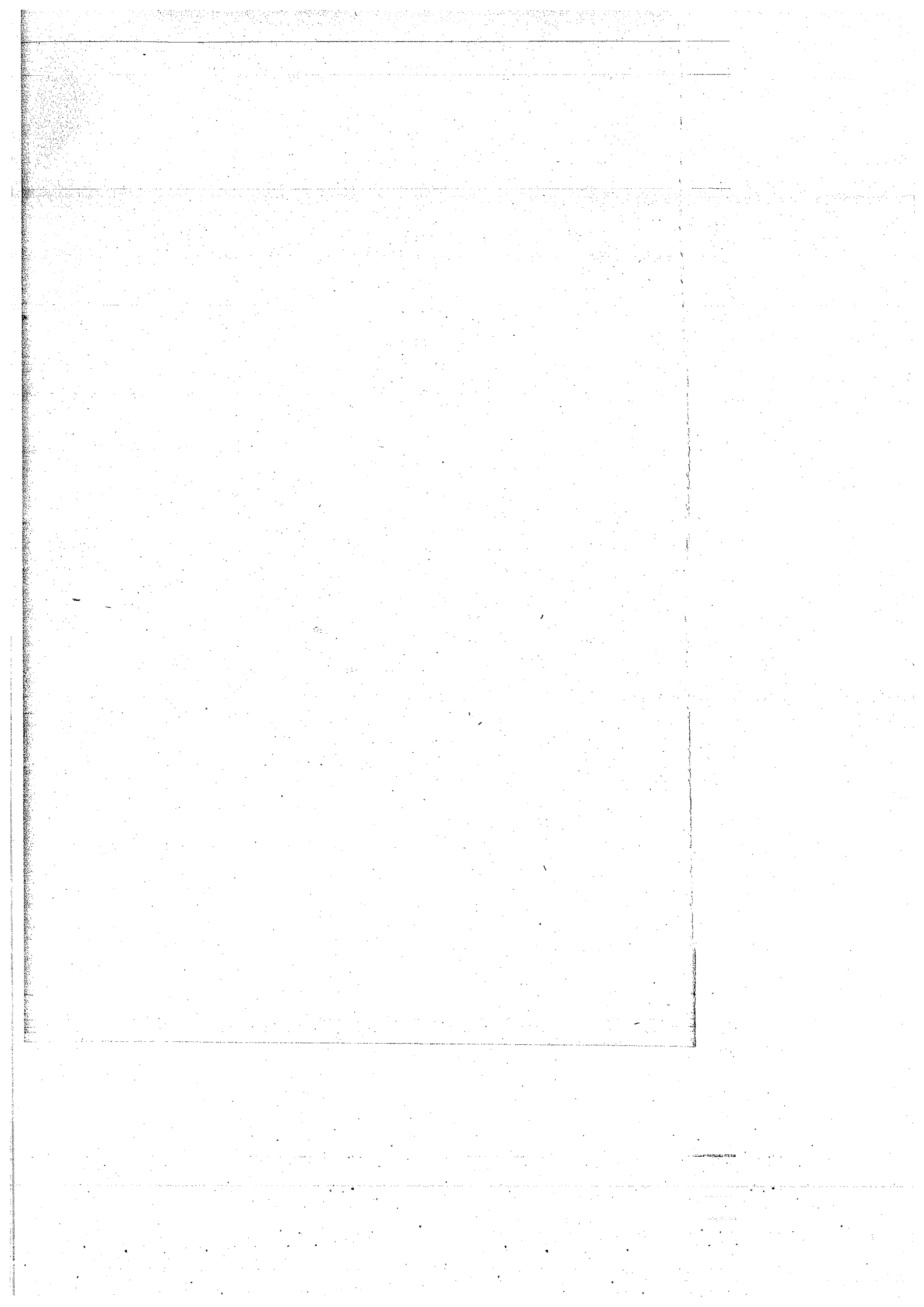
2. For the second, third and fourth paragraphs of section Amendment of
section 2,
Act IV of 1889.
2 of the Indian Divorce Act the following shall be substituted, namely:—

“ Nothing hereinafter contained shall authorise any Court to grant any relief under this Act except where the petitioner professes the Christian religion, or to make decrees of dissolution of marriage except where the parties to the marriage are domiciled in India at the time when the petition is presented, or to make decrees of nullity of marriage except where the marriage has been solemnized in India and the petitioner is resident in India at the time of presenting the petition, or to grant any relief under this Act, other than a decree of dissolution of marriage or of nullity of marriage, except where the petitioner resides in India at the time of presenting the petition.”

Price Annā 1 or 1½d.]

1

MGIPC—L—1-153—8-5-26—12,500.



ACT No. XXVI OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act further to amend the Indian Factories Act, 1911.

XII of 1911. **W**HEREAS it is expedient further to amend the Indian Factories Act, 1911, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Factories (Amendment) Act, 1926. Short title and commencement.

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

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

(a) in clause (2), the *Explanation* shall be omitted;

(b) in sub-clause (a) of clause 3, for the words “process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article” the words “manufacturing process” shall be substituted; and in sub-clause (b) of the same clause, for the words “such process” the words “manufacturing process” shall be substituted; and

(c) after clause (3) the following clause shall be inserted, namely:—

“(4) ‘manufacturing process’ means any process for or incidental to,

(a) making, altering, repairing, ornamenting, finishing, or otherwise adapting for use, transport or sale, any article, or part of an article, or

(b) refining oil or pumping or filtering water, or

(c) supplying

- (c) supplying, generating or transforming pneumatic, hydraulic or electrical energy, and includes the baling of any material for transport."

Amendment of section 3, Act XII of 1911.

3. In section 3 of the said Act, for the figures "1901" the figures "1923" shall be substituted.

Amendment of section 7, Act XII of 1911.

4. In sub-section (1) of section 7 of the said Act,—

- (a) after the words "such person and" the words "if he is fit for employment in a factory" shall be inserted; and
(b) for the words "whether he is fit for employment in a factory" the words "that he is fit for such employment" shall be substituted.

Amendment of section 10, Act XII of 1911.

5. In section 10 of the said Act, for the words "be provided, maintained and used before a specified date" the following shall be substituted, namely:—

"shall be provided before such date as may be specified in the order, and shall thereafter be maintained and used."

Amendment of section 19, Act XII of 1911.

6. (1) Section 19 of the said Act shall be renumbered as sub-section (1) of that section, and in that sub-section as so renumbered the words "as the case may be" shall be omitted.

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

"(2) The Local Government may, by notification in the local official Gazette, prohibit in any factory or class of factories specified in the notification the cleaning by any person of any part so specified of any mill-gearing or machinery while the same is in motion by the action of steam, water or other mechanical or electrical power."

Amendment of section 21, Act XII of 1911.

7. In sub-section (1) of section 21 of the said Act,—

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

"(i) at the request of the employees concerned, periods of rest, at intervals not exceeding five hours, of not less than half an hour each, the total duration of the periods of rest on that day not being less than one hour for each period of six hours' work done";

(b) to

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

“ Provided that, in lieu of the periods provided under sub-clause (i) or sub-clause (ii) there may be fixed for each male person employed for not more than eight and a half hours on each working day, at the request of the employees concerned and with the previous sanction of the Local Government, a period of rest of not less than half an hour, so arranged that no such person shall work for more than five hours continuously, and ”.

8. In section 25 of the said Act, the words “ woman or ” shall be omitted.

Amendment of section 25, Act XII of 1911.

9. In sub-section (1) of section 30 of the said Act,—

Amendment of section 30, Act XII of 1911.

(a) in clause (e) after the word “ except ” the number and brackets “ (i) ” shall be inserted, and after the words “ seasons or ” the number and brackets “ (ii) ” shall be inserted;

(b) after the words “ as it may impose ” the words “ and in such area as may be specified in the notification ” shall be inserted;

(c) in the paragraph beginning “ in case (a) ” after the word “ sections ” the figures “ 21 ” shall be inserted;

(d) in the paragraph beginning “ in case (b) ” after the word “ sections ” the figures “ 21 ”, and after the figures “ 22 ” the figures “ 26 ” shall be inserted;

(e) in the paragraph beginning “ in case (c) ” for the word and figures “ and 22 ” the word and figures “ 22 and 28 ” shall be substituted;

(f) after the paragraph beginning “ in cases (d) and (e) ” the following paragraph shall be added, namely:—

“ in case (e) (ii) such class of factories from the provisions of section 26.”

10. In section 31 of the said Act, after the figure “ (1) ” the words and figure “ or sub-section (2) ” shall be inserted.

Amendment of section 31, Act XII of 1911.

11. After section 32 of the said Act the following section shall be inserted, namely:—

Insertion of new section 32A in Act XII of 1911.

“ 32A. The Local Government may, subject to the control of the Governor General in Council, by notification in the local

Other special exemptions.

local official Gazette, exempt on such conditions, if any, as it may impose—

(a) any factory or class of factories from the provisions of section 22 in respect of persons employed therein in any engine-room or boiler-house, or

(b) any fish-curing or fish-canning factory from the provisions of clause (a) of section 24 where the employment of women outside the limits provided by that clause is necessary to prevent any damage to or deterioration of any raw material."

Amendment of section 33, Act XII of 1911.

12. In sub-section (3) of section 33 of the said Act, for the words "the occupier shall himself" the words "or during which the person designated does not manage the factory, any person found acting as manager of the factory or, if no such person is found, the occupier himself shall" shall be inserted.

Amendment of section 34, Act XII of 1911.

13. In section 34 of the said Act, for the words "When any accident occurs in a factory causing." the words "When in any factory an accident occurs which causes" shall be substituted, and after the words "occurrence of the accident" the following shall be inserted, namely:—

"or which is due to any cause which has been notified in this behalf by the Local Government in the local official Gazette."

Amendment of section 35, Act XII of 1911.

14. To section 35 of the said Act the following proviso shall be added, namely:—

"Provided that, where the Local Government is satisfied that the conditions of work in any factory or class of factories are such that no contravention of the provisions of Chapter IV is possible in the case of that factory or of factories of that class, as the case may be, the Local Government may, by notification in the local official Gazette, exempt, on such conditions, if any, as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section in respect of persons, other than children, employed therein:

Provided, further, that, where in the opinion of the inspector a muster roll or register kept in a factory gives the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall be kept in place of the register

register prescribed under this section, and such muster roll or register shall thereupon, for all the purposes of this Act, be deemed to be the register so prescribed."

15. For sub-section (3) of section 36 of the said Act the following sub-section shall be substituted, namely:—

Amendment of section 36, Act XII of 1911.

"(3) The said notice shall be correctly maintained and kept up to date and any change in the standing orders of the factory shall be entered therein by the manager before such change comes into force; and, when any such change is entered in the notice, a copy of the notice or of the order in which the change is made shall be sent in duplicate by the manager to the inspector within thirty-six hours."

16. After section 44 of the said Act the following section shall be inserted, namely:—

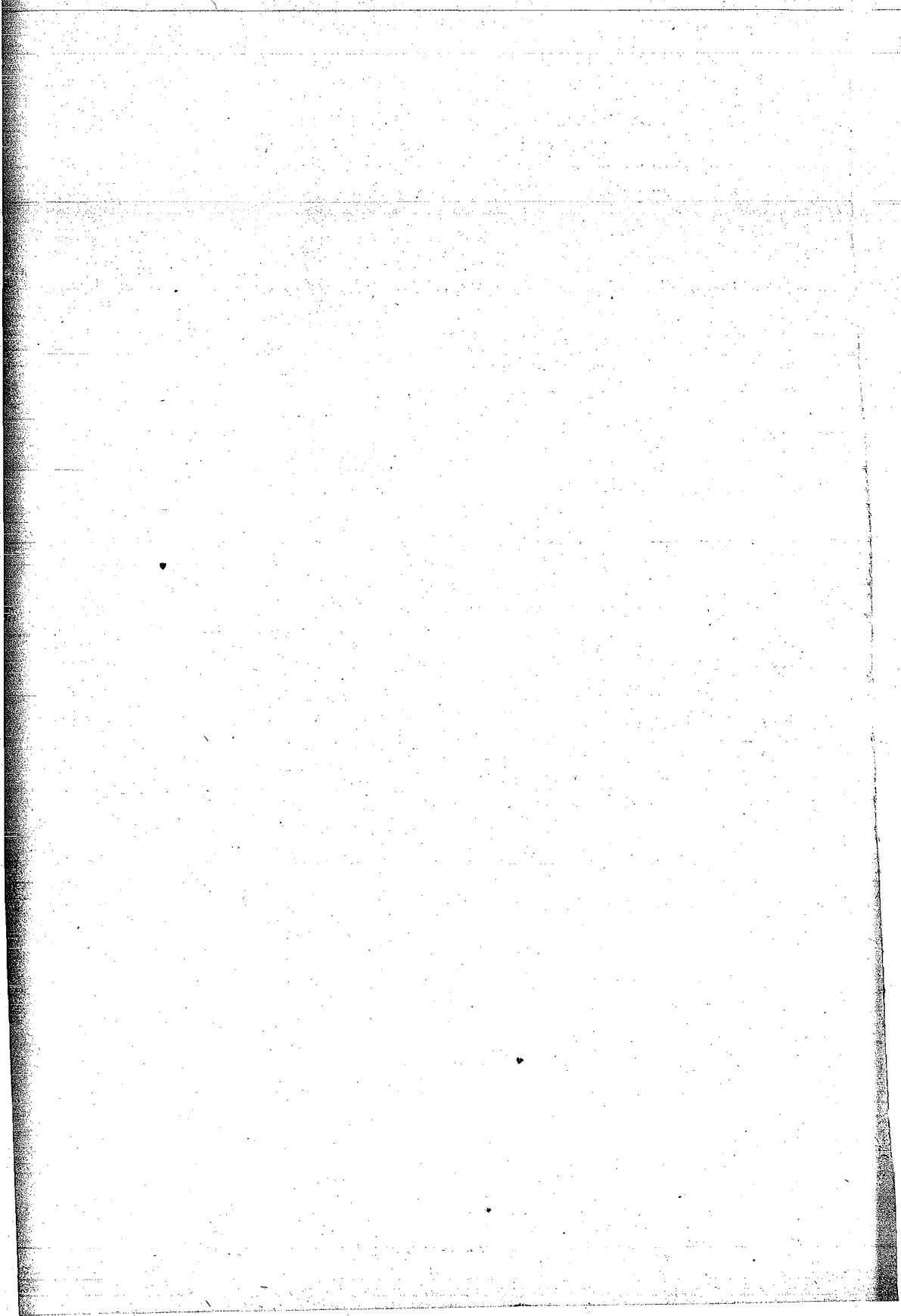
Insertion of new section 44A in Act XII of 1911.

"44A. Where a child is employed in any factory and such child has already been employed on the same day in any other factory, the parent or guardian or person having legal custody of or control over or direct benefit from the wages of the child shall be punished with fine, which may extend to twenty rupees, unless it appears to the Court that the offence was committed without the consent, connivance or wilful default of the parent, guardian, or such person as aforesaid."

Employment of children in two factories on the same day.

17. In section 49 of the said Act, after the word "thereunder" the words and figures "other than an offence under section 33" shall be inserted.

Amendment of section 49, Act XII of 1911.



ACT No. XXVII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

An Act to explain certain provisions of the Transfer of Property Act, 1882.

WHEREAS it is expedient to explain certain provisions of
the Transfer of Property Act, 1882; It is hereby enacted
as follows:—

1. This Act may be called the Transfer of Property (Amend- Short title.
ment) Act, 1926.

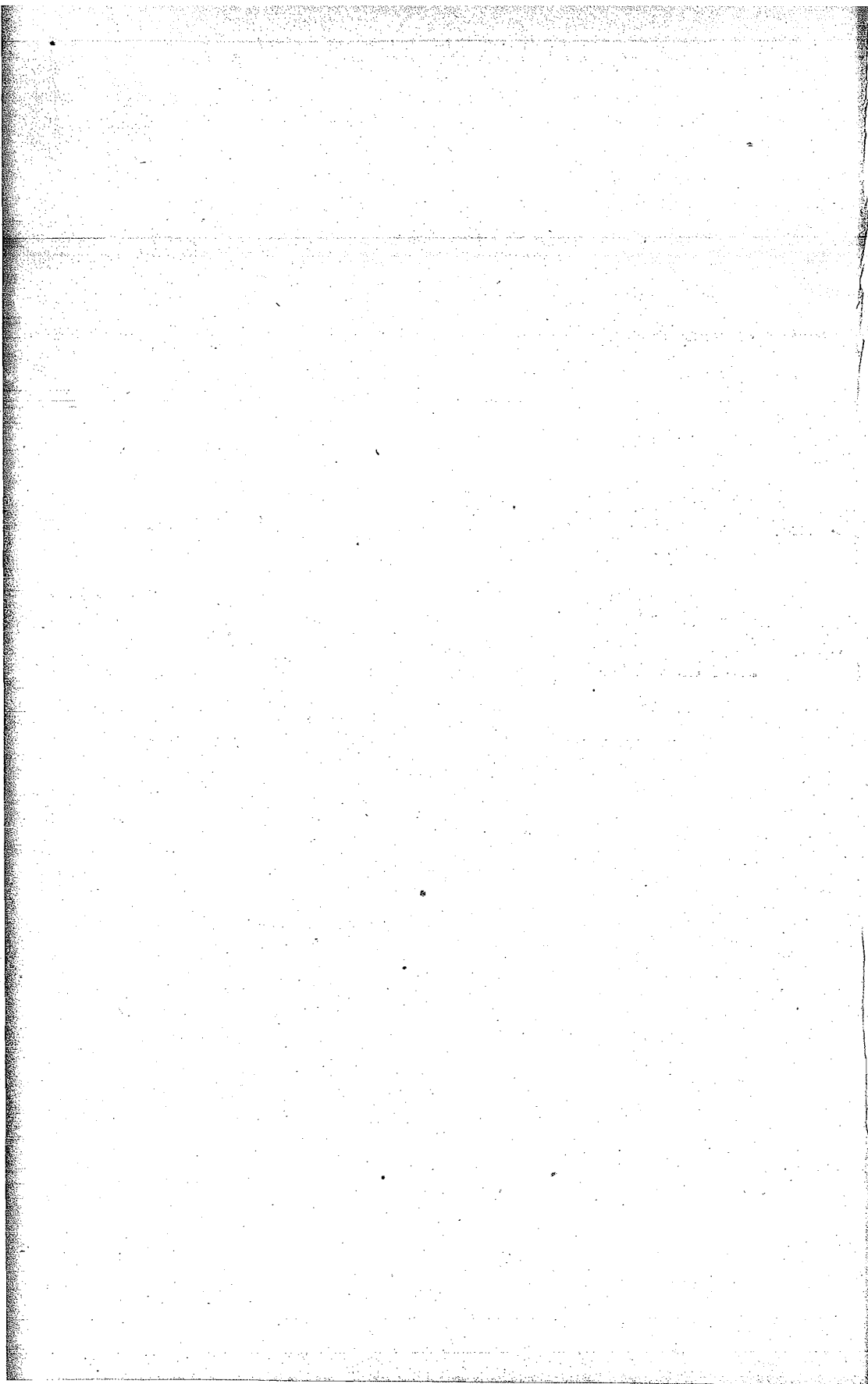
2. In section 3 of the Transfer of Property Act, 1882, Amendment of
section 3,
Act IV of 1882. after the definition of the word "instrument", the following
shall be inserted, namely:—

“ ‘ attested ’, in relation to an instrument, means attested
by two or more witnesses each of whom has seen
the executant sign or affix his mark to the instru-
ment, or has seen some other person sign the
instrument in the presence and by the direction
of the executant, or has received from the execu-
tant a personal acknowledgment of his signature
or mark, or of the signature of such other person,
and each of whom has signed the instrument in
the presence of the executant; but it shall not be
necessary that more than one of such witnesses
shall have been present at the same time, and no
particular form of attestation shall be necessary.”

Price Anna 1 or 1½d.]

1

MGIPC—L—I-151(a)—8-5-26—12,500.



ACT No. XXVIII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
3rd September, 1926.)

An Act to amend the Usurious Loans Act, 1918, for certain purposes.

WHEREAS it is expedient to amend the Usurious Loans Act, 1918, for certain purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Usurious Loans (Amendment) Act, 1926. Short title.

2. To sub-section (3) of section 2 of the Usurious Loans Act, 1918 (hereinafter referred to as the said Act), the following shall be added after clause (b), namely:— Amendment of section 2, Act X of 1918.

“ or

(c) for the redemption of any security given after the commencement of this Act in respect of any loan made either before or after the commencement of this Act ”.

3. In section 3 of the said Act,—

(i) in clause (i) of the proviso to sub-section (1), for the word “ six ” the word “ twelve ” shall be substituted; and Amendment of section 3, Act X of 1918.

(ii) to sub-section (3) after the words “ in respect of a loan ” the words “ or for the redemption of any such security ” shall be added.

Price 1 anna or 1½d.]

ACT No. XXIX OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
3rd September, 1926.)

An Act further to amend the Workmen's Compensation Act, 1923.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923; It is hereby enacted as follows:—

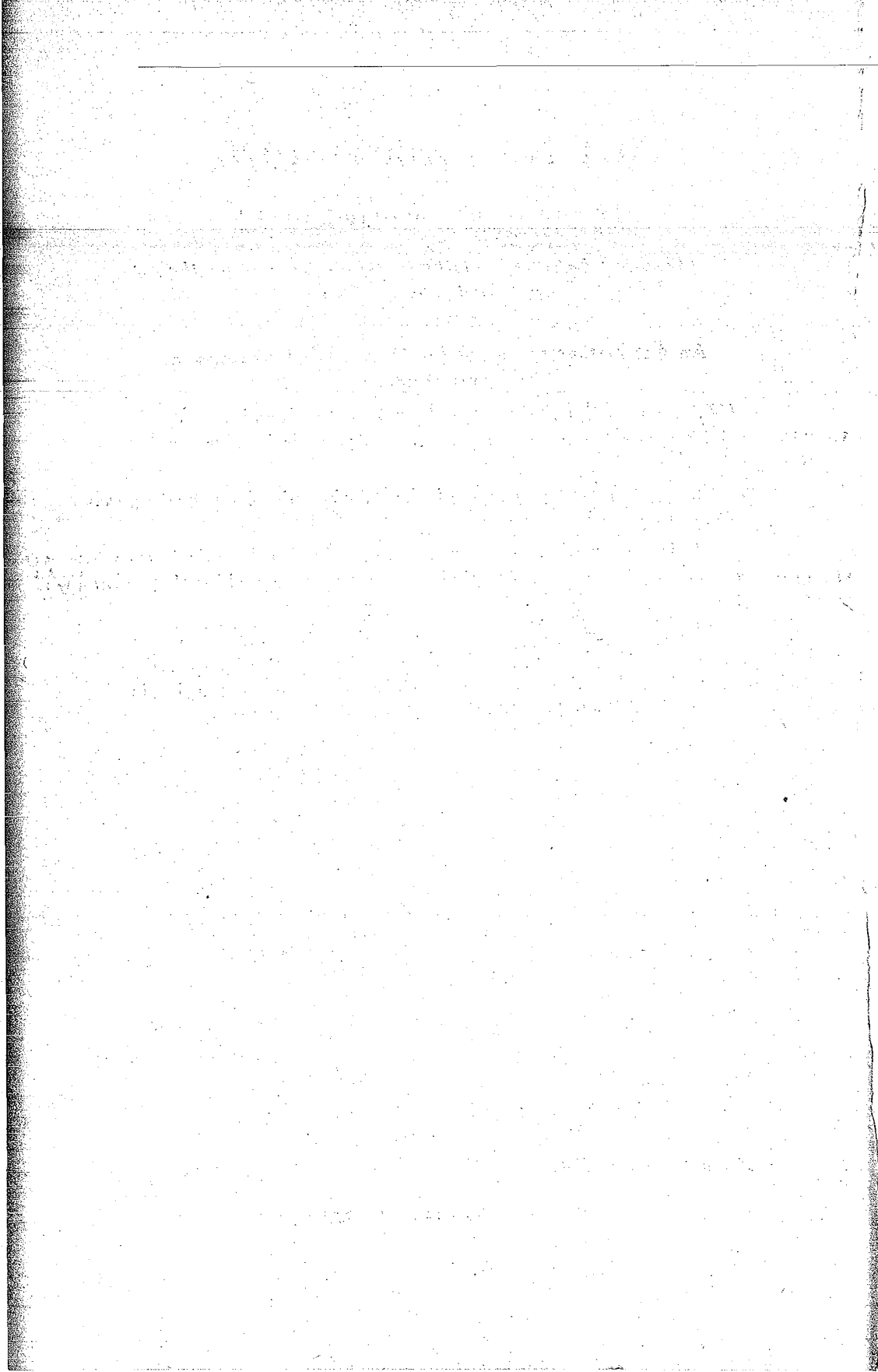
1. This Act may be called the Workmen's Compensation Short title.
(Amendment) Act, 1926.

2. In sub-section (2) of section 3 of the Workmen's Com- Amendment of
pensation Act, 1923, for the words "hides or skins" the section 3, Act
following shall be substituted, namely:— VIII of 1923.

"or animal carcasses or parts of such carcasses, or in the loading, unloading or transport of any merchandise, or in any work in connection with animals infected with anthrax."

Price 1 anna or 1½d.]

MGIPC—L—1-85—14-10-26—12,500.



ACT No. XXX OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
3rd September, 1926.)

An Act further to amend the Negotiable Instruments Act, 1881, and the Code of Civil Procedure, 1908, for certain purposes.

VI of 1881. **W**HEREAS it is expedient further to amend the Nego-
tiable Instruments Act, 1881, and the Code of Civil
of 1908. Procedure, 1908, for the purposes hereinafter appearing; It
is hereby enacted as follows:—

1. This Act may be called the Negotiable Instruments Short title
(Interest) Act, 1926.

VI of 1881. 2. In section 80 of the Negotiable Instruments Act, 1881, Amendment of
of 1908. for the words and figures “except in cases provided for by section 80, Act
the Code of Civil Procedure, section 532” the words “not- XXVI of
withstanding any agreement relating to interest between any 1881.
parties to the instrument” shall be substituted.

of 1908. 3. In section 117 of the same Act, the words and brackets Amendment of
“ (except in cases provided for by the Code of Civil Procedure, section 117, Act
section 532,) ” shall be omitted. XXVI of 1881.

of 1908. 4. In the First Schedule to the Code of Civil Procedure, Amendment of
1908— First Schedule
to Act V of
1908.

(1) in sub-rule (2) of rule 2 of Order XXXVII, for the
words beginning with the words “for any sum
not exceeding” and ending with the words “exe-
cuted forthwith” the following shall be sub-
stituted, namely:—

“(a) for the principal sum due on the instrument
and for interest calculated in accordance with
the provisions of section 79 or section 80, as
the case may be, of the Negotiable Instru-
ments Act, 1881, up to the date of the insti-
tution

XXVI of 1881.

Negotiable Instruments (Interest). [ACT XXX OF 1926.]

tution of the suit, or for the sum mentioned in the summons, whichever is less, and for interest up to the date of the decree at the same rate or at such other rate as the Court thinks fit; and

- (b) for such subsequent interest, if any, as the Court may order under section 34 of this Code; and
- (c) for such sum for costs as may be prescribed:

Provided that, if the plaintiff claims more than such fixed sum for costs, the costs shall be ascertained in the ordinary way.

- (3) A decree passed under this rule may be executed forthwith; and
- (2) in Form No. 4 in Appendix B, after the words "for costs" the words "together with such interest, if any, from the date of the institution of the suit as the Court may order" shall be inserted.

ACT No. XXXI OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

**An Act further to amend the Indian Evidence Act, 1872, for a
certain purpose.**

WHEREAS it is expedient further to amend the Indian
Evidence Act, 1872, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Evidence (Amend- Short title.
ment) Act, 1926.

2. To section 68 of the Indian Evidence Act, 1872, the Amendment of
following proviso shall be added, namely:— section 68,
Act I of 1872.

“ Provided that it shall not be necessary to call an attest-
ing witness in proof of the execution of any docu-
ment, not being a will, which has been registered
in accordance with the provisions of the Indian
Registration Act, 1908, unless its execution by the
person by whom it purports to have been executed
is specifically denied.”

Price Anna 1 or 1½d.]

ACT NO XXXI OF 1936.

[PASSES BY THE LEGISLATURE]

[Enacted the order of the Governor General on the 21st September, 1936.]

An Act further to amend the Indian Evidence Act, 1872, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Evidence Act, 1872, for the purpose hereinbefore specified: It is hereby enacted as follows:—

1. This Act may be called the Indian Evidence (Amendment) Act, 1936.

2. To section 63 of the Indian Evidence Act, 1872, the following proviso shall be added, namely:—

Provided that it shall not be necessary to call as a witness in proof of the execution of any document, not being a will, which has been registered in accordance with the provisions of the Indian Registration Act, 1908, unless its execution by the person by whom it purports to have been executed is specifically denied.

[Printed and Published by the Government of India.]

ACT No. XXXII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

An Act further to amend the Administrator General's Act, 1913.

WHEREAS it is expedient further to amend the Administrator General's Act, 1913, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Administrator General's Short title.
(Amendment) Act, 1926.

2. In sections 9, 31 and 37 of the Administrator General's Amendments of sections 9, 31 and 37, Act III of 1913,
Act, 1913, for the words "one thousand" the words "two thousand" shall be substituted.

Price Anna 1 or 1½d.]

1961-1962

1963-1964

1965-1966

1967-1968

1969-1970

1971-1972

1973-1974

1975-1976

1977-1978

1979-1980

1981-1982

1983-1984

1985-1986

1987-1988

1989-1990

1991-1992

1993-1994

1995-1996

1997-1998

1999-2000

ACT No. XXXIII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

An Act further to amend the Indian Companies Act, 1913, for a certain purpose.

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

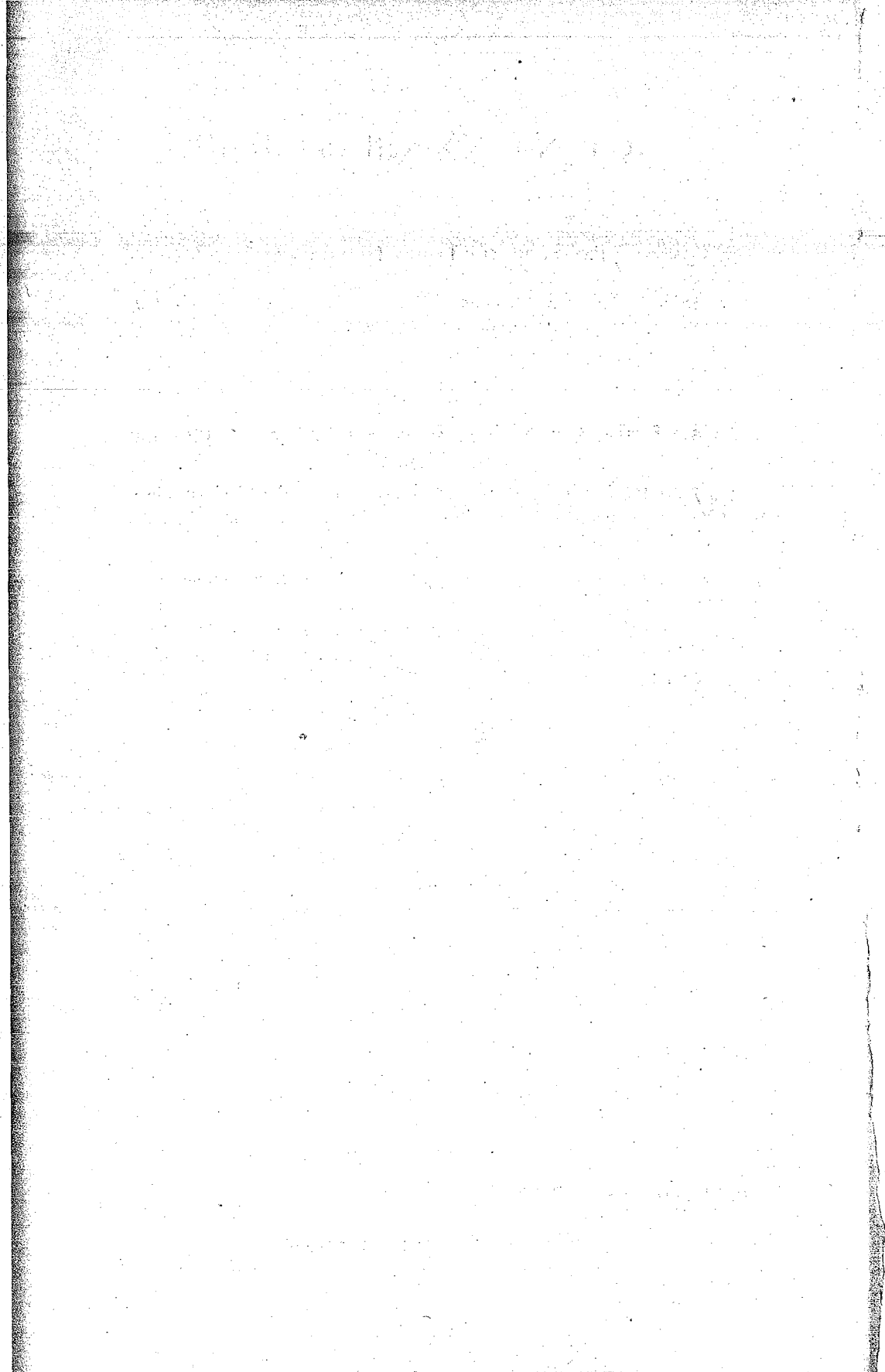
1. This Act may be called the Indian Companies (Amend- Short title.
ment) Act, 1926.

2. In sub-section (1) of section 26 of the Indian Companies Amendment of
section 26, Act
VII of 1913.
Act, 1913, after the word "science" the word "religion" shall be inserted.

Price Anna 1 or 1½d.]

MGIPC—L—I-93—28-10-26—7,500.

Handwritten text at the top of the page, possibly a title or header.



ACT No. XXXIV OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th September, 1926.)

An Act to supplement the Sind Courts Act, 1926.

et VII **W**HEREAS it is expedient to supplement the Sind Courts Act, 1926, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Courts (Supplementary) Act, 1926. Short title and commencement.

et VII (2) It shall come into force on the commencement of the Sind Courts Act, 1926.

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

et VII 3. Part I of the First Schedule and Part I of the Second Schedule to the Sind Courts Act, 1926, are hereby repealed. Repeals.

THE SCHEDULE.

ENACTMENTS AMENDED.

(See section 2.)

Year.	No.	Short title.	Amendments.
1886.	XXVII.	The Indian Trustee Act, 1886.	In section 2, in the definition of "High Court", for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be substituted.
"	XXVIII	The Trustees' and Mortgagees' Powers Act, 1886.	In section 1, in the definition of "High Court", for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be substituted.

1889

1

Price Anna 1 or 1½d.]

THE SCHEDULE—contd.

Year.	No.	Short title.	Amendments.
1869	IV	The Indian Divorce Act.	In section 3— (1) in clause (1), after the words " the Chief Court of Oudh " the words " in Sind—the Chief Court of Sind " shall be inserted ; (ii) in clause (2)— (i) the words " in Sind—the Judicial Commissioner of that province " shall be omitted, and (ii) after the words " in Burma " the words " and Sind " shall be inserted.
1875	XVIII	The Indian Law Reports Act, 1875.	(1) In the preamble for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be substituted. (2) In section 3, after the words " Court of Oudh " the words " or the Chief Court of Sind " shall be inserted.
1879	XVIII	The Legal Practitioners Act, 1879.	In sub-section (4) of section 41, for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be substituted.
1891	XVI	The Colonial Courts of Admiralty (India) Act, 1891.	In section 2— (1) after clause (4) the following clause shall be inserted, namely :— " (4a) The Chief Court of Sind, and " ; (ff) the word " and ", at the end of clause (5), and clause (6) shall be omitted.
1898	V	The Code of Criminal Procedure, 1898.	(1) In clause (j) of sub-section (I) of section 4— (1) for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be substituted, and (ff) for the words " Courts of the Judicial Commissioners of the Central Provinces and Sind " the words " Court of the Judicial Commissioner of the Central Provinces " shall be substituted. (2) In section 266— (1) for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be substituted ; and (ii) for the words " Courts of the Judicial Commissioners of the Central Provinces and Sind " the words " Court of the Judicial Commissioner of the Central Provinces " shall be substituted. (3) In sub-section (I) of section 364, after the words " Court of Oudh " the words " or the Chief Court of Sind " shall be inserted. (4) In section 365, for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be substituted.
1908	V	The Code of Civil Procedure, 1908.	(1) In section 122, for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be substituted. (2) In section 123, for the words " of the Chief Court " the words " Chief Courts " shall be substituted.

THE SCHEDULE—*concl'd.*

Year.	No.	Short title.	Amendments.
1908	IX	The Indian Limitation Act, 1908.	In the First Schedule, Third Division, in Article 162, after the word "Bombay" the words "or the Chief Court of Sind" shall be inserted.
1909	III	The Presidency-towns Insolvency Act, 1909.	(1) In clause (bbb) of section 2, for the words "Court of the Judicial Commissioner of Sind" the words "Chief Court of Sind" shall be substituted. (2) For clause (b) of section 3 the following clause shall be substituted, namely:— " (b) the Chief Court of Sind ". (3) In section 4 and in sub-section (1) of section 6, for the words "Judicial Commissioner" the words "Chief Judge" shall be substituted. (4) In sub-section (1) of section 77, for the words "Judicial Commissioner of Sind" the words "Chief Judge of the Chief Court of Sind" shall be substituted. (5) In sub-section (8) of section 90, for the words "Court of the Judicial Commissioner of Sind" the words "Chief Court of Sind" shall be substituted.
1920	V	The Provincial Insolvency Act, 1920.	In clause (b) of sub-section (1) of section 2, for the words "Court of the Judicial Commissioner of Sind" the words "Chief Court of Sind" shall be substituted.

1300 50

ACT No. XXXV OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

An Act further to amend the Cantonments Act, 1924, for certain purposes.

224. **W**HEREAS it is expedient further to amend the Canton-
ments Act, 1924, for the purposes hereinafter appear-
ing; It is hereby enacted as follows:—

1. This Act may be called the Cantonments (Amendment) Short title.
Act, 1926.

2. In clause (i) of section 2, the proviso to clause (e) of Amendment of
certain sections
of Act II of
1924.
sub-section (1) of section 14, sub-section (4) of section 22, sub-
section (3) of section 36, section 83, sub-section (1) of section
101, sub-section (2) of section 134, sub-section (1) of section
151 and the proviso thereto, sub-section (1) of section 192,
224. clauses (b) and (c) of section 200 of the Cantonments Act, 1924
(hereinafter referred to as the said Act), and in each entry,
except the last, in Schedule V to the said Act, for the words
“ Officer Commanding the District,” the words “ Officer Com-
manding-in-Chief, the Command ” shall be substituted.

3. In sub-section (2) of section 41 of the said Act, after Amendment of
section 41, Act
II of 1924.
the words “ information to ”, the words “ the Officer Com-
manding-in-Chief, the Command ” shall be inserted.

4. In sections 47 and 48 of the said Act, for the words Amendment of
sections 47 and
48, Act II of
1924.
“ Officer Commanding the District ” the words “ Governor
General in Council or the Officer Commanding-in-Chief, the
Command ” shall be substituted.

5. In section 49 of the said Act,—

(i) for the words “ Officer Commanding the District ” Amendment of
section 49, Act
II of 1924.
where they occur for the first time, the words
“ Governor

1

Price Anna 1 or 1½d.]

“ Governor General in Council or the Officer Commanding-in-Chief, the Command ” shall be substituted;

- (ii) for the words “ with the concurrence of the Officer Commanding-in-Chief, the Command, and of ”, the words “ after consultation with ” shall be substituted; and
- (iii) for the words “ Officer Commanding the District,” where they occur in the proviso, the words “ Governor General in Council or the Officer Commanding-in-Chief, the Command, as the case may be ” shall be substituted.

Amendment of section 50, Act II of 1924.

6. In section 50 of the said Act, for the words “ Officer Commanding the District ”, the words “ Governor General in Council or the Officer Commanding-in-Chief, the Command, as the case may be,” shall be substituted.

Insertion of new section 99A in Act II of 1924.

7. After section 99 of the said Act the following section shall be inserted, namely:—

General power of exemption.

“ 99A. The Local Government may, by notification in the local official Gazette, exempt, either wholly or in part from the payment of any tax imposed under this Act, any person or class of persons or any property or goods or class of, property or goods belonging to the Secretary of State for India in Council.”

Insertion of new section 117A in Act II of 1924.

8. After section 117 of the said Act the following section shall be inserted, namely:—

Power of expenditure for educational purposes outside the cantonment.

“ 117A. A Cantonment Authority may make provision for educational objects outside the cantonment if it is satisfied that the interests of the residents of the cantonment will be served thereby.”

Amendment of section 277, Act II of 1924.

9. In section 277 of the said Act,—

- (i) sub-section (1) shall be omitted and sub-sections (2) and (3) shall be re-numbered sub-sections (1) and (2);
- (ii) in sub-section (2) as re-numbered, for the words “ Officer Commanding the District ”, the words “ Officer Commanding-in-Chief, the Command ” shall be substituted.

10. In

10. In sub-section (2) of section 280 of the said Act, after clause (h) the following clause shall be inserted, namely:—

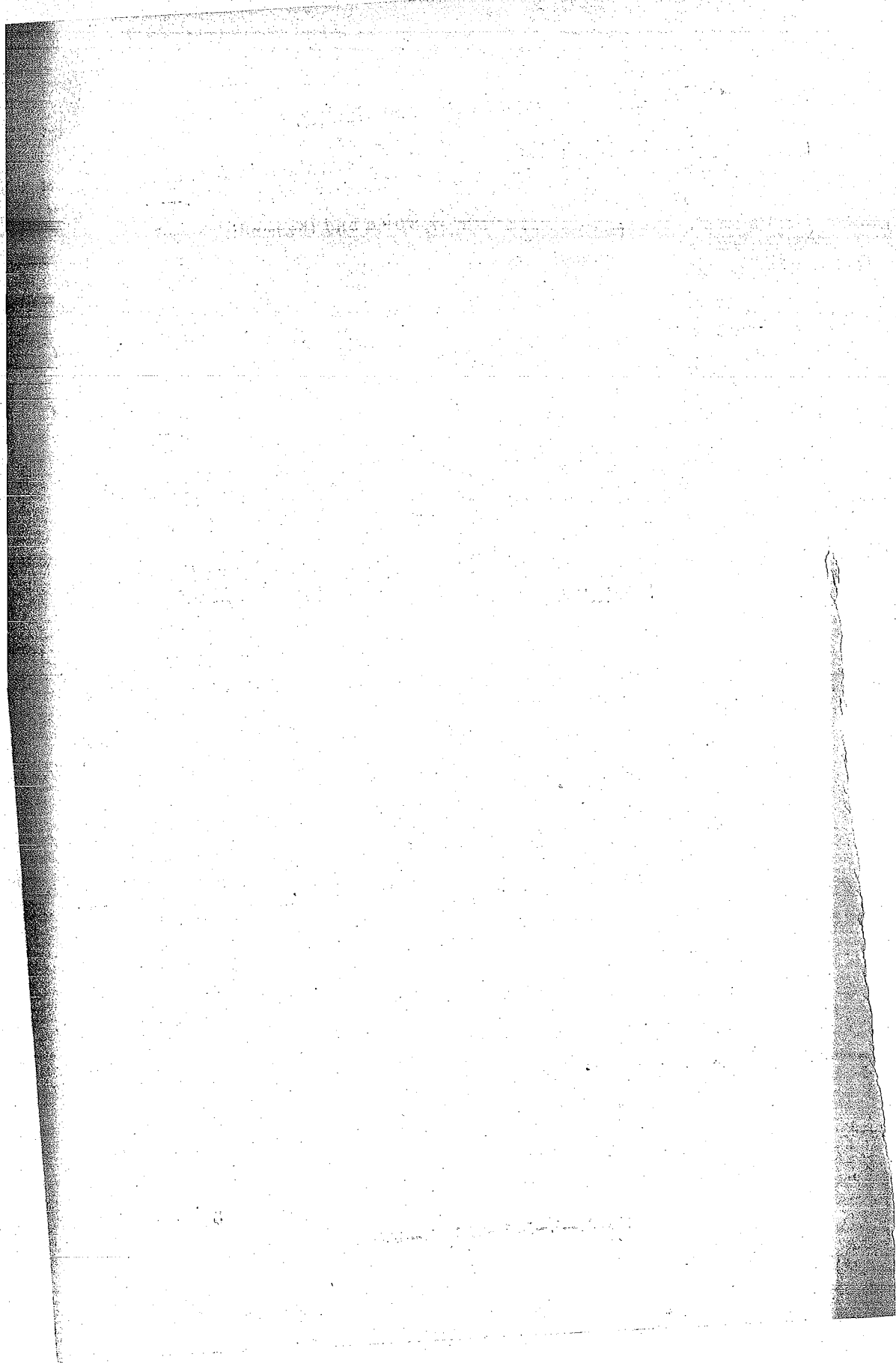
Amendment of
section 280,
Act II of 1924.

“(hh) the circumstances in which and the conditions subject to which remissions and refunds of taxes may be made in respect of buildings in hill cantonments”.

11. For sub-section (2) of section 287 of the said Act the following sub-section shall be substituted, namely:—

Amendment of
section 287,
Act II of 1924.

“(2) The Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Indian Registration Act, 1908, in which any cantonment is situated, shall, when any application for the registration of a document relating to immovable property within the cantonment is made, cause a copy thereof to be forwarded forthwith to the Cantonment Authority or such other authority as the Governor General in Council may prescribe in this behalf.”



ACT No. XXXVI OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

An Act further to amend the Code of Criminal Procedure, 1898, for a certain purpose.

1898. **W**HEREAS it is expedient further to amend the Code of
Criminal Procedure, 1898, for the purpose hereinafter
appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Criminal Procedure Short title.
(Third Amendment) Act, 1926.

1898. 2. In sub-section (1) of section 99A of the Code of Criminal
Procedure, 1898 (hereinafter referred to as the said Act),— Amendment of
section 99A,
Act V of 1898.

(a) after the words " seditious matter " the words " or
any matter which promotes or is intended to promote
feelings of enmity or hatred between different
classes of His Majesty's subjects " shall be inserted;
and

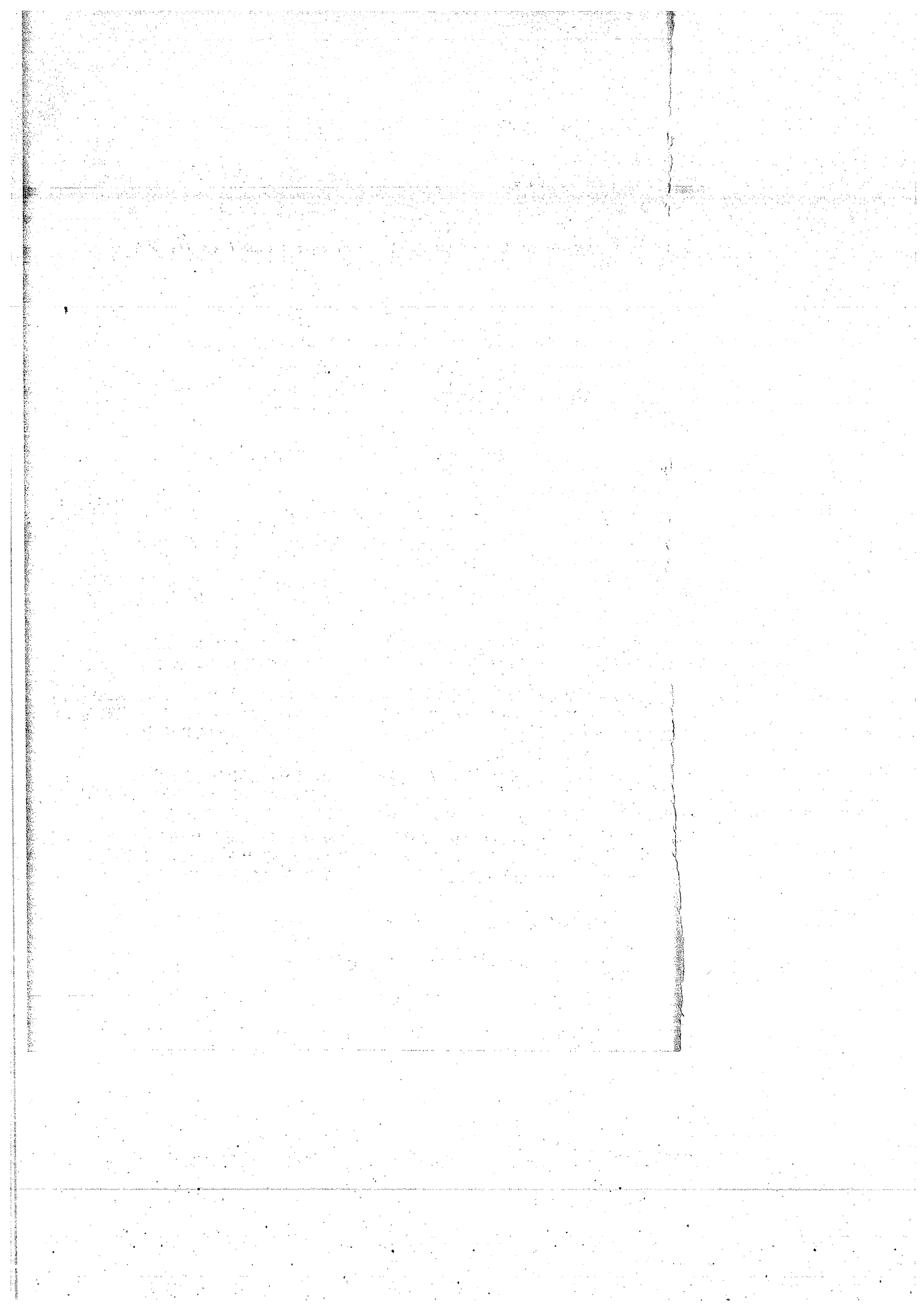
(b) after the word and figures " section 124A " the words
and figures " or section 153A " shall be inserted.

3. In section 99B of the said Act, for the words " seditious Amendment of
section 99B,
Act V of 1898.
matter " the words " seditious or other matter of such a
nature as is referred to in sub-section (1) of section 99A " shall
be substituted.

4. In sub-section (1) of section 99D of the said Act, for the Amendment of
section 99D,
Act V of 1898.
words " seditious matter of the nature " the words " seditious
or other matter of such a nature as is " shall be substituted.

5. In section 99E of the said Act, for the words " which Amendment of
section 99E,
Act V of 1898.
are alleged to be seditious matter " the words " in respect of
which the order of forfeiture was made " shall be substituted.

Price Anna 1 or 1½d.]



ACT No. XXXVII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

An Act to amend the Indian Succession Act, 1925, for a certain purpose.

WHEREAS it is expedient to amend the Indian Succession Act, 1925, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Succession (Amendment) Act, 1926. Short title and commencement.

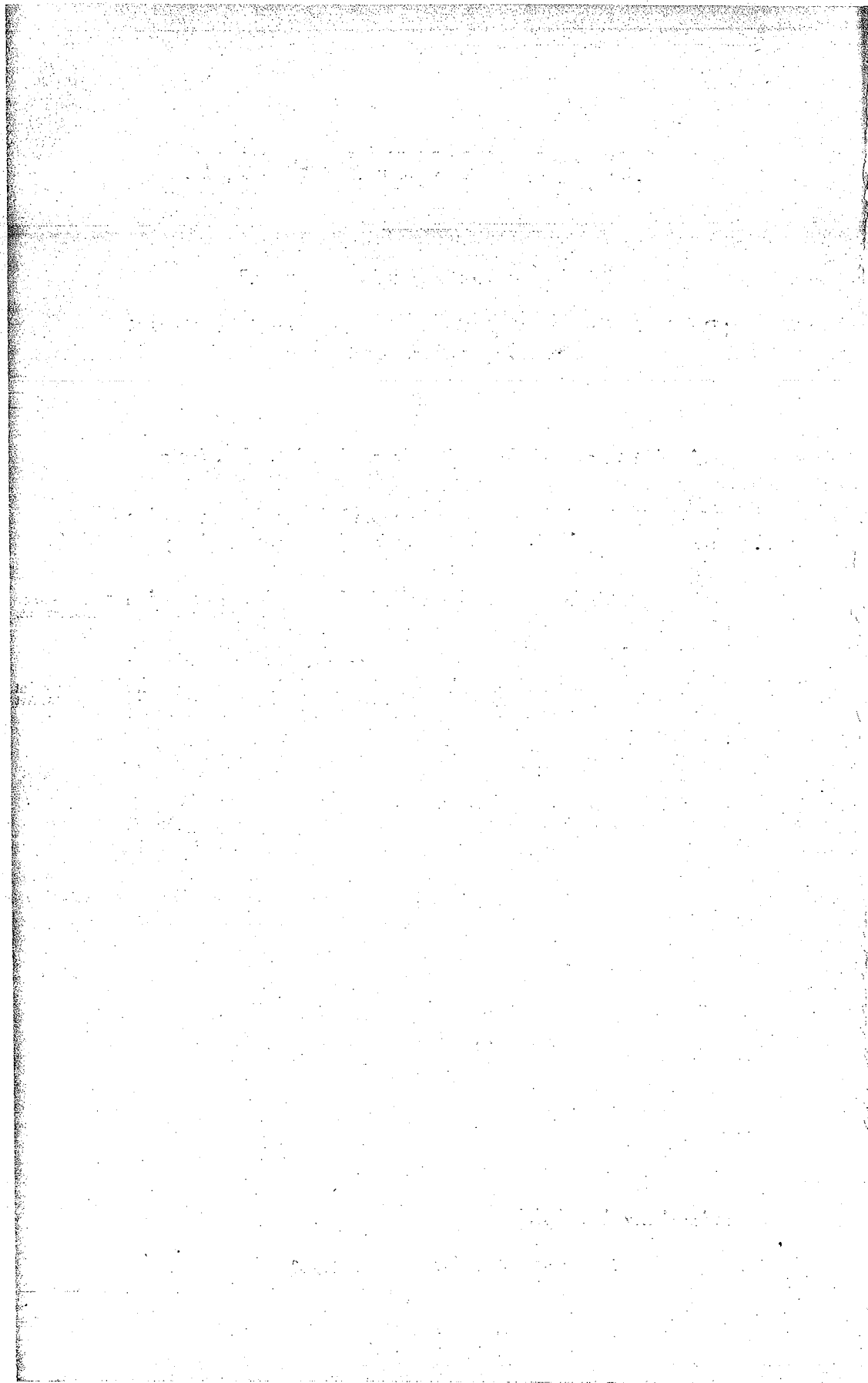
(2) It shall come into force on the 1st day of January, 1927.

2. Section 57 of the Indian Succession Act, 1925, shall be renumbered as sub-section (1) of section 57, and to that section the following sub-section shall be added, namely:— Amendment of section 57, Act XXXIX of 1925.

“(2) The provisions of section 63 shall apply to all wills and codicils made by any Hindu, Buddhist, Sikh or Jaina on or after the 1st day of January, 1927, to which those provisions are not applied by sub-section (1).”

Price Anna 1 or 1½d.]

MGIPC--L--I-97--27-10-26--12,500.



ACT No. XXXVIII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

An Act to provide for the constitution of Bar Councils in British India and for other purposes.

WHEREAS it is expedient to provide for the constitution and incorporation of Bar Councils for certain Courts in British India, to confer powers and impose duties on such Bar Councils, and to consolidate and amend the law relating to legal practitioners entitled to practise in such Courts; It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Indian Bar Councils Act, 1926.

Short title,
extent, appli-
cation and
commencement.

(2) It extends to the whole of British India, and shall apply to the High Courts of Judicature at Fort William in Bengal, and at Madras, Bombay, Allahabad, Patna and Rangoon and to such other High Courts within the meaning of clause (24) of section 3 of the General Clauses Act, 1897, as the Governor General in Council may, by notification in the Gazette of India, declare to be High Courts to which this Act applies.

(3) This section and sections 2, 17, 18 and 19 shall come into force at once; and the Governor General in Council may, by notification in the Gazette of India, direct that the other provisions of this Act, or any provision thereof specified in the notification, shall come into force in respect of any High Court to which this Act applies on such date as he may by the notification appoint.

2. In

1

Price Anna 1 or 1½ d.]

Interpretation.

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

- (a) “advocate” means an advocate entered in the roll of advocates of a High Court under the provisions of this Act;
- (b) “Advocate-General” includes, where there is no Advocate-General, the Government Advocate and, where there is no Advocate-General or Government Advocate, such officer as the Local Government may declare to be the Advocate-General for the purposes of this Act;
- (c) “High Court” means a High Court to which this Act applies; and
- (d) “prescribed” means prescribed by rules made under this Act.

Constitution of Bar Councils.

Constitution and incorporation of Bar Councils.

3. (1) For every High Court a Bar Council shall be constituted in the manner hereinafter provided.

(2) Every Bar Council so constituted shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property, both moveable and immoveable, and to contract, and shall by the name of the Bar Council of the High Court for which it has been constituted sue and be sued.

Composition of Bar Councils.

4. (1) Every Bar Council shall consist of fifteen members, of whom—

- (a) one shall be the Advocate-General;
- (b) four shall be persons nominated by the High Court, of whom not more than two may be Judges of that Court; and
- (c) ten shall be elected by the advocates of the High Court from amongst their number.

(2) Of the elected members of every Bar Council not less than five shall be persons who have for not less than ten years been entitled as of right to practise in the High Court for which the Bar Council has been constituted.

(3) Of the elected members of the Bar Councils to be constituted for the High Courts of Judicature at Fort William in Bengal

Bengal and at Bombay such proportion as the High Court may direct in each case shall be persons who have, for such minimum period as the High Court may determine, been entitled to practise in the High Court in the exercise of its original jurisdiction, and such number as may be fixed by the High Court out of the said proportion shall be barristers of England or Ireland or members of the Faculty of Advocates in Scotland.

(4) There shall be a Chairman and Vice-Chairman of each Bar Council elected by the Council in such manner as may be prescribed:

Provided that the Advocates-General of Bengal, Madras and Bombay shall be Chairmen *ex-officio*, respectively, of the Bar Councils constituted for the High Courts of Judicature at Fort William in Bengal, at Madras and at Bombay.

5. (1) Notwithstanding anything contained in clause (c) of sub-section (1) of section 4, the elected members of the first Bar Council constituted under this Act for any High Court shall be elected by and from amongst the advocates, vakils and pleaders who are on the date of the election entitled as of right to practise in the High Court.

Special provisions regarding constitution of first Bar Councils.

(2) The terms of office of the nominated and elected members of any such first Bar Council shall be three years from the date of the first meeting of the Council.

6. (1) Rules, consistent with this Act, may be made to provide for the following matters, namely:—

Power to make rules regarding constitution and procedure of Bar Councils.

(a) the manner in which elections of members of the Bar Council shall be held; the method of determining, in accordance with the provisions of sub-sections (2) and (3) of section 4, the candidates who shall be declared to have been elected; the manner in which the result of elections shall be published; and the manner in which and the authority by which doubts and disputes as to the validity of an election shall be finally decided;

(b) the terms of office of nominated and elected members of the Council;

(c) the filling of casual vacancies in the Council;

(d) the convening of meetings of the Council, and the quorum necessary for the transaction of business thereat;

(e) the

- (e) the manner of election and the respective terms of office of the Chairman, in cases where the Chairman is to be elected, and of the Vice-Chairman; and
- (f) any matter incidental or ancillary to any of the foregoing matters.

(2) The first rules under this section shall be made by the High Court, but the Bar Council may thereafter, with the previous sanction of the High Court, add to, amend or rescind any rules so made.

(3) No election of a member or members to the Council shall be called in question on the ground that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date fixed for the election has, not less than thirty days before that date, been published in the local official Gazette of the province, or of each province, as the case may be, in which the High Court exercises jurisdiction.

(4) Rules made under clause (b) of sub-section (1) may provide for the retirement of members from office by rotation and for the manner in which the order of such retirement shall be determined.

Power of Bar Councils to make bye-laws.

7. The Bar Council may make bye-laws consistent with this Act and any rules made thereunder to provide for any of the following matters, namely:—

- (a) the appointment of such ministerial officers and servants as the Bar Council may deem necessary, and the pay and allowances and other conditions of service of such officers and servants; and
- (b) the appointment and constitution of Committees of the Council, the procedure of such Committees, and the determination of the powers or duties of the Council which may be delegated to such Committees.

Admission and enrolment of advocates.

Enrolment of advocates.

8. (1) No person shall be entitled as of right to practise in any High Court, unless his name is entered in the roll of the advocates of the High Court maintained under this Act:

Provided that nothing in this sub-section shall apply to any attorney of the High Court.

(2) The

(2) The High Court shall prepare and maintain a roll of advocates of the High Court in which shall be entered the names of—

- (a) all persons who were, as advocates, vakils or pleaders, entitled as of right to practise in the High Court immediately before the date on which this section comes into force in respect thereof; and
- (b) all other persons who have been admitted to be advocates of the High Court under this Act:

Provided that such persons shall have paid in respect of enrolment the stamp-duty, if any, chargeable under the Indian Stamp Act, 1899, and a fee, payable to the Bar Council, which shall be ten rupees in the case of the persons referred to in clause (a), and in other cases such amount as may be prescribed.

1899.

(3) The High Court shall issue a certificate of enrolment to every person enrolled under this section.

(4) The High Court shall send to the Bar Council a copy of the roll as prepared under this section, and shall thereafter communicate to the Bar Council all alterations in, and additions to, the roll as soon as the same have been made.

(5) The Bar Council shall enter in the copy of the roll all alterations and additions so communicated to it.

9. (1) The Bar Council may, with the previous sanction of the High Court, make rules to regulate the admission of persons to be advocates of the High Court: Qualifications and admission of advocates.

Provided that such rules shall not limit or in any way affect the power of the High Court to refuse admission to any person at its discretion.

(2) In particular and without prejudice to the generality of the foregoing power, such rules shall provide for the following matters, namely:—

- (a) the qualifications to be possessed by persons applying for admission as advocates;
- (b) the form and manner in which applications shall be made to the High Court for admission;
- (c) the giving of notice by the High Court to the Bar Council of all such applications;
- (d) the hearing by the High Court of any objection preferred on behalf of the Bar Council to the admission of any applicant; and

(e) the

(e) the charging of fees payable to the Bar Council in respect of enrolment.

(3) Rules made under this section shall provide that no woman shall be disqualified for admission to be an advocate by reason only of her sex.

(4) Nothing in this section or in any other provision of this Act shall be deemed to limit or in any way affect the powers of the High Courts of Judicature at Fort William in Bengal and at Bombay to prescribe the qualifications to be possessed by persons applying to practise in those High Courts respectively in the exercise of their original jurisdiction or the powers of those High Courts to grant or refuse, as they think fit, any such application.

Misconduct.

Punishment of
advocate for
misconduct.

10. (1) The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate of the High Court whom it finds guilty of professional or other misconduct.

(2) Upon receipt of a complaint made to it by any Court or by the Bar Council or by any other person that any such advocate has been guilty of misconduct, the High Court shall, if it does not summarily reject the complaint, refer the case for inquiry either to the Bar Council or, after consultation with the Bar Council, to the Court of a District Judge (hereinafter referred to as a District Court) and may of its own motion so refer any case in which it has otherwise reason to believe that any such advocate has been so guilty.

Tribunal of Bar
Council.

11. (1) Where any case is referred for inquiry to the Bar Council under section 10, the case shall be inquired into by a Committee of the Bar Council (hereinafter referred to as the Tribunal).

(2) The Tribunal shall consist of not less than three and not more than five members of the Bar Council appointed for the purpose of the inquiry by the Chief Justice or Chief Judge of the High Court, and one of the members so appointed shall be appointed to be the President of the Tribunal.

Procedure in
inquiries.

12. (1) The High Court shall make rules to prescribe the procedure to be followed by Tribunals and by District Courts, respectively, in the conduct of inquiries referred under section 10.

(2) The

(2) The finding of a Tribunal on an inquiry referred to the Bar Council under section 10 shall be forwarded to the High Court through the Bar Council, and the finding of a District Court on such an inquiry shall be forwarded direct to the High Court which shall cause a copy thereof to be sent to the Bar Council.

(3) On receipt of the finding, the High Court shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the advocate concerned and to the Bar Council and to the Advocate-General, and shall afford the advocate concerned and the Bar Council and the Advocate-General an opportunity of being heard before orders are passed in the case.

(4) The High Court may thereafter either pass such final orders in the case as it thinks fit or refer it back for further inquiry to the Tribunal through the Bar Council or to the District Court, as the case may be, and, upon receipt of the finding after such further inquiry, deal with the case in the manner provided in sub-section (3) and pass final orders thereon.

(5) In passing final orders the High Court may pass such order as regards the payment of the costs of the inquiry and of the hearing in the High Court as it thinks fit.

(6) The High Court may, of its own motion or on application made to it in this behalf, review any order passed under sub-section (4) or sub-section (5) and maintain, vary or rescind the same, as it thinks fit.

(7) When any advocate is reprimanded or suspended under this Act, a record of the punishment shall be entered against his name in the roll of advocates of the High Court, and when an advocate is removed from practice his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

13. (1) For the purposes of any such inquiry as aforesaid, a Tribunal or a District Court shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

Powers of the Tribunal and Courts in inquiries.

- (a) enforcing the attendance of any person and examining him upon oath,
- (b) compelling the production of documents, and
- (c) issuing commissions for the examination of witnesses:

Provided

Provided that the Tribunal shall not have power to require the attendance of the presiding officer of any Court save with the previous sanction of the High Court or, in the case of an officer of a Criminal or Revenue Court, of the Local Government.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code; and a Tribunal shall be deemed to be a Civil Court for the purposes of sections 480, 482 and 485 of the Code of Criminal Procedure, 1898.

XLV of 1860.
V of 1898.

(3) For the purpose of enforcing the attendance of any person and examining him upon oath or of compelling the production of documents or of issuing commissions—

(a) the local limits of the jurisdiction of a Tribunal shall be those of the jurisdiction of the High Court by which the Tribunal has been constituted; and

(b) a Tribunal may send to any Civil Court having jurisdiction in the place where the Tribunal is sitting any summons or other process for the attendance of a witness or the production of a document required by the Tribunal, or any commission which it desires to issue, and the Civil Court shall serve such process or issue such commission, as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(4) Proceedings before a Tribunal or a District Court in any such inquiry shall be deemed to be civil proceedings for the purposes of section 132 of the Indian Evidence Act, 1872, and the provisions of that section shall apply accordingly.

I of 1872.

Miscellaneous.

Right of
advocates to
practise.

14. (1) An advocate shall be entitled as of right to practise—

(a) subject to the provisions of sub-section (4) of section 9, in the High Court of which he is an advocate, and

(b) save as otherwise provided by sub-section (2) or by or under any other law for the time being in force in any other Court in British India and before any other

other Tribunal or person legally authorised to take evidence, and

- (c) before any other authority or person before whom such advocate is by or under the law for the time being in force entitled to practise.

(2) Where rules have been made by any High Court within the meaning of clause (24) of section 3 of the General Clauses Act, 1897, or in the case of a High Court for which a Bar Council has been constituted under this Act, by such Bar Council under section 15, regulating the conditions subject to which advocates of other High Courts may be permitted to practise in the High Court, such advocates shall not be entitled to practise therein otherwise than subject to such conditions.

(3) Nothing in this section shall be deemed to limit or in any way affect the power of the High Court of Judicature at Fort William in Bengal or of the High Court of Judicature at Bombay to make rules determining the persons who shall be entitled respectively to plead and to act in the High Court in the exercise of its original jurisdiction.

15. A Bar Council may, with the previous sanction of the High Court for which it is constituted, make rules consistent with this Act to provide for and regulate any of the following matters, namely:—

General power
of Bar Councils
to make rules.

- (a) the rights and duties of the advocates of the High Court and their discipline and professional conduct;
- (b) the conditions subject to which advocates of other High Courts may be permitted to practise in the High Court;
- (c) the giving of facilities for legal education and training and the holding and conduct of examinations by the Bar Council;
- (d) the charging of fees payable to the Bar Council in respect of the enjoyment of educational facilities provided, or of the right to appear at examinations held, by the Bar Council;
- (e) the investment and management of the funds of the Bar Council; and
- (f) any other matter in respect of which the High Court may require rules to be made under this section.

16. The

Power to fix fees payable as costs.

16. The High Court shall make rules for fixing and regulating by taxation or otherwise the fees payable as costs by any party in respect of the fees of his adversary's advocate upon all proceedings in the High Court or in any Court subordinate thereto.

Indemnity against legal proceedings.

17. No suit or other legal proceeding shall lie against a Bar Council or any Committee, Tribunal or member of a Bar Council for any act in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.

Publication of rules.

18. All rules made under this Act shall be published in the local official Gazette of the province, or of each province, as the case may be, in which the High Court by which or with whose sanction the rules are made exercises jurisdiction.

Amendment of enactments, etc.

19. (1) When sections 8 to 16 come into force in respect of any High Court, any enactment mentioned in the first column of the Schedule which is in force in any province in which the High Court exercises jurisdiction shall, for the purpose of its application to that province, be amended to the extent and in the manner specified in the second column of the Schedule.

(2) When sections 8 to 16 come into force in respect of any High Court of Judicature established by Letters Patent, this Act shall have effect in respect of such Court notwithstanding anything contained in such Letters Patent, and such Letters Patent shall, in so far as they are inconsistent with this Act or any rules made thereunder, be deemed to have been repealed.

(3) When sections 8 to 16 come into force in respect of the High Court of Judicature at Bombay, the Bombay Pleaders' Act, 1920, except section 7 thereof, shall cease to apply to or in respect of any person enrolled as an advocate of the High Court under this Act, and nothing in that Act shall be deemed to authorise the admission or enrolment of any person as a vakil or pleader of the High Court.

Bom. Act XVII of 1920

(4) When this Act has come into force in respect of any High Court, any provision of any other enactment or any order, scheme, rule, form or bye-law made thereunder, which was before that date applicable to advocates, vakils or pleaders entitled to practise in such High Court shall, unless such a construction is repugnant to the context or to any provision made by or under this Act, be construed as applying to advocates of the High Court enrolled under this Act.

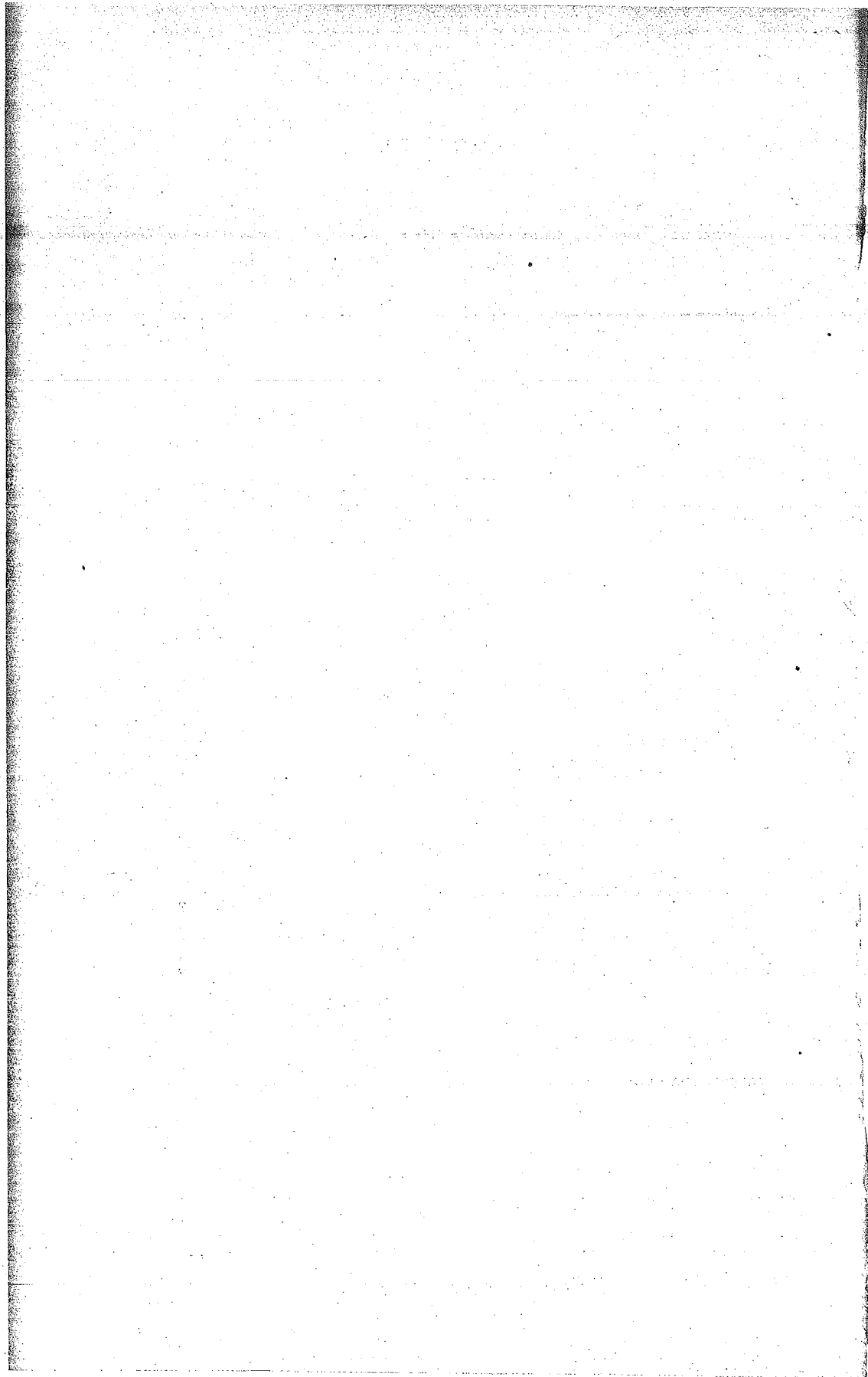
THE SCHEDULE.

THE SCHEDULE.

(See section 19.)

AMENDMENT OF ENACTMENTS.

Enactments amended.	Extent and manner of amendment.
The Legal Practitioners Act, 1879.	<p>(1) In section 4, after the words "with the permission of the Court" the words and figures "or, in the case of a High Court in respect of which the Indian Bar Councils Act, 1926, is in force, subject to rules made under that Act" shall be inserted.</p> <p>(2) In section 6, clauses (a) and (b), after the words "Royal Charter" the words and figures "in respect of which the Indian Bar Councils Act, 1926, is not in force" shall be inserted.</p> <p>(3) To section 38 the following words and figures shall be added, namely :— "and, except as provided by section 36, nothing in this Act applies to persons enrolled as advocates of any High Court under the Indian Bar Councils Act, 1926."</p> <p>(4) In section 41, sub-section (1), after the words "Royal Charter" the words and figures "in respect of which the Indian Bar Councils Act, 1926, is not in force" shall be inserted.</p>
The Indian Stamp Act, 1899.	In Article 30 of the First Schedule after the words "High Court," where they first occur, the words and figures "under the Indian Bar Councils Act, 1926, or" shall be inserted.
The Madras Stamp (Amendment) Act, 1922.	In Article 25 of Schedule 1A, after the words "High Court," where they first occur, the words and figures "under the Indian Bar Councils Act, 1926, or" shall be inserted.
The Bengal Stamp (Amendment) Act, 1922.	In Article 30 of Schedule 1A, after the words "High Court," where they first occur, the words and figures "under the Indian Bar Councils Act, 1926, or" shall be inserted.
The Indian Stamp (Punjab Amendment) Act, 1922.	In Article 30 of Schedule 1A, after the words "High Court," where they first occur, the words and figures "under the Indian Bar Councils Act, 1926, or" shall be inserted.
The Assam Stamp (Amendment) Act, 1922.	In Article 30 of Schedule 1A, after the words "High Court," where they first occur, the words and figures "under the Indian Bar Councils Act, 1926, or" shall be inserted.



ACT No. XXXIX OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th September, 1926.)

An Act further to amend the Provincial Insolvency Act, 1920, for certain purposes.

20. **W**HEREAS it is expedient further to amend the Provincial Insolvency Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Provincial Insolvency Short title.
(Amendment) Act, 1926.

20. 2. In sub-section (3) of section 33 of the Provincial Insolvency Act, 1920 (hereinafter referred to as the said Act), for the word "insolvent", where it occurs for the last time, the word "receiver" shall be substituted. Amendment of section 33, Act V of 1920.

3. After section 54 of the said Act the following section shall be inserted, namely:— Insertion of new section 54A in Act V of 1920.

"54A. A petition for the annulment of any transfer under section 53, or of any transfer, payment, obligation or judicial proceeding under section 54, may be made by the receiver or, with the leave of the Court, by any creditor who has proved his debt and who satisfies the Court that the receiver has been requested and has refused to make such petition." By whom petitions for annulment may be made.

4. After section 59 of the said Act the following section shall be inserted, namely:— Insertion of new section 59A in Act V of 1920.

"59A. (1) The Court, if specially empowered in this behalf by an order of the Local Government, or any officer of the Court so empowered by a like order, may, on the application of the receiver or any creditor who has proved his debt, at any time after an order of adjudication has been made, summon before it in the prescribed manner any person known or suspected Power to require information regarding insolvent's property.

Provincial Insolvency (Amendment). [ACT XXXIX OF 1926.]

suspected to have in his possession any property belonging to the insolvent, or supposed to be indebted to the insolvent, or any person whom the Court or such officer, as the case may be, may deem capable of giving information respecting the insolvent or his dealings or property, and the Court or such officer may require any such person to produce any documents in his custody or power relating to the insolvent or to his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court or such officer at the time appointed, or refuses to produce any such document, having no lawful impediment made known to and allowed by the Court or such officer, the Court or such officer may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court or such officer may examine any person so brought before it or him concerning the insolvent, his dealings or property, and such person may be represented by a legal practitioner ”.

Insertion of
new section
67A in Act V
of 1920.
Committee of
Inspection.

5. After section 67 of the said Act the following section shall be inserted, namely:—

“ 67A. (1) The Court may, if it thinks fit, authorise the creditors who have proved their debts to appoint a committee of inspection for the purpose of superintending the administration of the insolvent’s property by the receiver.

(2) The persons appointed to a committee of inspection shall be creditors who have proved their debts or persons holding general powers-of-attorney from such creditors.

(3) The committee of inspection shall have such powers of control over the proceedings of the receiver as may be prescribed.”

Amendment of
section 79, Act
V of 1920.

6. In sub-section (2) of section 79 of the said Act, the word “ and ” at the end of clause (c) shall be omitted, and after clause (d) the following clause shall be added, namely:—

“ and

(e) for any matter which is to be or may be prescribed ”.

Amendment of
section 80, Act
V of 1920.

7. In sub-section (1) of section 80 of the said Act, clauses (a), (c) and (d) shall be omitted.

ACT No. XL OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

An Act to amend the provisions of section 33 of the Indian Succession Act, 1925.

XXIX of 25. **W**HEREAS it is expedient to amend the provisions of section 33 of the Indian Succession Act, 1925, so as to provide more liberally for the surviving widow or husband where there are no lineal descendants in the case of a total intestacy; It is hereby enacted as follows:—

1. This Act may be called the Indian Succession (Amend- short title.
ment) Act, 1926.

XXIX of 26. 2. To clause (b) of section 33 of the Indian Succession Act, 1925 (hereinafter referred to as the said Act), before the words "If he has left no lineal descendant" there shall be prefixed the words "Save as provided by section 33A".
Amendment of section 33, Act XXXIX of 1925.

3. After section 33 of the said Act the following section shall be inserted, namely:—
Insertion of new section 33A in Act XXXIX of 1925.

"33A. (1) Where the intestate has left a widow but no lineal descendants and the nett value of his property does not exceed five thousand rupees, the whole of his property shall belong to the widow.
Special provision where intestate has left widow and no lineal descendants.

(2) Where the nett value of the property exceeds the sum of five thousand rupees, the widow shall be entitled to five thousand rupees thereof and shall have a charge upon the whole of such property for such sum of five thousand rupees, with interest thereon from the date of the death of the intestate at 4 per cent. per annum until payment.

(3) The provision for the widow made by this section shall be in addition and without prejudice to her interest and share
in

Price Anna 1 or 1½d.]

Indian Succession (Amendment). [ACT XL OF 1926.]

in the residue of the estate of such intestate remaining after payment of the said sum of five thousand rupees, with interest as aforesaid, and such residue shall be distributed in accordance with the provisions of section 33 as if it were the whole of such intestate's property.

(4) The nett value of the property shall be ascertained by deducting from the gross value thereof all debts, and all funeral and administration expenses of the intestate, and all other lawful liabilities and charges to which the property shall be subject.

(5) This section shall not apply—

(a) to the property of:—

- (i) any Indian Christian,
- (ii) any child or grandchild of any male person who is or was at the time of his death an Indian Christian, or
- (iii) any person professing the Hindu, Buddhist, Sikh or Jaina religion the succession to whose property is, under section 24 of the Special Marriage Act, 1872, regulated by the provisions of this Act;

(b) unless the deceased dies intestate in respect of all his property."

III of 1872.

J