

A COLLECTION

OF

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

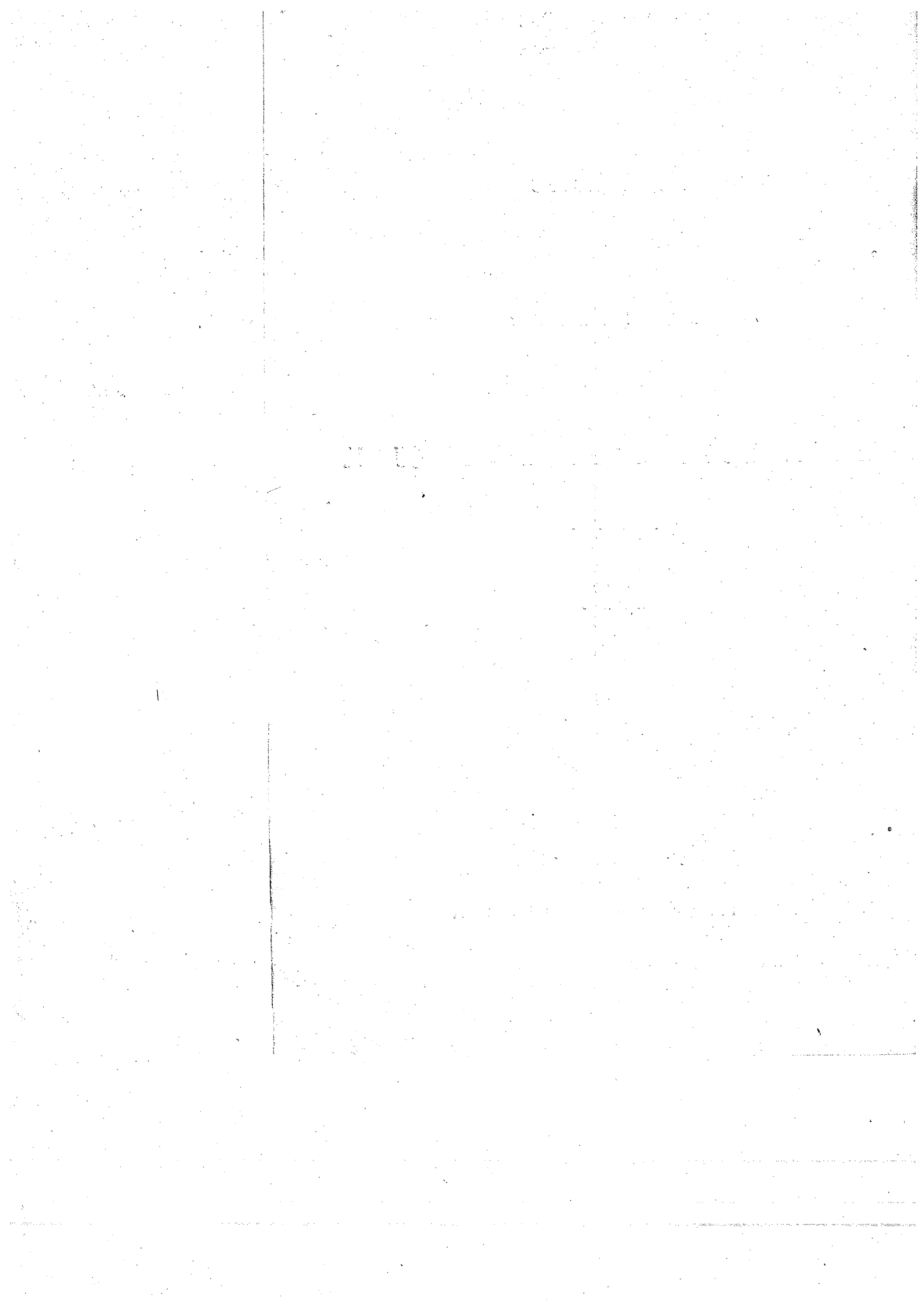
1910.

CALCUTTA

SUPERINTENDENT GOVERNMENT PRINTING, INDIA

1911

[*Price Five Annas.*]



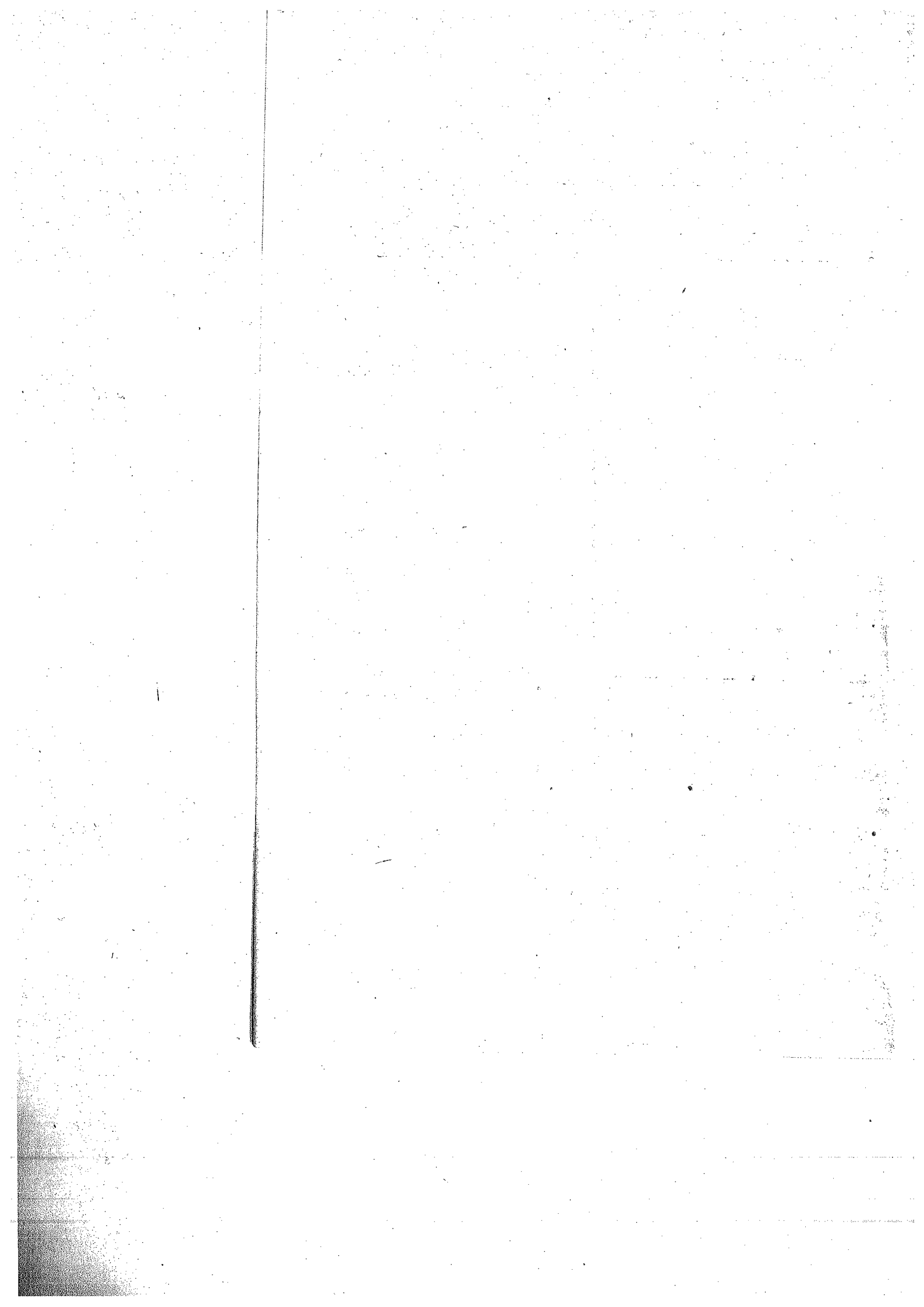
TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1910.

- I. An Act to provide for the better control of the Press.
- II. „ to consolidate and amend the law relating to the Government Paper Currency.
- III. „ further to amend the Indian Penal Code.
- IV. „ further to amend the Indian Companies Act, 1882.
- V. „ to provide for the prevention of the spread of Dourine.
- VI. „ further to amend the Indian Stamp Act, 1899.
- VII. „ further to amend the Court-fees Act, 1870.
- VIII. „ further to amend the Indian Tariff Act, 1894.
- IX. „ to amend the law relating to the supply and use of electrical energy.
- X. „ to consolidate and amend the law relating to the Indian Museum.
- XI. „ to amend the Central Provinces Courts Act, 1904.
- XII. „ to amend the law relating to Glanders and Farey.
- XIII. „ to amend the Prisons Act, 1894.
- XIV. „ to amend the Indian Emigration Act, 1908.
- XV. „ to consolidate and amend certain Acts relating to Cantonments.
- XVI. „ to provide for certain matters in connection with the taking of the Census.
- XVII. „ to provide for the continuance of the Prevention of Seditious Meetings Act, 1907.



ACT NO. I OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 9th February 1910.)

An Act to provide for the better control of the Press.

WHEREAS it is necessary to provide for the better control of the Press; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Press Act, 1910. Short title and extent.

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

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

(a) "book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed :

(b) "document" includes also any painting, drawing or photograph or other visible representation :

(c) "High Court" means the highest Civil Court of Appeal for any local area except in the case of the provinces of Ajmer-Merwara and Coorg where it means the High Court of Judicature for the North-Western Provinces and the High Court of Judicature at Madras respectively :

(d) "Magistrate" means a District Magistrate or Chief Presidency Magistrate :

(e) "newspaper" means any periodical work containing public news or comments on public news : and

(f) "printing-press

(f) "printing-press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing.

Deposit of security by keepers of printing-presses.

3. (1) Every person keeping a printing-press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India :

XXV of 1867.

Provided that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security or may from time to time cancel or vary any order under this sub-section.

(2) Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which a declaration was made prior to the commencement of this Act under section 4 of the Press and Registration of Books Act, 1867, is used for any of the purposes described in section 4, sub-section (1), the Local Government may, by notice in writing, require the keeper of such press to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

XXV of 1867.

Power to declare security forfeited in certain cases.

4. (1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether

whether by inference, suggestion, allusion, metaphor, implication or otherwise—

VI of 1908.

- (a) to incite to murder or to any offence under the Explosive Substances Act, 1908, or to any act of violence, or
- (b) to seduce any officer, soldier or sailor in the Army or Navy of His Majesty from his allegiance or his duty, or
- (c) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any Native Prince or Chief under the suzerainty of His Majesty, or any class or section of His Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government or any such Prince or Chief, or
- (d) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security, or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or
- (e) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or
- (f) to convey any threat of injury to a public servant, or to any person in whom that public servant is believed to be interested, with a view to inducing that public servant to do any act or to forbear or delay to do any act connected with the exercise of his public functions,

the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare the security deposited in respect of such press
and

and all copies of such newspaper, book or other document wherever found to be forfeited to His Majesty.

Explanation I.—In clause (c) the expression “disaffection” includes disloyalty and all feelings of enmity.

Explanation II.—Comments expressing disapproval of the measures of the Government or of any such Native Prince or Chief as aforesaid with a view to obtain their alteration by lawful means, or of the administrative or other action of the Government or of any such Native Prince or Chief or of the administration of justice in British India without exciting or attempting to excite hatred, contempt or disaffection do not come within the scope of clause (c).

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

XXV of
1867.

Deposit of
further
security.

5. Where the security given in respect of any press has been declared forfeited under section 4, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall deposit with the Magistrate before whom such declaration is made security to such amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India.

XXV of
1867.

Power to
declare
further secu-
rity, print-
ing-press and
publications
forfeited.

6. If after such further security has been deposited the printing-press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which in the opinion of the Local Government are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare—

(a) the further security so deposited,

(b) the printing-press used for the purpose of printing or publishing such newspaper, book

book or other document or found in or upon the premises where such newspaper, book or other document is, or at the time of printing the matter complained of was, printed, and

(c) all copies of such newspaper, book or other document wherever found,

to be forfeited to His Majesty.

7. (1) Where any printing-press is or any copies of any newspaper, book or other document are declared forfeited to His Majesty under this Act, the Local Government may direct any Magistrate to issue a warrant empowering any police-officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

Issue of
search-
warrant.

(i) where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution, publication or public exhibition or reasonably suspected to be so kept.

(2) Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1898.

V of 1898.

8. (1) Every publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India :

Deposit of
security by
publisher of
newspaper.

XXV of
1867.

Provided that if the person registered under the said Act as printer of the newspaper is also registered as the keeper of the press where the newspaper is printed, the publisher shall not be required to deposit

deposit security so long as such registration is in force :

Provided further that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security or may from time to time cancel or vary any order under this sub-section.

(2) Whenever it appears to the Local Government that a newspaper published within its territories, in respect of which a declaration was made by the publisher thereof prior to the commencement of this Act, under section 5 of the Press and Registration of Books Act, 1867, contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing, require the publisher to deposit with the Magistrate, within whose jurisdiction the newspaper is published security to such an amount, not being less than five hundred or more than five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

XXV of
1867.

Power to
declare
security
forfeited in
certain cases.

9. (1) If any newspaper in respect of which any security has been deposited as required by section 8 contains any words, signs or visible representations which in the opinion of the Local Government are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare such security and all copies of such newspaper, wherever found, to be forfeited to His Majesty.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

XXV of
1867.

Deposit of
further
security.

10. Where the security given in respect of any newspaper is declared forfeited, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as publisher of such newspaper,

newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made security to such amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India.

11. If after such further security has been deposited the newspaper again contains any words, signs or visible representations which in the opinion of the Local Government are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

Power to declare further security and newspapers forfeited.

(a) the further security so deposited, and

(b) all copies of such newspaper wherever found,

to be forfeited to His Majesty.

12. (1) Where any newspaper, book or other document wherever printed appears to the Local Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare such newspaper, book or other document to be forfeited to His Majesty, and thereupon any police-officer may seize the same wherever found, and any Magistrate may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where the newspaper, book or other document may be or may be reasonably suspected to be.

Power to declare certain publications forfeited and to issue search-warrants for same.

(2) Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1898.

v of 1898.

13. The Chief Customs-officer or other officer authorized by the Local Government in this behalf may detain any package brought, whether by land or sea, into British India which he suspects to contain

Power to detain packages containing

any

certain publications when imported into British India.

any newspapers, books or other documents of the nature described in section 4, sub-section (1), and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

Prohibition of transmission by post of certain newspapers.

14. No newspaper printed and published in British India shall be transmitted by post unless the printer and publisher have made a declaration under section 5 of the Press and Registration of Books Act, 1867, and the publisher has deposited security when so required under this Act.

XXV of 1867.

Power to detain articles being transmitted by post.

15. Any officer in charge of a post-office or authorised by the Post-Master General in this behalf may detain any article other than a letter or parcel in course of transmission by post, which he suspects to contain—

- (a) any newspaper, book or other document containing words, signs or visible representations of the nature described in section 4, sub-section (1), or
- (b) any newspaper in respect of which the declaration required by section 5 of the Press and Registration of Books Act, 1867, has not been made, or the security required by this Act has not been deposited by the publisher thereof,

and shall deliver all such articles to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

Copies of newspapers printed in British India to be delivered gratis to Government

16. (1) The printer of every newspaper in British India shall deliver at such place and to such officer as the Local Government may, by notification in the local official Gazette, direct, and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.

(2) If any printer of any such newspaper neglects to deliver copies of the same in compliance with sub-section (1), he shall, on the complaint of the officer

to

to whom the copies should have been delivered or of any person authorised by that officer in this behalf, be punishable on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed with fine which may extend to fifty rupees for every default.

17. Any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, 6, 9, 11 or 12 may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

Application to High Court to set aside order of forfeiture.

18. Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges, or, where the High Court consists of less than three Judges, of all the Judges.

Hearing by Special Bench.

19. (1) If it appears to the Special Bench that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order of forfeiture.

Order of Special Bench setting aside forfeiture.

(2) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority (if any) of those Judges.

(3) Where there is no such majority which concurs in setting aside the order in question, such order shall stand.

20. On the hearing of any such application with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper which are alleged to be of the nature described in section 4, sub-section (1).

Evidence to prove nature or tendency of newspapers.

21. Every

Procedure
in High
Court.

21. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Jurisdiction
barred.

22. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court; except the High Court on such application as aforesaid, and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

Penalty for
keeping
press or
publishing
newspaper
without
making
deposit.

23. (1) Whoever keeps in his possession a press for the printing of books or papers without making a deposit under section 3 or section 5, when required so to do, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

XXV of
1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, when required so to do, or publishes such newspaper knowing that such security has not been deposited, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

Return of
deposited
security in
certain
cases.

24. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions

provisions hereinbefore contained, be returned to such person.

25. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1898.

Service of notices.

v of 1898.

26. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act.

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THE INDIAN PAPER CURRENCY ACT,
1910 (II OF 1910).

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ACT No. II OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 18th
February 1910.)*

An Act to consolidate and amend the law relating to the Government Paper Currency.

WHEREAS it is expedient to consolidate and amend the law relating to the Government Paper Currency; It is hereby enacted as follows:—

Preliminary.

Short title
and extent.

1. (1) This Act may be called the Indian Paper Currency Act, 1910; and

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

Definitions

2. In this Act, "universal currency note" means—

(a) a note of the denominational value of five rupees, ten rupees or fifty rupees, or

(b) a note of any other denominational value which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf.

The Department of Paper Currency.

Department
of Paper
Currency for
issue of cur-
rency notes.

3. There shall continue to be a Department of the public service, to be called the Department of Paper Currency, whose function shall be the issue of promissory notes of the Government of India, to be called currency notes, payable to bearer on demand, and of such denominational values, not being less than five rupees, as the Governor General in Council may direct.

4. At

(The Department of Paper Currency.)

4. At the head of the Department there shall be an officer to be called the Head Commissioner of Paper Currency.

Head Commissioner of Paper Currency.

5. The Governor General in Council may, by notification in the Gazette of India,—

Power to establish circles of issue, offices of issue and currency agencies.

(a) establish districts, to be called circles of issue, seven of which circles shall include the towns of Calcutta, Madras, Bombay, Rangoon, Lahore, Cawnpore and Karachi, respectively;

(b) appoint in each circle some one town to be the place of issue of currency notes, as hereinafter provided;

(c) establish in each such town an office or offices of issue; and

(d) establish in any town situate in any circle an office, to be called a currency agency.

6. (1) The Head Commissioner of Paper Currency shall be the officer in charge of the circle of issue which includes the Town of Calcutta.

Commissioners of Paper Currency and Currency Agents.

(2) For each other circle of issue there shall be an officer in charge to be called the Commissioner of Paper Currency, and for each Currency Agency an officer to be called the Currency Agent.

7. For the purposes of this Act—

Subordination of officers.

(a) Commissioners of Paper Currency shall be subordinate to the Head Commissioner of Paper Currency; and

(b) the Currency Agent at any town shall be subordinate to the Head Commissioner or Commissioner, as the case may be, of Paper Currency for the circle of issue in which that town is situate.

8. All officers under this Act shall be appointed by the Governor General in Council.

Appointment of officers.

9. (1) The

*(Supply and Issue of Currency Notes.)**Supply and Issue of Currency Notes.*

Head Commissioner and Commissioners to provide and distribute currency notes.

9. (1) The Head Commissioner shall provide currency notes of the denominational values prescribed under this Act, and shall supply the Commissioners and the Currency Agents subordinate to him with such notes as they need for the purposes of this Act.

(2) The Commissioners shall supply the Currency Agents subordinate to them, respectively, with such notes as those Agents need for the purposes of this Act.

(3) Every such note, other than a universal currency note, shall bear upon it the name of the town from which it is issued.

Signatures to currency notes.

10. The name of the Head Commissioner, of one of the Commissioners, or of some other person authorized by the Head Commissioner, or by one of the Commissioners, to sign currency notes, shall be subscribed to every such note, and may be impressed thereon by machinery, and when so impressed shall be deemed to be a valid signature.

Issue of currency notes for silver or gold coin by officers in charge of circles.

11. The officers in charge of circles of issue shall, in their respective circles, on the demand of any person, issue, from the office or offices of issue established in their respective circles, currency notes of the denominational values prescribed under this Act, in exchange for the amount thereof—

(a) in rupees or half rupees or in gold coin which is legal tender under the Indian Coinage Act, 1906, or

(b) in rupees made and declared to be a legal tender under the provisions of the Native Coinage Act, 1876.

III of 1906.

IX of 1876.

Issue of currency notes for silver or gold coin by Currency Agents.

12. Any Currency Agent to whom currency notes have been supplied under section 9 may, if he thinks fit, on the demand of any person, issue from his agency any such notes in exchange for the amount thereof in any coin specified in section 11.

13. The

(Supply and Issue of Currency Notes. Currency Notes where legal tender and where payable.)

III of 1906.

13. The officers in charge of circles of issue shall, on the requisition of the Comptroller General, issue to any Government Treasury currency notes in exchange for gold coin which is not legal tender under the Indian Coinage Act, 1906, or for gold bullion at the rate of one rupee for 7.53344 grains troy of fine gold.

Issue to Government Treasuries of currency notes for gold coin not legal tender or gold bullion.

14. If the Secretary of State for India in Council consents to hold in gold coin or bullion, or in silver bullion or in securities of the kinds mentioned in section 22, the equivalent in value to notes issued in India as a reserve to secure the payment of such notes, the Governor General in Council may from time to time direct that currency notes shall be issued to an amount equal to the value of the coin, bullion and securities so held by the Secretary of State for India in Council.

Issue of currency notes for certain gold coin or gold or silver bullion or securities held by Secretary of State.

Currency Notes where legal tender and where payable.

15. A universal currency note shall be a legal tender at any place in British India, and

Currency notes where legal tender.

any other currency note shall be a legal tender at any place within the circle from which the note was issued,

for the amount expressed in the note in payment or on account of—

(a) any revenue or other claim, to the amount of five rupees or upwards, due to the Government of India, and

(b) any sum of five rupees or upwards, due by the Government of India, or by any body corporate or person in British India :

Provided that no currency note shall be deemed to be a legal tender by the Government of India at any office of issue.

16. A

e

(*Currency Notes where legal tender and where payable. Reserve.*)

Currency notes where payable.

16. A currency note shall be payable at the following offices of issue, namely :—

(a) a universal currency note at any office of issue;

(b) a currency note other than a universal currency note at any office of issue in the town from which it was issued :

Provided that any such note issued before the commencement of this Act shall also be payable,—

(i) in the case of a note issued from the office at Cawnpore or Lahore, at any office of issue in Calcutta, and

(ii) in the case of a note issued from the office at Karachi, at any office of issue in Bombay.

Currency notes issued from currency agencies where deemed to be issued.

17. For the purposes of sections 15 and 16, currency notes issued from any currency agency shall be deemed to have been issued from the town appointed under section 5 to be the place of issue in the circle of issue in which that agency is established.

Provision in case of closure of office.

18 Where an office of issue is closed, the Governor General in Council shall, by notification in the Gazette of India, direct that, with effect from the date of the closing of such office, all currency notes issued therefrom shall, for the purposes of sections 15 and 16, be deemed to have been issued from such other office as may be specified in such notification.

Reserve.

Reserve coin, bullion and securities to be equal to amount of currency notes in circulation.

19. The whole amount of currency notes at any time in circulation shall not exceed the total amount represented by the sovereigns, half-sovereigns, rupees, half-rupees and gold bullion, and the sum expended in the purchase of the silver bullion and securities, which are for the time being held by the Secretary of State for India in Council and by the Governor General in Council as a reserve to

(Reserve.)

to provide for the satisfaction and discharge of the said notes, and the said notes shall be deemed to have been issued on the credit of the Government of India as well as on the security of the said coin, bullion and securities :

Provided that, for the purposes of this section, currency notes which have not been presented for payment, in the case of notes of any denominational value not exceeding one hundred rupees within forty years, and in the case of notes of any denominational value exceeding one hundred rupees within one hundred years, from the first day of April following the date of their issue, shall be deemed not to be in circulation :

Provided further that all notes which are declared under the first proviso to this section not to be in circulation shall be deemed to have been issued on the credit of the Government of India and shall, if subsequently presented for payment, be paid from the revenues of the Government of India.

20. Subject to the provisions of section 19, the Governor General in Council may at any time, if he thinks it expedient, convert any of the coin or bullion for the time being held by him as a part of the reserve into coin of any of the kinds mentioned in section 11 or into gold or silver bullion.

Power to dispose of coin and bullion in reserve.

21. If any coin or bullion held by the Secretary of State for India in Council or by the Governor General in Council as part of the reserve is transmitted by the Secretary of State for India in Council to the Governor General in Council or by the Governor General in Council to the Secretary of State for India in Council, it shall be deemed during the period of transmission to remain part of the reserve referred to in section 19.

Coin and bullion to remain part of reserve during transit between England and India.

22. The securities mentioned in section 19 shall be securities of the United Kingdom of Great Britain and Ireland or of the Government of India, or securities issued by the Secretary of State for India in

Nature and value of securities which may form reserve.

Council

(Reserve. Private Bills payable to Bearer on Demand.)

Council under the authority of Act of Parliament and charged on the revenues of India, and the value of them at the price at which they are purchased shall not exceed one hundred and twenty millions of rupees :

Provided that the value at such price as aforesaid of such of the said securities as are not securities of the Government of India shall at no time exceed twenty millions of rupees.

Trustees of Indian securities purchased under Act.

23. The securities purchased by the Governor General in Council shall be securities of the Government of India, and shall be held by the Head Commissioner and the Master of the Mint at Calcutta or of such other Mint as the Governor General in Council may direct in this behalf, in trust for the Secretary of State for India in Council.

Power to sell and replace Indian securities.

24. (1) The Head Commissioner may, at any time, when ordered so to do by the Governor General in Council, sell and dispose of any of the securities held under section 23.

(2) For the purpose of effecting such sales, the Master of the Mint at Calcutta or of such other Mint as aforesaid shall, on a request in writing from the Head Commissioner, at all times sign and endorse the securities, and the Head Commissioner, if so directed by the Governor General in Council, may purchase securities of the Government of India to replace such sales.

Account of interest on securities.

25. An account showing the amount of the interest accruing on the securities held as part of the reserve under this Act and the expenses and charges incidental thereto, shall be rendered annually by the Head Commissioner to the Governor General in Council, and published annually in the Gazette of India.

Private Bills payable to Bearer on Demand.

Prohibition of issue of private bills or notes

26. No person in British India shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable

to

(Private Bills payable to Bearer on Demand. Supplementary Provisions.)

to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person :

payable to bearer on demand.

Provided that cheques or drafts, payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.

27. (1) Any person contravening the provisions of section 26 shall, on conviction by a Presidency Magistrate or a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.

Penalty for issuing such bills or notes and institution of prosecutions.

(2) Every prosecution under this section shall be instituted by the officer in charge of the circle of issue in which the bill, hundi, note or engagement is drawn, accepted, made or issued.

Supplementary Provisions.

28. An abstract of the accounts of the Department of Paper Currency, showing—

Abstracts of accounts.

- (a) the whole amount of currency notes in circulation,
- (b) the amount of coin and bullion reserved, distinguishing gold from silver, and showing separately the amount of coin or bullion held by the Secretary of State for India in Council, or in transit from or to India, or in the custody of the Mint Master during coinage, and
- (c) the nominal value of, and the price paid for, the securities held as part of the reserve, showing separately those held by the Secretary of State for India in Council and those held in India under section 23,

shall

shall be made up four times in each month by the Head Commissioner, and published, as soon as may be, in the Gazette of India.

Power to
make rules.

29. (1) The Governor General in Council may make rules to carry out the purposes and objects of this Act.

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

- (a) fix the denominational values (not being less than five rupees) for which currency notes shall be issued;
- (b) provide for the alteration of the limits of any of the circles of issue;
- (c) declare the places at which currency notes shall be issued; and
- (d) fix and notify the conditions upon which lost or mutilated currency notes may be paid at offices of issue.

(3) Every such rule shall be published in the Gazette of India, and on such publication shall have effect as if enacted in this Act.

Repeals.

30. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the last column thereof :

Provided that all securities purchased and notes issued under the Indian Paper Currency Act, 1905, or any Act thereby repealed shall, if undisposed of or in circulation at the commencement of this Act, be deemed to have been respectively purchased and issued under this Act :

III of 1905.

Provided also that all currency notes, which under section 29 of the Indian Paper Currency Act, 1905, are to be deemed to have been issued from the office of issue in the town of Cawnpore, shall still be deemed to have been issued from that office.

THE SCHEDULE.

THE SCHEDULE,
ENACTMENTS REPEALED.
(See section 30.)

Year.	No.	Short title.	Extent of repeal.
1905	III	The Indian Paper Currency Act, 1905.	So much as has not been repealed.
1909	II	The Indian Paper Currency (Amendment) Act, 1909.	The whole.

ACT No. III OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 18th
February 1910.)

An Act further to amend the Indian Penal Code.

WHEREAS it is expedient further to amend the Indian Penal Code; It is hereby enacted as follows:— XLV of 1860.

Short title.

1. This Act may be called the Indian Penal Code Amendment Act, 1910.

Substitution of new section for section 75, Indian Penal Code.

2. For section 75 of the Indian Penal Code the following shall be substituted, namely:—

“75. Whoever, having been convicted,—

(a) by a Court in British India, of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description for a term of three years or upwards, or

(b) by a Court or tribunal in the territories of any Native Prince or State in India acting under the general or special authority of the Governor General in Council or of any Local Government, of an offence which would, if committed in British India, have been punishable under those Chapters of this Code with like imprisonment for the like term,

shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for every such subsequent offence to transportation for life, or to imprisonment of either description for a term which may extend to ten years.”

ACT NO. IV OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 25th
February 1910.)*

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

VI of 1882. **W**HEREAS it is expedient further to amend the Indian Companies Act, 1882; It is hereby enacted as follows:—

1. This Act may be called the Indian Companies (Amendment) Act, 1910. Short title.

VI of 1882. 2. After section 73 of the Indian Companies Act, 1882, the following shall be inserted, namely:— Insertion of new sections after section 73.

“ Payment of interest out of capital.

“73A. Where any shares of a Company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the Company may pay interest on so much of that share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the work or building, or the provision of plant: Power of Company to pay interest out of capital in certain cases.

Provided that—

(1) no such payment shall be made unless the same is authorized by the Company's articles of association or by special resolution;

(2) no such payment, whether authorized by the articles of association or by special resolution, shall be made without the previous sanction

sanction of the Governor General in Council;

- (3) before sanctioning any such payment, the Governor General in Council may, at the expense of the Company, appoint a person to inquire and report to him as to the circumstances of the case, and may, before making the appointment, require the Company to give security for the payment of the costs of the inquiry;
- (4) the payment shall be made only for such period as may be determined by the Governor General in Council, and such period shall in no case extend beyond the close of the half-year next after the half-year during which the works or buildings have been actually completed or the plant provided;
- (5) the rate of interest shall in no case exceed four per cent. per annum or such lower rate as the Governor General in Council may, by notification in the Gazette of India, prescribe;
- (6) the payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid;
- (7) the accounts of the Company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate;
- (8) nothing in this section shall affect any Company to which the Indian Railway Companies Act, 1895, or the Indian Tramways Act, 1902, applies.

X of 1895.
IV of 1902.

Re-issue of Redeemed Debentures.

Power to re-issue redeemed debentures in certain cases.

“73B. (1) Where either before or after the passing of this Act a Company has redeemed any debentures

debentures previously issued, the Company, unless the articles of association or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns), shall have power, and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a Company has purported to exercise such a power the Company shall have power, and shall be deemed always to have had power, to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

(2) Where with the object of keeping debentures alive for the purpose of re-issue they have either before or after the passing of this Act been transferred to a nominee of the Company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a Company has either before or after the passing of this Act deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the Company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under the power by this section given to, or deemed to have been possessed by, a Company, whether the re-issue or issue was made before or after the passing of this Act, shall be treated as the issue of a new debenture for the purposes of stamp-duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued:

Provided

Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp-duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered, that the debenture was not duly stamped, but in any such case the Company shall be liable to pay the proper stamp-duty and penalty.

(5) Nothing in this section shall prejudice—

- (a) the operation of any decree or order of a Court of competent jurisdiction passed or made before the date of the passing of this Act as between the parties to the proceedings in which the decree was passed or the order made, and any appeal from any such decree or order shall be decided as if this Act had not been passed; or
- (b) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a Company by its debentures or the securities for the same."

ACT NO. V OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th
February 1910.)

An Act to provide for the prevention of the spread of Dourine.

WHEREAS it is expedient to provide for the prevention of the spread of dourine; It is hereby enacted as follows :—

1. (1) This Act may be called the Dourine Act, 1910. Short title
and extent.

(2) This section extends to the whole of British India : the rest of this Act extends only to such areas as the Local Government may, by notification in the local official Gazette, direct.

2. (1) In this Act, the expressions "inspector" and "veterinary practitioner" mean, respectively, the officers appointed as such under this Act, acting within the local limits for which they are so appointed. Definitions.

(2) The provisions of this Act in so far as they relate to entire horses shall, if the Local Government, by notification as aforesaid, so directs, apply also to entire asses used for mule-breeding purposes.

3. The Local Government may, by notification as aforesaid, make such orders as it thinks fit directing and regulating the registration of entire horses maintained for breeding purposes. Registration
of horses.

4. (1) The Local Government may, by notification as aforesaid, appoint any persons it thinks fit to be inspectors, and any qualified veterinary surgeons to be veterinary practitioners, under this Act, and to exercise and perform, within any area prescribed by the notification, the powers conferred and duties imposed by this Act upon such officers respectively. Appointment
of inspectors
and
veterinary
practitioners.

(2) Every

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

Powers of
inspector.

5. An inspector may, subject to such rules as the Local Government may make in this behalf,—

(a) enter and search any building, field or other place for the purpose of ascertaining whether there is therein any horse which is affected with dourine ; and

(b) prohibit, by order in writing, the owner or keeper of any horse, which in his opinion is affected with dourine, from using such horse for breeding purposes, pending examination by the veterinary practitioner.

Duties of
inspector.

6. An inspector issuing an order under section 5, clause (b), shall forthwith forward a copy of such order to the veterinary practitioner.

Inspection
of horses.

7. A veterinary practitioner receiving a copy of an order forwarded under section 6 shall, as soon as possible after receipt of such copy, examine the horse mentioned therein, and may for such purpose enter any building, field or other place.

Powers of
veterinary
practitioner.

8. A veterinary practitioner may—

(a) cancel any order issued under section 5, clause (b) ; or,

(b) if on microscopical examination he finds that any horse is affected with dourine,—

(i) in the case of an entire horse, cause it to be castrated,

(ii) in the case of a mare, cause it to be branded in such manner as he may direct, or with the previous sanction of the Commissioner or such other officer as the Local Government may appoint in this behalf, cause it to be destroyed.

Compensa-
tion for
horse
destroyed,
etc.

9. When any horse is castrated or destroyed under section 8, the market-value of such horse immediately before it became affected with dourine shall be ascertained ;

tained ; and the Local Government shall pay as compensation to the owner thereof—

- (a) in the case of a mare which has been destroyed, or of an entire horse which has died in consequence of castration, such market-value, and,
- (b) in the case of an entire horse which survives castration, half the amount by which such value has been diminished owing to infection with dourine and castration.

10. (1) A veterinary practitioner may award, as compensation to be paid under section 9 in respect of each horse castrated or destroyed under section 8, a sum not exceeding two hundred and fifty rupees.

Settlement of compensation.

(2) If in the opinion of the veterinary practitioner the amount which should be paid as such compensation exceeds two hundred and fifty rupees, he shall report accordingly to the Collector, who shall decide the amount to be so paid.

11. (1) The Local Government shall, by rules published in the local official Gazette, make provision for the constitution of a committee or committees for the hearing of appeals from decisions under section 10.

Committees for hearing appeals.

(2) Such rules shall provide that not less than one member of any committee constituted thereunder shall be a person not in the employ of Government or of a local authority.

12. Any owner may, within two months from the date of a decision under section 10, appeal against such decision to the committee constituted in that behalf by rules made under section 11, and the decision of such committee shall be final.

Appeals.

13. (1) Whoever, being an inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Vexatious entries and searches.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

14. (1) The

Rules.

14. (1) The Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

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

- (a) regulate entries, searches and orders by inspectors under section 5 ;
- (b) regulate the action to be taken by veterinary practitioners under section 8 ; and
- (c) make provision for the payment of compensation to the owner of any mare branded under section 8.

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

(4) In making any rule under this section the Local Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Penalties.

15. Whoever uses or permits to be used for breeding purposes —

- (a) any horse which has not been registered in accordance with the requirements of a notification under section 3, or
- (b) any horse in respect of which an order under section 5, clause (b), is in force, or
- (c) any mare which has been branded in pursuance of section 8, clause (b),

shall be punishable with fine which may amount, in the case of a first conviction, to fifty rupees, or in the case of a second or subsequent conviction, to one hundred rupees.

Protection
to persons
acting under
Act.

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

ACT NO. VI OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

• (Received the assent of the Governor General on the 4th March 1910.)

An Act further to amend the Indian Stamp Act, 1899.

II of 1899.

WHEREAS it is expedient further to amend the Indian Stamp Act, 1899; It is hereby enacted as follows:—

1. This Act may be called the Indian Stamp (Amendment) Act, 1910. Short title.

2. In section 8, sub-section (1), of the Indian Stamp Act, 1899 (hereinafter referred to as "the said Act"), for the words "eight annas per centum" the words "one per centum" shall be substituted. Amendment of Act II, 1899, section 8.

3. In Schedule I of the said Act the following amendments shall be made, namely:— Amendment of Act II, 1899, Schedule I.

(i) For Article No. 5 the following shall be substituted, namely:—

"5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—

- | | |
|---|--|
| (a) if relating to the sale of a bill of exchange; | Two annas. |
| (b) if relating to the sale of a Government security or share in an incorporated company or other body corporate; | Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the security or share. |
| (c) if not otherwise provided for). | Eight annas. |

Exemptions.

Agreement or memorandum of agreement—

- (a) for or relating to the sale of goods or merchandise exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 43;

(b) made in the form of tenders to the Government of India for or relating to any loan;

(c) made under the European Vagrancy Act, 1874, section 17.

IX of 1874.

(ii) In Article No. 13, for clause (b) the following shall be substituted, namely:—

	Rs.	If drawn singly.	If drawn in set of two, for each part of the set.	If drawn in set of three, for each part of the set.
		Rs. a. p.	Rs. a. p.	Rs. a. p.
(b) where payable otherwise than on demand, but not more than one year after date or sight—				
if the amount of the bill or note does not exceed	200	0 2 0	0 1 0	0 1 0
if it exceeds Rs. 200 and does not exceed	400	0 4 0	0 2 0	0 2 0
Ditto 400 ditto	600	0 6 0	0 3 0	0 2 0
Ditto 600 ditto	1,000	0 12 0	0 6 0	0 4 0
Ditto 1,000 ditto	1,200	1 2 0	0 9 0	0 6 0
Ditto 1,200 ditto	1,600	1 8 0	0 12 0	0 8 0
Ditto 1,600 ditto	2,500	2 4 0	1 2 0	0 12 0
Ditto 2,500 ditto	5,000	4 8 0	2 4 0	1 8 0
Ditto 5,000 ditto	7,500	6 12 0	3 6 0	2 4 0
Ditto 7,500 ditto	10,000	9 0 0	4 8 0	3 0 0
Ditto 10,000 ditto	15,000	13 8 0	6 12 0	4 8 0
Ditto 15,000 ditto	20,000	18 0 0	9 0 0	6 0 0
Ditto 20,000 ditto	25,000	22 8 0	11 4 0	7 8 0
Ditto 25,000 ditto	30,000	27 0 0	13 8 0	9 0 0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000.		9 0 0	4 8 0	3 0 0

(iii) For Article No. 27 the following shall be substituted, namely :—

"27. DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable—

(a) by endorsement or by a separate instrument of transfer;

The same duty as a Bond (No. 15) for the same amount.

(b) by delivery

The same duty as a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.

Explanation.—The term "Debenture" includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.

Exemption.

A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders: provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.

See also BOND (No. 15), and SECTIONS 8 and 55."

(iv) For Article No. 43 the following shall be substituted, namely :—

"43. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—

(a) of any goods exceeding in value twenty rupees;

Two annas.

(b) of any stock or marketable security exceeding in value twenty rupees.

Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the stock or security."

- (v) In Article No. 59, in the second column, for the words "Three-quarters of" the words "One and a half times" and in the *Exemption*, for the word "three-quarters" each time it occurs the words "one and a half" shall be substituted.
- (vi) In Article No. 62, in the second column, for the word "One-quarter", where it occurs opposite clauses (a) and (b), the word "One-half" shall be substituted.

ACT No. VII OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 4th March 1910.)

An Act further to amend the Court-fees Act, 1870.

VII of 1870. **WHEREAS** it is expedient further to amend the Court-fees Act, 1870; It is hereby enacted as follows:—

1. This Act may be called the Court-fees (Amendment) Act, 1910. Short title.

VII of 1889. 2. In Schedule I to the Court-fees Act, 1870, as amended by the Succession Certificate Act, 1889, the following amendments shall be made, namely:— Amendment of Act VII, 1870, Schedule I.

(i) in article 11, for the entries in the second and third columns, the following shall be substituted, namely:—

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees.	Two per centum on such amount or value.
--	---

When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.	Two and one-half per centum on such amount or value.
---	--

When such amount or value exceeds fifty thousand rupees.	Three per centum on such amount or value.
--	---

Provided that when, after the grant of a certificate under the Succession Certificate Act, 1889, or under the Regulation of the Bombay Code No. VIII of 1927, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.

(ii) in

(ii) in article 12A, for the entries in the second and third columns, the following shall be substituted, namely:—

(1) As regards debts and securities .	The same fee as would be payable in respect of a certificate under the Succession Certificate Act, 1889, or in respect of an extension of such a certificate, as the case may be.
(2) As regards other property in respect of which the certificate is granted—	
When the amount or value of such property exceeds one thousand rupees, but does not exceed ten thousand rupees.	Two per centum on such amount or value.
When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.	Two and one-half per centum on such amount or value.
When such amount or value exceeds fifty thousand rupees.	Three per centum on such amount or value.

Exemption of certain probates, letters of administration and certificates.

3. Nothing in this Act shall apply to any probate, letters of administration or certificate in respect of which the fee payable under the law for the time being in force has been paid prior to the commencement of this Act, but which have not been issued.

ACT NO. VIII OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th March 1910.)

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

VIII of 1894.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1910; and Short title and commencement.

(2) It shall be deemed to have come into force on the 25th day of February 1910.

VIII of 1894.
III of 1896.
I of 1906.
II of 1908.

2. For Schedule III to the Indian Tariff Act, 1894, as amended by the Indian Tariff Act (1894) Amendment Act, 1896, the Indian Tariff (Amendment) Act, 1906, and the Indian Tariff (Amendment) Act, 1908, the Schedule appended to this Act shall be substituted. Substitution of new Schedule for Schedule III, Act VIII, 1894.

VIII of 1894.
III of 1896.

3. In Schedule IV to the Indian Tariff Act, 1894, as amended by the Indian Tariff Act (1894) Amendment Act, 1896, the following amendments shall be made, namely :— Amendment of Schedule IV, Act VIII, 1894.

(i) In No. 11, the entries—

" Tobacco, unmanufactured.	Free."
" Tobacco, manufactured.	...	<i>ad valorem</i>	Five per cent."

shall be omitted.

(ii) In No. 15, the entries—

" Silver bullion or coin, except current coin of the Government of India, which is free.	...	<i>ad valorem</i>	Five per cent."
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shall be omitted.

(iii) In

(iii) In No. 16, in the fifth column, opposite the entry "Petroleum", for the words "One anna" the words "One anna and six pies" shall be substituted.

Repeal.

4. The Indian Tariff (Amendment) Act, 1906, I of 1906, and the Indian Tariff (Amendment) Act, 1908, are II of 1908 hereby repealed.

SCHEDULE III.—(IMPORT TARIFF.)

LIQUORS, ORIUM, SALT, SALTED FISH, TOBACCO AND SILVER.

No.	Names of Articles.	Per	Rate of duty.
1	LIQUORS—		<i>R a.</i>
	Ale, beer and porter .	} Imperial gallon or six quart bottles.	0 3
	Cider and other fermented liquors.		
	Liqueurs and sweetened spirits, cordials, bitters, perfumed spirits and toilet preparations containing spirit.	"	13 0
	Spirit which has been rendered effectually and permanently unfit for human consumption.	<i>ad valorem</i>	Five per cent.
	Spirit used in drugs, medicines or chemicals.	Imperial gallon or six quart bottles of the strength of London proof.	7 13 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Spirit, other sorts .	"	9 6 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Wines—		
	Champagne and all other sparkling wines not containing more than 42 per cent. of proof spirit.	Imperial gallon or six quart bottles.	3 12
	All other sorts of wines not containing more than 42 per cent. of proof spirit.	"	1 8

SCHEDULE III.—(IMPORT TARIFF)—*contd.*LIQUORS, OPIUM, SALT, SALTED FISH, TOBACCO AND SILVER—
contd.

No.	Names of Articles.	Per	Rate of duty,
	Wines— <i>contd.</i> Provided that all sparkling and still wines containing more than 42 per cent. of proof spirit shall be liable to duty at the rate applicable to spirit, other sorts.		
2	OPIUM and its alkaloids .	seer of 80 tolas .	24 0
3	SALT	Indian maund of 82½ lbs. avoirdupois weight.	The rate at which excise-duty is for the time being leviable on salt manufactured in the place where the import takes place.
4	SALTED FISH, wet or dry	Indian maund of 82½ lbs. avoirdupois weight.	Such rate or rates of duty, not exceeding twelve annas, as the Governor General in Council may, by notification in the Gazette of India, from time to time prescribe.
5	TOBACCO— Unmanufactured .	pound	R a. 1 8
	Cigars	"	2 8
	Cigarettes weighing less than 3 lbs. per thousand.	thousand . . .	5 0
	Cigarettes weighing 3 lbs. or more per thousand.	pound	2 0
	Manufactured, other sorts	"	1 10
6	SILVER bullion or coin, except current coin of the Government of India, which is free.	ounce	0 4

THE INDIAN ELECTRICITY ACT, 1910 (IX OF
1910).

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THE SCHEDULE.

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ACT No. IX OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th
March 1910.)

An Act to amend the law relating to the supply
and use of electrical energy.

WHEREAS it is expedient to amend the law relating to the supply and use of electrical energy; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Electricity Act, 1910.

(2) It extends to the whole of British India, inclusive of British Baluchistan and the Santhal Parganas; and

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

Definitions.

2. In this Act, expressions defined in the Indian Telegraph Act, 1885, have the meanings assigned XIII of 1885, to them in that Act, and, unless there is anything repugnant in the subject or context,—

(a) “aërial line” means any electric supply-line which is placed above ground and in the open air:

(b) “area of supply” means the area within which alone a licensee is for the time being authorized by his license to supply energy:

(c) consumer

(Part I.—Preliminary.)

- (c) "consumer" means any person who is supplied with energy by a licensee, or whose premises are for the time being connected for the purposes of a supply of energy with the works of a licensee :
- (d) "daily fine" means a fine for each day on which an offence is continued after conviction therefor :
- (e) "distributing main" means the portion of any main with which a service line is, or is intended to be, immediately connected :
- (f) "electric supply-line" means a wire, conductor or other means used for conveying, transmitting or distributing energy together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of so conveying, transmitting or distributing such energy :
- (g) "energy" means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message :
- (h) "licensee" means any person licensed under Part II to supply energy :
- (i) "main" means any electric supply-line through which energy is, or is intended to be, supplied by a licensee to the public :
- (j) "prescribed" means prescribed by rules made under this Act :
- (k) "public lamp" means an electric lamp used for the lighting of any street :
- (l) "service line" means any electric supply-line through which energy is, or is intended

(Part II.—Supply of Energy.)

tended to be, supplied by a licensee to a consumer either from a distributing main or immediately from the licensee's premises :

- (m) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway : and
- (n) "works" includes electric supply-lines and any buildings, machinery or apparatus required to supply energy and to carry into effect the objects of a license granted under Part II.

PART II.

SUPPLY OF ENERGY.

Licenses.

Grant of licenses.

3. (1) The Local Government may, on application made in the prescribed form and on payment of the prescribed fee (if any), grant to any person a license to supply energy in any specified area, and also to lay down or place electric supply-lines for the conveyance and transmission of energy,—

- (a) where the energy to be supplied is to be generated outside such area, from a generating station situated outside such area to the boundary of such area, or.
- (b) where energy is to be conveyed or transmitted from any place in such area to any other place therein, across an intervening area not included therein, across such area.

(2) In

(Part II.—Supply of Energy.)

(2) In respect of every such license and the grant thereof the following provisions shall have effect, namely:—

(a) any person applying for a license under this Part shall publish a notice of his application in the prescribed manner and with the prescribed particulars, and the license shall not be granted—

(i) until all objections received by the Local Government with reference thereto have been considered by it:

Provided that no objection shall be so considered unless it is received before the expiration of three months from the date of the first publication of such notice as aforesaid; and

(ii) until, in the case of an application for a license for an area including the whole or any part of any cantonment, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for naval or military purposes, the Local Government has ascertained that there is no objection to the grant of the license on the part of the General Officer Commanding the Division;

(b) where an objection is received from any local authority concerned, the Local Government shall, if in its opinion the objection is insufficient, record in writing and communicate to such local authority its reasons for such opinion;

(c) no

■

(Part II.—Supply of Energy.)

- (c) no application for a license under this Part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given;
- (d) a license under this Part—
- (i) may prescribe such terms as to the limits within which, and the conditions under which, the supply of energy is to be compulsory or permissive, and as to the limits of price to be charged in respect of the supply of energy, and generally as to such matters as the Local Government may think fit; and
 - (ii) save in cases in which under section 10, clause (b), the provisions of sections 5 and 7, or either of them, have been declared not to apply, every such license shall declare whether any generating station to be used in connection with the undertaking shall or shall not form part of the undertaking for the purpose of purchase under section 5 or section 7;
- (e) the grant of a license under this Part for any purpose shall not in any way hinder or restrict the grant of a license to another person within the same area of supply for a like purpose;

(f) the

(Part II.—Supply of Energy.)

(f) the provisions contained in the Schedule shall be deemed to be incorporated with, and to form part of, every license granted under this Part, save in so far as they are expressly added to, varied or excepted by the license, and shall, subject to any such additions, variations or exceptions which the Local Government is hereby empowered to make, apply to the undertaking authorized by the license :

Provided that, where a license is granted in accordance with the provisions of clause IX of the Schedule for the supply of energy to other licensees for distribution by them, then, in so far as such license relates to such supply, the provisions of clauses IV, V, VI, VII, VIII and XII of the Schedule shall not be deemed to be incorporated with the license.

(3) The exercise of the powers conferred on the Local Government by this section shall be subject to the control of the Governor General in Council.

4. (1) The Local Government may, if in its opinion the public interest so requires, revoke a license in any of the following cases, namely :—

Revocation
or amend-
ment of
licenses.

(a) where the licensee, in the opinion of the Local Government, makes wilful and unreasonably prolonged default in doing anything required of him by or under this Act;

(b) where the licensee breaks any of the terms or conditions of his license the breach of which is expressly declared by such license to render it liable to revocation;

(c) where the licensee fails, within the period fixed in this behalf by his license or any longer

(Part II.—Supply of Energy.)

longer period which the Local Government may substitute therefor by order under sub-section (3), clause (b), and before exercising any of the powers conferred on him thereby in relation to the execution of works,—

(i) to show, to the satisfaction of the Local Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his license,

or
(ii) to make the deposit or furnish the security required by his license;

(d) where the licensee is, in the opinion of the Local Government, unable, by reason of his insolvency, fully and efficiently to discharge the duties and obligations imposed on him by his license.

(2) Where the Local Government might, under sub-section (1), revoke a license, it may, instead of revoking the license, permit it to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms or conditions so imposed shall be binding upon, and be observed by, the licensee, and shall be of like force and effect as if they were contained in the license.

(3) Where in its opinion the public interest so permits, the Local Government may, on the application or with the consent of the licensee, and, if the licensee is not a local authority, after consulting the local authority (if any) concerned,—

(a) revoke a license as to the whole or any part of the area of supply upon such terms and conditions as it thinks fit, or

(b) make such alterations or amendments in the terms and conditions of a license, including

(Part II.—Supply of Energy.)

ing the provisions specified in section 3, sub-section (2), clause (f), as it thinks fit.

5. Where the Local Government revokes, under section 4, sub-section (1), the license of a licensee, not being a local authority, the following provisions shall have effect, namely:—

Provisions where license of licensee, not being a local authority, is revoked.

(a) the Local Government shall serve a notice of the revocation upon the licensee, and, where the whole of the area of supply is included in the area for which a single local authority is constituted, upon that local authority also, and shall in the notice fix a date on which the revocation shall take effect; and on and with effect from that date all the powers and liabilities of the licensee under this Act shall absolutely cease and determine;

(b) where a notice has been served on a local authority under clause (a), the local authority may, within three months after the service of the notice, and with the written consent of the Local Government, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purposes of the undertaking, other than a generating station declared by the license not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration:

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being

(Part II.—Supply of Energy.)

being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase or of goodwill or of any profits which may be or might have been made from the undertaking, or of any similar considerations;

- (c) where no purchase has been effected by the local authority under clause (b), and any other person is willing to purchase the undertaking, the Local Government may, if it thinks fit, with the consent of the licensee, or without the consent of the licensee in case the price is not less than that for which the local authority might have purchased the same, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to such other person;
- (d) where no purchase has been effected under clause (b) or clause (c) within such time as the Local Government may consider reasonable, or where the whole of the area of supply is not included in the area for which a single local authority is constituted, the Local Government shall have the option of purchasing the undertaking and, if the Local Government elects to purchase, the licensee shall sell the undertaking to the Local Government upon terms and conditions similar to those set forth in clause (b);

(e) where

(Part II.—Supply of Energy.)

(e) where a purchase has been effected under any of the preceding clauses,—

(i) the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking :

Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money, in substitution for the undertaking; and

(ii) the revocation of the license shall extend only to the revocation of the rights, powers, authorities, duties and obligations of the licensee from whom the undertaking is purchased, and, save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee :

Provided that where the Local Government elects to purchase under clause (d), the license shall, after purchase, in so far as the Local Government is concerned, cease to have any further operation;

(f) where no purchase has been effected under any of the foregoing clauses, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit :

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the

same

(Part II.—Supply of Energy.)

same became exerciseable, the Local Government may forthwith cause the works of the licensee in, under, over, along or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee;

- (g) if the licensee has been required to sell the undertaking, and if the sale has not been completed by the date fixed in the notice issued under clause (a), the purchaser may, with the previous sanction of the Local Government, work the undertaking pending the completion of the sale.

Provisions
where license
of local
authority is
revoked.

6. (1) Where the Local Government revokes the license of a local authority under section 4, sub-section (1), and any person is willing to purchase the undertaking, the Local Government may, if it thinks fit, require the local authority to sell, and thereupon the local authority shall sell, the undertaking to such person on such terms as the Local Government thinks just.

(2) Where no purchase has been effected under sub-section (1), the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit :

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the same became exerciseable, the Local Government may forthwith cause the works of the licensee in, under, over, along or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

Purchase of
undertaking:

7. (1) Where a license has been granted to any person not being a local authority, and the whole of
the

(Part II.—Supply of Energy.)

the area of supply is included in the area for which a single local authority is constituted, the local authority shall, on the expiration of such period, not exceeding fifty years, and of every such subsequent period, not exceeding twenty years, as shall be specified in this behalf in the license, have the option of purchasing the undertaking, and, if the local authority, with the previous sanction of the Local Government, elects to purchase, the licensee shall sell the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purposes of the undertaking, other than a generating station declared by the license not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration :

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking :

Provided also that there shall be added to such value as aforesaid such percentage, if any, not exceeding twenty per centum on that value as may be specified in the license, on account of compulsory purchase.

(2) Where—

- (a) the local authority does not elect to purchase under sub-section (1), or
- (b) the whole of the area of supply is not included in the area for which a single local authority is constituted, or

(c) s

(Part II.—Supply of Energy.)

(c) a licensee supplies energy from the same generating station to two or more areas of supply, each controlled by its own local authority, and has been granted a license in respect of each area of supply, the Local Government shall have the like option upon the like terms and conditions.

(3) Where a purchase has been effected under sub-section (1) or sub-section (2),—

(a) the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking :

Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money in substitution for the undertaking; and

(b) save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee :

Provided that where the Local Government elects to purchase under sub-section (2), the license shall, after purchase, in so far as the Local Government is concerned, cease to have any further operation.

(4) Not less than two years' notice in writing of any election to purchase under this section shall be served upon the licensee by the local authority or the Local Government, as the case may be.

(5) Notwithstanding anything hereinbefore contained; a local authority may, with the previous sanction of the Local Government, waive its option to purchase and enter into an agreement with the licensee for the working by him of the undertaking until the expiration of the next subsequent period referred to in sub-section (1), upon such terms and conditions as may be stated in such agreement.

8. Where

(Part II.—Supply of Energy.)

8. Where, on the expiration of any of the periods referred to in section 7, sub-section (1), neither a local authority nor the Local Government purchases the undertaking and the license is, on the application or with the consent of the licensee, revoked, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit :

Provisions where no purchase and license revoked with consent of licensee.

Provided that, if the licensee does not exercise such option within a period of six months, the Local Government may proceed to take action as provided in section 5, clause (f), proviso.

9. (1) The licensee shall not, at any time without the previous consent in writing of the Local Government, acquire, by purchase or otherwise, the license or the undertaking of, or associate himself so far as the business of supplying energy is concerned with, any person supplying, or intending to supply, energy under any other license, and, before applying for such consent, the licensee shall give not less than one month's notice of the application to every local authority, both in the licensee's area of supply, and also in the area or district in which such other person supplies, or intends to supply, energy :

Licensee not to purchase or associate himself with, other licensed undertakings or transfer his undertaking.

Provided that nothing in this sub-section shall be construed to require the consent of the Local Government for the supply of energy by one licensee to another in accordance with the provisions of clause IX of the Schedule.

(2) The licensee shall not at any time assign his license or transfer his undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise without the previous consent in writing of the Local Government.

(3) Any agreement relating to any transaction of the nature described in sub-section (1) or sub-section (2),

(Part II.—Supply of Energy.)

(2), unless made with, or subject to, such consent as aforesaid, shall be void.

General power for Government to vary terms of purchase.

10. Notwithstanding anything in sections 5, 7 and 8, the Local Government may, with the previous sanction of the Governor General in Council, in any license to be granted under this Act,—

(a) vary the terms and conditions upon which, and the periods on the expiration of which, the licensee shall be bound to sell his undertaking, or

(b) direct that, subject to such conditions and restrictions (if any) as it may think fit to impose, the provisions of the said sections or any of them shall not apply.

Annual accounts of licensee.

11. (1) Every licensee shall, unless expressly exempted from the liability by his license, or by order in writing of the Local Government, prepare and render to the Local Government or to such authority, as the Local Government may appoint in this behalf, on or before the prescribed date in each year, an annual statement of accounts of his undertaking made up to such date, in such form, and containing such particulars, as may be prescribed in this behalf.

(2) The licensee shall keep copies of such annual statement at his office and sell the same to any applicant at a price not exceeding five rupees per copy.

Works.

Provisions as to the opening and breaking up of streets, railways and tramways.

12. (1) Any licensee may, from time to time but subject always to the terms and conditions of his license, within the area of supply, or, when permitted by the terms of his license to lay down or place electric supply-lines without the area of supply, without that area—

(a) open and break up the soil and pavement of any street, railway or tramway;

(b) open

(Part II.—Supply of Energy.)

- (b) open and break up any sewer, drain or tunnel in or under any street, railway or tramway;
- (c) lay down and place electric supply-lines and other works;
- (d) repair, alter or remove the same; and
- (e) do all other acts necessary for the due supply of energy.

(2) Nothing contained in sub-section (1) shall be deemed to authorize or empower a licensee, without the consent of the local authority or of the owner and occupier concerned, as the case may be, to lay down or place any electric supply-line or other work in, through or against any building, or on, over or under any land not dedicated to public use whereon, whereover or whereunder any electric supply-line or work has not already been lawfully laid down or placed by such licensee.

Provided that any support of an aerial line or any stay or strut required for the sole purpose of securing in position any support of an aerial line may be fixed on any building or land or, having been so fixed, may be altered, notwithstanding the objection of the owner or occupier of such building or land, if the District Magistrate or, in a Presidency-town or Rangoon, the Commissioner of Police by order in writing so directs :

Provided, also, that, if at any time the owner or occupier of any building or land on which any such support, stay or strut has been fixed shows sufficient cause, the District Magistrate or, in a Presidency-town or Rangoon, the Commissioner of Police may by order in writing direct any such support, stay or strut to be removed or altered.

(3) When making an order under sub-section (2) the District Magistrate or the Commissioner of Police, as the case may be, shall fix the amount of compensation or of annual rent, or of both, which should

(Part II.—Supply of Energy.)

should in his opinion be paid by the licensee to the owner or occupier.

(4) Every order made by a District Magistrate or a Commissioner of Police under sub-section (2) shall be subject to revision by the Local Government.

(5) Nothing contained in sub-section (1) shall be deemed to authorize or empower any licensee to open or break up any street not repairable by the Government or a local authority, or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as he is specially authorised to break up by his license, without the written consent of the person by whom the street is repairable or of the person for the time being entitled to work the railway or tramway, unless with the written consent of the Local Government :

Provided that the Local Government shall not give any such consent as aforesaid, until the licensee has given notice by advertisement or otherwise as the Local Government may direct, and within such period as the Local Government may fix in this behalf, to the person above referred to, and until all representations or objections received in accordance with the notice have been considered by the Local Government.

Notice of
new works]

13. (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the following provisions shall have effect, namely :—

- (a) not less than one month before commencing the execution of the works (not being a service line immediately attached, or intended to be immediately attached, to a distributing main, or the repair, renewal or amendment of existing works of which the character or position is not to be

(Part II.—Supply of Energy.)

be altered), the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter in this section referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter in this section referred to as "the owner"), as the case may be, a notice in writing describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or owner, as the case may be, from time to time give such further information in relation thereto as may be desired;

- (b) if the repairing authority intimates to the licensee that it disapproves of such works, section or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the Local Government, whose decision, after considering the reasons given by the repairing authority for its action, shall be final;
- (c) if the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one month, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than
forty-eight

(Part II.—Supply of Energy.)

forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under clause (a);

- (d) if the owner disapproves of such works, section or plan, or approves thereof subject to amendment, he may, within three weeks after the service of the notice under clause (a), serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the owner to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;
- (e) where no requisition has been served by the owner upon the licensee under clause (d), within the time named, the owner shall be deemed to have approved of the works, section and plan, and in that case, or where after a requisition for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties;
- (f) where the works to be executed consist of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works;

(g) where

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(g) where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority, or to the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

(2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

(3) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so, place an aerial line without complying with the provisions of sub-section (1) :

Provided that such aerial line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with the written consent of the Local Government) for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

Alteration of
pipes or
wires.

14. (1) Any licensee may alter the position of any pipe (not forming, in a case where the licensee is not a local authority, part of a local authority's main sewer), or of any wire under or over any place which he is authorized to open or break up, if such pipe or wire is likely to interfere with the exercise of

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of his powers under this Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.

(2) In any such case as aforesaid the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply, namely :—

(a) not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works, as the case may be (hereinafter in this section referred to as "the owner"), a notice in writing, describing the proposed alteration, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire;

(b) within fourteen days after the service of the notice, section and plan upon the owner, the owner may serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;

(c) every

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- (c) every arbitrator to whom a reference is made under clause (b) shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid as far as possible interference therewith;
- (d) where no requisition is served upon the operator under clause (b) within the time named, or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted or determined by arbitration, be executed in accordance with the notice, section and plan and subject to such modifications as may have been determined by arbitration or agreed upon between the parties;
- (e) the owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, determined by arbitration;
- (f) where a statement is served upon the operator under clause (e), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made; and thereupon the owner may proceed

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proceed to execute the alteration as required by the operator;

(g) where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under clause (f), comply with the notice, the operator may himself execute the alteration;

(h) all expenses properly incurred by the owner in complying with a notice served upon him by the operator under clause (f) may be recovered by him from the operator.

(3) Where the licensee or other person desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

15. (1) Where—

(a) the licensee requires to dig or sink any trench for laying down any new electric supply-lines or other works, near to which any sewer, drain, water-course or work under the control of the Local Government or of any local authority, or any pipe, syphon, electric supply-line or other work belonging to any duly authorized person, has been lawfully placed, or

(b) any duly authorized person requires to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed,

the licensee or such duly authorized person, as the case may be (hereinafter in this section referred to as "the operator"), shall, unless it is otherwise agreed

Laying of electric supply-lines or other works near sewers, pipes or other electric supply-lines or works.

(Part II.—Supply of Energy.)

agreed upon between the parties interested or in case of sudden emergency, give to the Local Government or local authority, or to such duly authorized person, or to the licensee, as the case may be (hereinafter in this section referred to as "the owner"), not less than forty-eight hours' notice in writing before commencing to dig or sink the trench, and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service-pipes or service-lines belonging to any duly authorized person or to any person supplying, transmitting or using energy under this Act, he shall not, except with the written consent of such person and in accordance with section 34, sub-section (1), lay his electric supply-lines so as to come into contact with any such pipes, lines or service-pipes or service lines.

(4) Where the operator makes default in complying with any of the provisions of this section, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference or dispute arises under this section, the matter shall be determined by arbitration.

(6) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

16. (1) Where any person, in exercise of any of the powers conferred by or under this Act, opens or breaks ^{Streets, railways, tramway}

(Part II.—Supply of Energy.)

sewers,
drains or
tunnels
broken up to
be reinstated
without
delay.

breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall—

- (a) immediately cause the part opened or broken up to be fenced and guarded;
- (b) before sunset cause a light or lights, sufficient for the warning of passengers, to be set up and maintained until sunrise against or near the part opened or broken up;
- (c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up, and carry away the rubbish occasioned by such opening or breaking up; and,
- (d) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel, broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.

(2) Where any person fails to comply with any of the provisions of sub-section (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.

(3) Where any difference or dispute arises as to the amount of the expenses incurred under sub-section (2), the matter shall be determined by arbitration.

Notice to
telegraph
authority.

17. (1) A licensee shall, before laying down or placing, within ten yards of any part of any telegraph-line, any electric supply-line or other works (not

(Part II.—Supply of Energy.)

(not being service lines immediately attached or intended to be immediately attached to a distributing main, or electric supply-lines for the repair, renewal or amendment of existing works of which the character or position is not to be altered), give not less than ten days' notice in writing to the telegraph-authority, specifying—

- (a) the course of the works or alterations proposed,
- (b) the manner in which the works are to be utilized,
- (c) the amount and nature of the energy to be transmitted, and
- (d) the extent to, and manner in, which (if at all) earth returns are to be used;

and the licensee shall conform with such reasonable requirements, either general or special, as may be laid down by the telegraph-authority within that period for preventing any telegraph-line from being injuriously affected by such works or alterations:

Provided that, in case of emergency (which shall be stated by the licensee in writing to the telegraph-authority) arising from defects in any of the electric supply-lines or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) Where the works to be executed consist of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall, not less than forty-eight hours before commencing the work, serve upon the telegraph-authority a notice in writing of his intention to execute such works.

18. (1) Save as provided in section 13, sub-section (3), nothing in this Part shall be deemed to authorize or empower a licensee to place any aerial

line

(Part II.—Supply of Energy.)

line along or across any street, railway, tramway, canal or waterway unless and until the Local Government has communicated to him a general approval in writing of the methods of construction which he proposes to adopt:

Provided that the communication of such approval shall in no way relieve the licensee of his obligations with respect to any other consent required by or under this Act.

(2) Where any aerial line has been placed or maintained by a licensee in breach of the provisions of sub-section (1), the Local Government may require the licensee forthwith to remove the same, or may cause the same to be removed and recover from the licensee the expenses incurred in such removal.

(3) Where any tree standing or lying near an aerial line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of energy, a Magistrate of the first class or, in a Presidency-town or Rangoon, the Commissioner of Police may, on the application of the licensee, cause the tree to be removed or otherwise dealt with as he thinks fit.

(4) When disposing of an application under sub-section (3), the Magistrate or Commissioner of Police, as the case may be, shall, in the case of any tree in existence before the placing of the aerial line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Compensation for damage.

19. (1) A licensee shall, in exercise of any of the powers conferred by or under this Act, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.

(2) Save in the case provided for in section 12, sub-section (3), where any difference or dispute arises

(Part II.—Supply of Energy.)

arises as to the amount or the application of such compensation, the matter shall be determined by arbitration.

Supply.

20. (1) A licensee or any person duly authorized by a licensee may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which energy is or has been supplied by him, for the purpose of—

Power for licensee to enter premises and to remove fittings or other apparatus of licensee.

- (a) inspecting and testing the electric supply-lines, meters, fittings, works and apparatus for the supply of energy belonging to the licensee; or
- (b) ascertaining the amount of energy supplied or the electrical quantity contained in the supply; or
- (c) removing, where a supply of energy is no longer required, or where the licensee is authorized to take away and cut off such supply, any electric supply-lines, fittings, works or apparatus belonging to the licensee.

(2) A licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by the District Magistrate or, in a Presidency-town or Rangoon, by the Commissioner of Police, and after giving not less than twenty-four hours' notice in writing to the occupier, enter any premises to which energy is or has been supplied, or is to be supplied, by him, for the purpose of examining and testing the electric wires, fittings, works and apparatus for the use of energy belonging to the consumer.

21. (1) A licensee shall not be entitled to prescribe any special form of appliance for utilizing energy supplied by him, or, save as provided by section 23, sub-section (2), or by section 26, sub-section

Restrictions on licensee's controlling or interfering with use of energy.

(7).

(Part II.—Supply of Energy.)

(7), in any way to control or interfere with the use of such energy :

Provided that no person may adopt any form of appliance, or use the energy supplied to him, so as unduly or improperly to interfere with the supply by the licensee of energy to any other person.

(2) Where any difference or dispute arises as to whether a licensee has prescribed any appliance or controlled or interfered with the use of energy in contravention of sub-section (1), the matter shall be either referred to an Electric Inspector and decided by him or, if the licensee or consumer so desires, determined by arbitration.

Obligation
on licensee to
supply
energy.

22. Where energy is supplied by a licensee, every person within the area of supply shall, except in so far as is otherwise provided by the terms and conditions of the license, be entitled, on application, to a supply on the same terms as those on which any other person in the same area is entitled in similar circumstances to a corresponding supply :

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of energy for any premises having a separate supply unless he has agreed with the licensee to pay to him such minimum annual sum as will give him a reasonable return on the capital expenditure, and will cover other standing charges incurred by him in order to meet the possible maximum demand for those premises, the sum payable to be determined in case of difference or dispute by arbitration.

Charges for
energy to
be made
without un-
due prefer-
ence.

23. (1) A licensee shall not, in making any agreement for the supply of energy, show undue preference to any person, but may, save as aforesaid, make such charges for the supply of energy as may be agreed upon, not exceeding the limits imposed by his license.

(2) No consumer shall, except with the consent in writing of the licensee, use energy supplied to
him

(Part II.—Supply of Energy.)

him under one method of charging in a manner for which a higher method of charging is in force.

24. Where any person neglects to pay any charge for energy or any other sum due from him to a licensee in respect of the supply of energy to him, the licensee may, after giving not less than seven clear days' notice in writing to such person and without prejudice to his right to recover such charge or other sum by suit, cut off the supply and for that purpose cut or disconnect any electric supply-line or other works, being the property of the licensee, through which energy may be supplied, and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and re-connecting the supply, are paid, but no longer :

Discontinuance of supply to consumer neglecting to pay charge.

Provided that where any difference or dispute has been referred under this Act to an Electric Inspector before notice as aforesaid has been given by the licensee, the licensee shall not exercise the powers conferred by this section until the Inspector has given his decision.

25. Where any electric supply-lines, meters, fittings, works or apparatus belonging to a licensee are placed in or upon any premises, not being in the possession of the licensee, for the purpose of supplying energy, such electric supply-lines, meters, fittings, works and apparatus shall not be liable to be taken in execution under any process of any Civil Court or in any proceedings in insolvency against the person in whose possession the same may be.

Exemption of electric supply-lines or other apparatus from attachment in certain cases.

26. (1) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer or the electrical quantity contained in the supply shall be ascertained by means of a correct meter, and the licensee shall, if required by the consumer, cause the consumer to be supplied with such a meter :

Meters.

Provided

(Part II.—Supply of Energy.)

Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter.

(2) Where the consumer so enters into an agreement for the hire of a meter, the licensee shall keep the meter correct, and, in default of his doing so, the consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter.

(3) Where the meter is the property of the consumer, he shall keep the meter correct, and, in default of his doing so, the licensee may, after giving him seven days' notice, for so long as the default continues, cease to supply energy through the meter.

(4) The licensee or any person duly authorized by the licensee shall, at any reasonable time and on informing the consumer of his intention, have access to, and be at liberty to inspect and test, and for that purpose, if he thinks fit, take off and remove, any meter referred to in sub-section (1); and, except where the meter is so hired as aforesaid, all reasonable expenses of, and incidental to, such inspecting, testing, taking off and removing shall, if the meter is found to be otherwise than correct, be recovered from the consumer; and, where any difference or dispute arises as to the amount of such reasonable expenses, the matter shall be referred to an Electric Inspector, and the decision of such Inspector shall be final:

Provided that the licensee shall not be at liberty to take off or remove any such meter if any difference or dispute of the nature described in sub-section (6) has arisen until the matter has been determined as therein provided.

(5) A consumer shall not connect any meter referred to in sub-section (1) with any electric supply-line through which energy is supplied by a licensee,

(Part II.—Supply of Energy.)

licensee, or disconnect the same from any such electric supply-line, without giving to the licensee not less than forty-eight hours' notice in writing of his intention.

(6) Where any difference or dispute arises as to whether any meter referred to in sub-section (1) is or is not correct, the matter shall be decided, upon the application of either party, by an Electric Inspector, or by a competent person specially appointed by the Local Government in this behalf; and, where the meter has, in the opinion of such Inspector or person, ceased to be correct, such Inspector or person shall estimate the amount of the energy supplied to the consumer or the electrical quantity contained in the supply, during such time as the meter shall not, in the opinion of such Inspector or person, have been correct, on the basis of the previous supply; and where the matter has been decided by any person other than the Electric Inspector, an appeal shall lie to the Inspector, whose decision shall in every case be final: but, save as aforesaid, the register of the meter shall, in the absence of fraud, be conclusive proof of such amount or quantity.

(7) In addition to any meter which may be placed upon the premises of a consumer in pursuance of the provisions of sub-section (1), the licensee may place upon such premises such meter, maximum demand indicator or other apparatus as he may think fit for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer, or the number of hours during which the supply is given, or the rate per unit of time at which energy is supplied to the consumer, or any other quantity or time connected with the supply:

Provided that the meter, indicator or apparatus shall not, in the absence of an agreement to the contrary, be placed otherwise than between the distributing

(Part II.—Supply of Energy.)

buting mains of the licensee and any meter referred to in sub-section (1) :

Provided, also, that, where the charges for the supply of energy depend wholly or partly upon the reading or indication of any such meter, indicator or apparatus as aforesaid, the licensee shall, in the absence of an agreement to the contrary, keep the meter, indicator or apparatus correct; and the provisions of sub-sections (4), (5) and (6) shall in that case apply as though the meter, indicator or apparatus were a meter referred to in sub-section (1).

Explanation.—A meter shall be deemed to be "correct" if it registers the amount of energy supplied, or the electrical quantity contained in the supply, within the prescribed limits of error, and a maximum demand indicator or other apparatus referred to in sub-section (7) shall be deemed to be "correct" if it complies with such conditions as may be prescribed in the case of any such indicator or other apparatus.

Supply of energy outside area of supply.

27. Notwithstanding anything in this Act, the Local Government may, by order in writing, and subject to such conditions and restrictions, if any, as it thinks fit to impose, authorise any licensee to supply energy to any person outside the area of supply, and to lay down or place electric supply-lines for that purpose :

Provided, first, that no such authority shall be conferred on the licensee within the area of supply of another licensee without that licensee's consent, unless the Local Government considers that his consent has been unreasonably withheld :

Provided, secondly, that such authority shall not be conferred unless the person to whom the supply is to be given has entered into a specific agreement with the licensee for the taking of such supply :

Provided, thirdly, that a licensee on whom such authority has been conferred shall not be deemed

to

(Part III.—Supply, Transmission and Use of Energy by non-licensees.)

to be empowered outside the area of supply to open or break up any street, or any sewer, drain or tunnel in or under any street, railway or tramway, or to interfere with any telegraph-line, without the written consent of the local authority or person by whom such street, sewer, drain or tunnel is repairable, or of the telegraph-authority, as the case may be :

Provided, fourthly, that, save as aforesaid, the provisions of this Act shall apply in the case of any supply authorised under this section as if the said supply were made within the area of supply.

PART III.

SUPPLY, TRANSMISSION AND USE OF ENERGY BY NON-LICENSEES.

28. (1) No person, other than a licensee, shall engage in the business of supplying energy except with the previous sanction of the Local Government and in accordance with such conditions as the Local Government may fix in this behalf, and any agreement to the contrary shall be void :

Sanction
required by
non-licensees
in certain
cases.

Provided that such sanction shall not be given in any case unless the Local Government considers that, having regard to the extent of the proposed supply and the other circumstances of the case, the obtaining of a license under Part II would be attended with undue expense or delay :

Provided also that such sanction shall not be given within the area for which a local authority is constituted, without that local authority's consent, or within the area of supply of any licensee, without that licensee's consent, unless the Local Government considers that consent has been unreasonably withheld.

(2) Where

(Part III.—Supply, Transmission and Use of Energy by non-licensees.)

(2) Where any difference or dispute arises as to whether any person is or is not engaging, or about to engage, in the business of supplying energy within the meaning of sub-section (1), the matter shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

Power for non-licensees to break up streets.

29. (1) The local authority may, by order in writing, confer and impose upon any person, who has obtained the sanction of the Local Government under section 28 to engage in the business of supplying energy, all or any of the powers and liabilities of a licensee under sections 12 to 19, both inclusive, and the provisions of the said sections shall thereupon apply as if such person were a licensee under Part II.

(2) A local authority, not being a licensee, shall, for the purpose of lighting any street, have the powers and be subject to the liabilities respectively conferred and imposed by sections 12 to 19, both inclusive, so far as applicable, as if it were a licensee under Part II.

(3) In cases other than those for which provision is made by sub-section (1), the person responsible for the repair of any street may, by order in writing, confer and impose upon any person who proposes to transmit energy in such street all or any of the powers and liabilities of a licensee under sections 12 to 19 (both inclusive), in so far as the same relate to—

- (a) opening or breaking up of the soil or pavement of such street, or
- (b) laying down or placing electric supply-lines in, under, along or across such street, or
- (c) repairing, altering or removing such electric supply-lines,

and thereupon the provisions of the said sections shall, so far as aforesaid, apply to such person as if he were a licensee under Part II.

(4) If

(Part III.—Supply, Transmission and Use of Energy by non-licensees.)

(4) If no order is made within fourteen days after the receipt of an application for the same under sub-section (1) or sub-section (3), the order so applied for shall be deemed to have been refused, and every order, and every refusal to make an order, under sub-section (1) or sub-section (3), shall be subject to revision by the Local Government.

30. (1) No person, other than a licensee duly authorized under the terms of his license, shall transmit or use energy at a rate exceeding two hundred and fifty watts,—

Control of transmission and use of energy.

(a) in any street, or

(b) in any place,

(i) in which one hundred or more persons are likely ordinarily to be assembled, or

(ii) which is a factory within the meaning of the Indian Factories Act, 1881, or

(iii) which is a mine within the meaning of the Indian Mines Act, 1901,

XV of 1881

VIII of 1901.

without giving not less than seven clear days' notice in writing of his intention to the District Magistrate or, in a Presidency-town or Rangoon, to the Commissioner of Police, and complying with such of the provisions of Part IV, and of the rules made thereunder, as may be applicable :

Provided that nothing in this section shall apply to energy used for the public carriage of passengers, animals or goods on, or for the lighting or ventilation of the rolling-stock of, any railway or tramway subject to the provisions of the Indian Railways Act, 1890 :

IX of 1890.

Provided, also, that the Local Government may, by general or special order and subject to such conditions and restrictions as may be specified therein, exempt from the application of this section or of

any

(Part IV.—General.)

any such provision or rule as aforesaid any person or class of persons using energy on premises upon or in connection with which it is generated, or using energy supplied under Part II in any place specified in clause (b).

(2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are likely ordinarily to be assembled, the matter shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

(3) The provisions of this section shall be binding on the Crown.

PART IV.

GENERAL.

Protective Clauses.

Protection of
railways
and canals,
docks,
wharves
and piers.

31. No person shall, in the generation, transmission, supply or use of energy, in any way injure any railway, tramway, canal or water-way or any dock, wharf or pier vested in or controlled by a local authority, or obstruct or interfere with the traffic on any railway, tramway, canal or water-way.

Protection of
telegraphic,
telephonic
and electric
signalling
lines.

32. (1) Every person generating, transmitting, supplying or using energy (hereinafter in this section referred to as the "operator") shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works and in working his system, so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic or electric-signalling communication, or the currents in such wire or line.

(2) Where any difference or dispute arises between the operator and the telegraph-authority as to

(Part IV.—General.)

to whether the operator has constructed, laid down or placed his electric supply-lines or other works, or worked his system, in contravention of sub-section (1), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Governor General in Council; and the Governor General in Council, unless he is of opinion that the wire or line has been placed in unreasonable proximity to the electric supply-lines or works of the operator after the construction of such lines or works, may direct the operator to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the operator shall make such alterations or additions accordingly:

Provided that nothing in this sub-section shall apply to the repair, renewal or amendment of any electric supply-line so long as the course of the electric supply-line and the amount and nature of the energy transmitted thereby are not altered.

(3) Where the operator makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Explanation.—For the purposes of this section, a telegraph-line shall be deemed to be injuriously affected if telegraphic, telephonic or electric signalling communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by an electric supply-line or work or by any use made thereof.

33. (1) Every person shall, within twenty-four hours of the occurrence, send to the Electric Inspector, and also to the District Magistrate or, in a Presidency-town or Rangoon, to the Commissioner of Police, notice in writing of any accident in connection

Notice of
accidents
and inquiries.

nection with the generation, transmission, supply or use of energy resulting or likely to have resulted in loss of life or personal injury in any part of such person's works or electric supply-lines, or in connection with the same, and also notice of any loss of life or personal injury actually occasioned by any such accident.

(2) The Local Government may, if it thinks fit, require any Electric Inspector, or any other competent person appointed by it in this behalf, to inquire and report—

(a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with the generation, transmission, supply or use of energy, or

(b) as to the manner in, and extent to, which the provisions of this Act or of any license or rules thereunder, so far as those provisions affect the safety of any person, have been complied with.

Prohibition of connection with earth and power for Government to interfere in certain cases of default.

34. (1) No person shall, in the generation, transmission, supply or use of energy, permit any part of his electric supply-lines to be connected with earth except so far as may be prescribed in this behalf or may be specially sanctioned by the Governor General in Council.

(2) If at any time it is established to the satisfaction of the Local Government—

(a) that any part of an electric supply-line is connected with earth contrary to the provisions of sub-section (1), or

(b) that any electric supply-lines or other works for the generation, transmission, supply or use of energy are attended with danger to the public safety or to human life or injuriously affect any telegraph-line, or

(c) that

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- (c) that any electric supply-lines or other works are defective so as not to be in accordance with the provisions of this Act or of any rule thereunder,

the Local Government may, by order in writing, specify the matter complained of and require the owner or user of such electric supply-lines or other works to remedy it in such manner as shall be specified in the order, and may also in like manner forbid the use of any electric supply-line or works until the order is complied with or for such time as is specified in the order.

Administration and rules.

35. (1) The Governor General in Council may, ^{Advisory Boards.} for the whole or any part of British India, and each Local Government may, for the whole or any part of the province, by notification in the Gazette of India or the local official Gazette, as the case may be, constitute an Advisory Board.

(2) Every such Board shall consist of a chairman and not less than two other members.

(3) The chairman and, where there are more than two other members, two of the other members, or, where there are only two other members, one of the other members, shall be nominated by the Governor General in Council or the Local Government, as the case may be, and the remaining members shall be nominated by such local authorities, Chambers of Commerce or other Associations as the Governor General in Council or the Local Government, as the case may be, may direct.

(4) The Governor General in Council or the Local Government, as the case may be, may, by general or special order,—

(a) define the duties and regulate the procedure of any such Board,

(b) determine

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- (b) determine the tenure of office of the members of any such Board, and
- (c) give directions as to the payment of fees to, and the travelling expenses incurred by, any member of any such Board in the performance of his duty.

Appointment
of Electric
Inspectors.

36. (1) The Governor General in Council may, by notification in the Gazette of India, appoint duly qualified persons to be Electric Inspectors, and every Electric Inspector so appointed shall exercise the powers and perform the functions of an Electric Inspector under this Act within such areas and subject to such restrictions as the Governor General in Council may direct.

(2) The Local Government may, by notification in the local official Gazette, appoint duly qualified persons to be Electric Inspectors within such areas as may be assigned to them respectively; and every Inspector so appointed shall exercise the powers and perform the functions of an Electric Inspector under this Act subject to such restrictions as the Local Government may direct.

(3) In the absence of express provision to the contrary in this Act or any rule thereunder, an appeal shall lie from the decision of an Electric Inspector to the Governor General in Council or the Local Government, as the case may be.

Power for
Government
to make
rules.

37. (1) The Governor General in Council may make rules, for the whole or any part of British India, to regulate the generation, transmission, supply and use of energy, and, generally, to carry out the purposes and objects of this Act.

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

- (a) prescribe the form of applications for licenses and the payments to be made in respect thereof;
- (b) regulate the publication of notices;
- (c) prescribe

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- (c) prescribe the manner in which objections with reference to any application under Part II are to be made;
- (d) provide for the preparation and submission of accounts by licensees in a specified form;
- (e) provide for the securing of a regular, constant and sufficient supply of energy by licensees to consumers and for the testing at various parts of the system of the regularity and sufficiency of such supply, and for the examination of the records of such tests by consumers;
- (f) provide for the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, supply or use of energy;
- (g) for the purposes of electric traction regulate the employment of insulated returns, or of uninsulated metallic returns of low resistance, in order to prevent fusion or injurious electrolytic action of or on metallic pipes, structures or substances, and to minimise, as far as is reasonably practicable, injurious interference with the electric wires, supply-lines and apparatus of parties other than the owners of the electric traction system, or with the currents therein, whether the earth is used as a return or not;
- (h) provide for preventing telegraph-lines and magnetic observatories or laboratories from being injuriously affected by the generation, transmission, supply or use of energy;
- (i) prescribe

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- (i) prescribe the qualifications to be required of Electric Inspectors;
- (j) authorize any Electric Inspector or other officer of a specified rank and class to enter, inspect and examine any place, carriage or vessel in which he has reason to believe any appliance or apparatus used in the generation, transmission, supply or use of energy to be, and to carry out tests therein, and to prescribe the facilities to be given to such Inspectors or officers for the purposes of such examinations and tests; and
- (k) authorize and regulate the levy of fees for any such testing or inspection and, generally, for the services of Electric Inspectors under this Act.

(3) In making any rule under this Act, the Governor General in Council may direct that every breach thereof shall be punishable with fine which may extend to three hundred rupees, and, in the case of a continuing breach, with a further daily fine which may extend to fifty rupees.

Further provisions respecting rules.

38. (1) The power to make rules under section 37 shall be subject to the condition of the rules being made after previous publication.

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

(3) Any rule to be made under this Act shall, before it is published for criticism under sub-section (2), be referred to the Advisory Board (if any) constituted for the whole of British India, or, if no such Board has been constituted, then to such Board

OR

(Part IV.—General.)

or Boards (if any) as the Governor General in Council may direct; and the rule shall not be so published until such Board or Boards (if any) has or have reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(4) All rules made under section 37 shall be published in the Gazette of India, and on such publication shall have effect as if enacted in this Act.

Criminal Offences and Procedure.

39. Whoever dishonestly abstracts, consumes or uses any energy shall be deemed to have committed theft within the meaning of the Indian Penal Code; and the existence of artificial means for such abstraction shall be *prima facie* evidence of such dishonest abstraction.

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40. Whoever maliciously causes energy to be wasted or diverted, or, with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply-line or works, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

41. Whoever, in contravention of the provisions of section 28, engages in the business of supplying energy shall be punishable with fine which may extend to three thousand rupees, and, in the case of a continuing contravention, with a daily fine which may extend to three hundred rupees.

42. Whoever—

(a) being a licensee, save as permitted under section 27 or section 51 or by his license, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or

(b) being a licensee, in contravention of the provisions of this Act or of the rules thereunder

Theft of energy.

Penalty for maliciously wasting energy or injuring works.

Penalty for unauthorized supply of energy by non-licensees.

Penalty for illegal or defective supply or for non-compliance with order.

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under or in breach of the conditions of his license and without reasonable excuse, the burden of proving which shall lie on him, discontinues the supply of energy or fails to supply energy; or

- (c) makes default in complying with any order issued to him under section 34, sub-section (2);

shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence or default, with a daily fine which may extend to one hundred rupees.

Penalty for illegal transmission or use of energy.

43. Whoever, in contravention of the provisions of section 30, transmits or uses energy without giving the notice required thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

Penalty for interference with meters or licensee's works and for improper use of energy.

44. Whoever—

- (a) connects any meter referred to in section 26, sub-section (1), or any meter, indicator or apparatus referred to in section 26, sub-section (7), with any electric supply-line through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line, without giving to the licensee forty-eight hours' notice in writing of his intention; or

- (b) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee, without such licensee's consent; or

- (c) maliciously injures any meter referred to in section 26, sub-section (1), or any meter, indicator or apparatus referred to in section 26, sub-section (7), or wilfully or fraudulently

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fraudulently alters the index of any such meter, indicator or apparatus, or prevents any such meter, indicator or apparatus from duly registering; or

(d) improperly uses the energy of a licensee; shall be punishable with fine which may extend to three hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to thirty rupees; and the existence of artificial means for making such connection as is referred to in clause (a) or such communication as is referred to in clause (b) or for causing such alteration or prevention as is referred to in clause (c) or for facilitating such improper use as is referred to in clause (d) shall, where the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, be *prima facie* evidence that such connection, communication, alteration, prevention or improper use, as the case may be, has been knowingly and wilfully caused by such consumer.

45. Whoever maliciously extinguishes any public lamp shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to three hundred rupees, or with both. Penalty for extinguishing public lamps.

46. Whoever negligently causes energy to be wasted or diverted, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp or other apparatus connected with the supply of energy, shall be punishable with fine which may extend to two hundred rupees. Penalty for negligently wasting energy or injuring works.

47. Whoever, in any case not already provided for by sections 39 to 46 (both inclusive), makes default in complying with any of the provisions of this Act, or with any order issued under it, or, in the case of a licensee, with any of the conditions of his license, shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing default, Penalty for offences not otherwise provided for

(Part IV.—General.)

default, with a daily fine which may extend to twenty rupees :

Provided that, where a person has made default in complying with any of the provisions of sections 13, 14, 15, 17 and 32, as the case may be, he shall not be so punishable if the Court is of opinion that the case was one of emergency and that the offender complied with the said provisions as far as was reasonable in the circumstances.

Penalties not to affect other liabilities.

48. The penalties imposed by sections 39 to 47 (both inclusive) shall be in addition to, and not in derogation of, any liability in respect of the payment of compensation or, in the case of a licensee, the revocation of his license, which the offender may have incurred.

Penalties where works belong to Government.

49. The provisions of sections 39, 40, 44, 45 and 46 shall, so far as they are applicable, be deemed to apply also when the acts made punishable thereunder are committed in the case of energy supplied by or of works belonging to the Government.

Institution of prosecutions.]

50. No prosecution shall be instituted against any person for any offence against this Act or any rule, license or order thereunder, except at the instance of the Government or an Electric Inspector, or of a person aggrieved by the same.

Supplementary.

Exercise in certain cases of powers of telegraph-authority.

51. Notwithstanding anything in sections 12 to 16 (both inclusive) and sections 18 and 19, the Governor General in Council may, by order in writing, for the placing of appliances and apparatus for the transmission of energy, confer upon any public officer or licensee, subject to such conditions and restrictions (if any) as the Governor General in Council may think fit to impose, and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph-authority possesses under that Act, with respect to the placing of telegraph-lines

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telegraph-lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

52. Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the license of a licensee, be determined by such person or persons as the Local Government may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Indian Arbitration Act, 1899.

IX of 1899.

53. (1) Every notice, order or document by or under this Act required or authorized to be addressed to any person may be served by post or left,—

- (a) where the Government is the addressee, at the office of the Secretary in the Public Works Department;
- (b) where a local authority is the addressee, at the office of the local authority;
- (c) where a company is the addressee, at the registered office of the Company or, in the event of the registered office of the Company not being in India, at the head office of the Company in India;
- (d) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence

diligence be delivered, by affixing it on some conspicuous part of the premises.

Recovery of sums recoverable under certain provisions of Act.

54. Every sum declared to be recoverable by section 5, clause (f), section 6, sub-section (2), section 14, sub-section (2), clause (h), section 16, sub-section (2), section 18, sub-section (2) or sub-section (4), or section 26, sub-section (4), and every fee leviable under this Act, may be recovered, on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any moveable property belonging to such person.

Delegation of certain functions of Local Government to Electric Inspectors.

55. (1) The Local Government may, by general or special order, authorize the discharge of any of its functions under section 13 or section 18, or clause V, sub-clause (2), or clause XIII of the Schedule by an Electric Inspector.

Protection for acts done in good faith.

56. No suit, prosecution or other proceeding shall lie against any public officer, or any servant of a local authority, for anything done, or in good faith purporting to be done, under this Act.

Amendment of the Land Acquisition Act, 1894.

57. (1) In section 40, sub-section (1), clause (b), and section 41, sub-section (5), of the Land Acquisition Act, 1894, the term "work" shall be deemed to include electrical energy supplied, or to be supplied, by means of the work to be constructed. I of 1894.

(2) The Local Government may, if it thinks fit, on the application of any person, not being a company, desirous of obtaining any land for the purposes of his undertaking, direct that he may acquire such land under the provisions of the Land Acquisition Act, 1894, in the same manner and on the same conditions as it might be acquired if the person were a company.

Repeals and savings.

58. (1) The Indian Electricity Act, 1903, is hereby repealed: III of 1903.

Provided that every application for a license made and every license granted under the said Act shall

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

shall be deemed to have been made and granted under this Act.

(2) Nothing in this Act shall be deemed to affect the terms of any license which was granted, or of any agreement which was made, by or with the sanction of the Government for the supply or use of electricity before the commencement of this Act.

THE SCHEDULE.

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND TO FORM PART OF, EVERY LICENSE GRANTED UNDER PART II, SO FAR AS NOT ADDED TO, VARIED OR EXCEPTED BY THE LICENSE.

[See section 3, sub-section (2), clause (f).]

Security and accounts.

I. Where the licensee is not a local authority, the following provisions as to giving security shall apply, namely:—

Security for execution of works of licensee not being local authority.

(a) The licensee shall, within the period fixed in that behalf by his license, or any longer period which the Local Government may substitute therefor by order under section 4, sub-section (3), clause (b), of the Indian Electricity Act, 1910, before exercising any of the powers by the license conferred on him in relation to the execution of works, show, to the satisfaction of the Local Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed upon him by the license throughout the area of supply.

(b) The licensee shall also, within the period fixed in that behalf by his license, or any longer period which the Local Government may substitute therefor by order under section 4, sub-section (3), clause (b), of the Indian Electricity Act, 1910, and before exercising any of the powers conferred on him in relation to the execution of works,

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works, deposit or secure to the satisfaction of the Local Government such sum (if any) as may be fixed by the license or, if not so fixed, by the Local Government.

- (c) The said sum deposited or secured by the licensee under the provisions of this clause shall be repaid or released to him on the completion of the works or at such earlier date or dates and by such instalments, as may be approved by the Local Government.

Audit of accounts of licensee not being local authority.

II. Where the licensee is not a local authority, the following provisions as to the audit of accounts shall apply, namely:—

- (a) The annual statement of accounts of the undertaking shall, before being rendered under section 11 of the Indian Electricity Act, 1910, be examined and audited by such person as the Local Government may appoint or approve in this behalf, and the remuneration of the auditor shall be such as the Local Government may direct, and his remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the Local Government shall approve, shall be paid by the licensee on demand.
- (b) The licensee shall afford to the auditor, his clerks and assistants, access to all such books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for that purpose, and afford to him and them all facilities for the proper execution of his and their duty.
- (c) The audit shall be made and conducted in such manner as the Local Government may direct.
- (d) Any report made by the auditor, or such portion thereof as the Local Government may direct, shall be appended to the annual statement of accounts of the licensee, and shall thenceforth form part thereof.

(e) Notwithstanding

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

- (e) Notwithstanding the foregoing provisions of this clause, the Local Government may, if it thinks fit, accept the examination and audit of an auditor appointed by the licensee.

III. The licensee shall, unless the Local Government ^{Separate} otherwise directs, at all times keep the accounts of the ^{accounts} capital employed for the purposes of the undertaking distinct from the accounts kept by him of any other undertaking or business.

Compulsory works and supply.

IV. The licensee shall, within a period of three years ^{Execution of} after the commencement of the license, execute to the ^{work after} satisfaction of the Local Government all such works as may ^{commence-} be specified in the license in this behalf or, if not so speci- ^{ment of} fied, as the Local Government may, by order in writing ^{license.} issued within six months of the date of the commencement of the license, direct.

V. (1) Where, after the expiration of two years and six months from the commencement of the license, a requisition ^{Provisions as} is made by six or more owners or occupiers of premises in ^{to laying} or upon any street or part of a street within the area of ^{down of} supply or by the Local Government or a local authority ^{further distri-} charged with the public lighting thereof, requiring the ^{buted mains.} licensee to provide distributing mains throughout such street or part thereof, the licensee shall comply within six months with the requisition, unless,—

- (a) where it is made by such owners or occupiers as aforesaid, the owners or occupiers making it do not, within fourteen clear days after the service on them by the licensee of a notice in writing in this behalf, tender to the licensee a written contract duly executed and with sufficient security binding themselves to take, or guaranteeing that there shall be taken, a supply of energy for not less than two years to such amount as will in the aggregate produce annually, at the current rates charged by the licensee, a reasonable return to the licensee; or,
- (b) where it is made by the Local Government or a local authority, the Local Government or local authority,

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

authority, as the case may be, does not, within the like period, tender a like contract binding itself to take a supply of energy for not less than seven years for the public lamps in such street or part thereof.

(2) Where any difference or dispute arises between the licensee and such owners or occupiers as to the sufficiency of the security offered under this clause, or as to the amount of energy to be taken or guaranteed as aforesaid, the matter shall be referred to the Local Government and either decided by it or, if it so directs, determined by arbitration.

(3) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(4) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1910; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

Requisition
for supply
to owners or
occupiers in
vicinity.

VI. (1) Where a requisition is made by the owner or occupier of any premises situate within one hundred yards from any distributing main requiring the licensee to supply energy for such premises, the licensee shall, within one month from the making of the requisition, supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy in accordance with the requisition:

Provided, first, that the licensee shall not be bound to comply with any such requisition unless and until the person making it—

(a) within fourteen days after the service on him by the licensee of a notice in writing in this behalf, tenders to the licensee a written contract, in a form approved by the Local Government, duly executed and with sufficient security, binding himself to take a supply of energy for not less than two years to such amount as will produce, at current rates charged by the licensee, a reasonable return to the licensee, and,

(b) if required by the licensee so to do, pays to the licensee the cost of so much of any service line as may be laid down or placed for the purposes
of

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

of the supply upon the property in respect of which the requisition is made, and of so much of any service line as it may be necessary for the said purposes to lay down or place beyond one hundred feet from the licensee's distributing main, although not on that property:

Provided, secondly, that the licensee shall be entitled to discontinue such supply—

- (a) if the owner or occupier of the property to which the supply is made has not already given security, or if any security given by him has become invalid or insufficient, and such owner or occupier fails to furnish security or to make up the original security to a sufficient amount, as the case may be, within seven days after the service upon him of notice from the licensee requiring him so to do, or
- (b) if the owner or occupier of the property to which the supply is made adopts any appliance, or uses the energy supplied to him by the licensee for any purposes, or deals with it in any manner, so as unduly or improperly to interfere with the efficient supply of energy to any other person by the licensee, or
- (c) if the electric wires, fittings, works and apparatus in such property are not in good order and condition, and are consequently likely to affect injuriously the use of energy by the licensee, or by other persons, or
- (d) if the owner or occupier makes any alterations of, or additions to, any electric wires, fittings, works or apparatus within such property as aforesaid, and does not notify the same to the licensee before the same are connected to the source of supply, with a view to their being examined and tested :

Provided, thirdly, that the maximum rate per unit of time at which the owner or occupier shall be entitled to be supplied with energy shall not exceed what is necessary for the maximum consumption on his premises, and, where the owner or occupier has required a licensee to supply him at a specified maximum rate, he shall not be entitled to alter that

maximum,

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

maximum, except after one month's notice in writing to the licensee, and the licensee may recover from the owner or occupier any expenses incurred by him by reason of such alteration in respect of the service lines by which energy is supplied to the property beyond one hundred feet from the licensee's distributing main, or in respect of any fittings or apparatus of the licensee upon that property: and

Provided, fourthly, that, in the event of any requisition being made for a supply of energy from any distributing main of which the licensee can prove, to the satisfaction of an Electric Inspector,—

- (a) that it is already loaded up to its full current-carrying capacity, or
- (b) that, in case of a larger amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity,

the licensee may refuse to accede to the requisition for such reasonable period, not exceeding six months, as such Inspector may think sufficient for the purpose of amending the distributing main or laying down or placing a further distributing main.

(2) Any service line laid for the purpose of supply in pursuance of a requisition under sub-clause (1) shall, notwithstanding that a portion of it may have been paid for by the person making the requisition, be maintained by the licensee.

(3) Where any difference or dispute arises as to the amount of energy to be taken or guaranteed as aforesaid, or as to the cost of any service line or as to the sufficiency of the security offered by any owner or occupier, or as to the improper use of energy, or as to any alleged defect in any wires, fittings, works or apparatus, or as to the amount of the expenses incurred under the third proviso to sub-clause (1), the matter shall be referred to an Electric Inspector and decided by him.

(4) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(5) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act,

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

Act, 1910; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

VII. (1) Where an application is made by any person for the supply of energy within the area of supply, for any premises not situate within one hundred yards from any distributing main, or in any street in which distributing mains have not already been laid down or placed, and where a special agreement has been entered into to give and receive such supply, the licensee shall, before commencing to lay down or place in any such street any electric supply-line, serve upon the local authority (if any) and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric supply-line so to be laid down or placed a notice stating that the licensee intends to lay down or place the electric supply-line, and intimating that, if within the said period the local authority or any two or more of such owners or occupiers require in accordance with the provisions of the license that a supply shall be given for any public lamps or to their premises, as the case may be, the necessary distributing main will be laid down or placed by the licensee at the same time as the electric supply-line intended for the particular person.

Provisions as to laying electric supply-lines under special agreement.

(2) Where any such special agreement as is referred to in sub-clause (1) has been entered into between the licensee and any person, the licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy in such quantities as may have been agreed upon, and the provisions contained in the first, second, third and fourth provisos to sub-clause (1) and in sub-clauses (2) and (3) of clause VI shall, so far as may be, apply to every case in which energy is supplied under this clause as if such person had made a requisition under clause VI.

VIII. (1) Where a requisition is made by the Local Government or by a local authority requiring the licensee to supply for a period of not less than seven years energy for any public lamps within the distance of one hundred yards from any distributing main, the licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy for such lamps in such quantities

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

quantities as the Local Government or the local authority, as the case may be, may require.

(2) The provisions of sub-clause (b) of the first proviso, of sub-clauses (c) and (d) of the second proviso, and of the third and fourth provisos to sub-clause (1) and the provisions of sub-clauses (2) and (3) of clause VI shall, so far as may be, apply to every case in which a requisition for the supply of energy is made under this clause as if the Local Government or local authority were an owner or occupier within the meaning of these provisions.

Supply by bulk-licensees.

Special provisions applying to supply by bulk-licensees.

IX. (1) Where, and in so far as, the licensee (hereinafter in this clause referred to as "the bulk-licensee") is authorized by his license to supply energy to other licensees for distribution by them (hereinafter in this clause referred to as "distributing-licensees"), the following provisions shall apply, namely:—

- (a) any distributing-licensees within the bulk-licensee's area of supply may make a requisition on the bulk-licensee, requiring him to give a supply of energy and specifying the point, and the maximum rate per unit of time, at which such supply is required, and the date upon which the supply is to commence, such date being fixed after the date of receipt of the requisition so as to allow an interval that is reasonable with regard to the locality and to the length of the electric supply-line and the amount of the plant required;
- (b) such distributing-licensee shall, if required by the bulk-licensee so to do, enter into a written agreement to receive and pay for a supply of energy for a period of not less than seven years of such an amount that the payment to be made for the same at the rate of charge for the time being charged for such supply shall not be less than such an amount as will produce a reasonable return to the bulk-licensee on the outlay (excluding expenditure on generating plant then existing and any electric supply-line then laid down

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

down or placed) incurred by him in making provision for such supply;

- (c) the maximum rate per unit of time at which a distributing-licensee shall be entitled to be supplied with energy shall not exceed what is necessary for the purposes for which the supply is required by him, and need not be increased except upon a fresh requisition made in accordance with the foregoing provisions;
- (d) if any difference or dispute arises under this clause, it shall be determined by arbitration, and, in the event of such arbitration, the arbitrator shall have regard to the following amongst other considerations, namely:—
- (i) the period for which the distributing-licensee is prepared to bind himself to take energy;
 - (ii) the amount of energy required and the hours during which the bulk-licensee is to supply it;
 - (iii) the capital expenditure incurred or to be incurred by the bulk-licensee in connection with the aforesaid supply of energy; and
 - (iv) the extent to which the capital expended or to be expended by the bulk-licensee in connection with such supply may become unproductive upon the discontinuance thereof.

(2) Notwithstanding anything in sub-clause (1), the bulk-licensee shall give a supply of energy to any distributing-licensee within his area of supply applying therefor, even although the distributing-licensee desires to be supplied with only a portion of the energy required for distribution by him:

Provided that the distributing-licensee shall, if so required by the bulk-licensee, enter into an agreement to take such energy upon special terms (including a minimum annual sum to be paid to the bulk-licensee) to be determined, if necessary, by arbitration in the manner laid down in sub-clause (1) (d).

(3) The

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

(3) The maximum price fixed by a license for energy supplied to a distributing-licensee shall not apply to any partial supply given under sub-clause (2).

(4) Every distributing-licensee, who is supplied with energy by a bulk-licensee and intends to discontinue to receive such supply, shall give not less than twelve months' notice in writing of such intention to the bulk-licensee:

Provided that, where the distributing-licensee has entered into a written agreement with the bulk-licensee to receive and pay for a supply of energy for a certain period, such notice shall be given so as not to expire before the end of that period.

Charges.

Methods of charging.

X. In the absence of an agreement to the contrary, the licensee may charge for energy supplied by him to any consumer—

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

Provided, first, that, where the licensee charges by any method so approved by the Local Government, any consumer who objects to that method may, by not less than one month's notice in writing, require the licensee to charge him, at the licensee's option, either by the actual amount of energy supplied to him or by the electrical quantity contained in the supply, and thereafter the licensee shall not, except with the consent of the consumer, charge him by another method:

Provided, secondly, that, before commencing to supply energy through any distributing main, the licensee shall give notice, by public advertisement, of the method by which he proposes to charge for energy so supplied; and, where the licensee has given such notice, he shall not be entitled to change that method of charging without giving not less than one month's notice in writing of such change to the Local Government, to the local authority (if any) concerned, and to every consumer of energy who is supplied by him from such distributing main:

Provided,

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

Provided, thirdly, that, if the consumer is provided with a meter in pursuance of the provisions of section 26, subsection (1), of the Indian Electricity Act, 1910, and the licensee changes the method of charging for the energy supplied by him from the distributing main, the licensee shall bear the expense of providing a new meter, or such other apparatus as may be necessary by reason of the new method of charging.

XI. Save as provided by clause IX, sub-clause (3), the prices charged by the licensee for energy supplied by him shall not exceed the maxima fixed by his license, or, in the case of a method of charge approved by the Local Government, such maxima as the Local Government shall fix on approving the method: Maximum charges.

Provided, that, if, at any time after the expiration of seven years from the commencement of the license, the Local Government considers or is satisfied that the maxima so fixed or approved as aforesaid should be altered, it may, after such inquiry (if any) as it thinks fit, make an order accordingly, which shall have effect from such date as may be mentioned therein:

Provided, also, that, where an order in pursuance of the foregoing proviso has been made, no further order altering the maxima fixed thereby shall be made until the expiration of another period of five years.

XII. The price to be charged by the licensee and to be paid to him for energy supplied for the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the licensee and the Local Government or the local authority, as the case may be, and, where any difference or dispute arises, the matter shall be determined by arbitration. Charge for supply for public lamps.

Testing and inspection.

XIII. The licensee shall establish at his own cost and keep in proper condition such number of testing stations, situated at such places within reasonable distance from any distributing main, as the Local Government may direct for the purpose of testing the pressure or periodicity of the supply of energy in the distributing main, and shall supply and keep in proper condition thereat, and on all premises Licensee to establish testing stations and keep instruments for testing.

from

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II, so far as not added to, varied or excepted by the license.)

from which he supplies energy, such instruments for testing as an Electric Inspector may approve, and shall supply energy to each testing station for the purpose of testing.

Facilities for testing.

XIV. The licensee shall afford all facilities for inspection and testing of his works and for the reading, testing and inspection of his instruments, and may, on each occasion of the testing of his works or the reading, testing or inspection of any instruments, be represented by an agent, who may be present, but shall not interfere with the reading, testing or inspection.

Testing of works.

XV. On the occasion of the testing of any works of the licensee by an Electric Inspector reasonable notice thereof shall be given to the licensee; and the testing shall be carried out at such suitable hours as, in the opinion of the Electric Inspector, will least interfere with the supply of energy by the licensee, and in such manner as the Electric Inspector may think fit; but, except under the provisions of an order made in each case in that behalf by the Local Government, the Electric Inspector shall not be entitled to have access to, or interfere with, the works of the licensee at any points other than those at which the licensee himself has access to the same:

Provided that the licensee shall not be held responsible for any interruption or irregularity in the supply of energy which may be occasioned by, or required by the Electric Inspector for the purpose of, any such testing as aforesaid:

Provided, also, that the testing shall not be made in regard to any particular portion of the works oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the Local Government.

Plans.

Plan of area of supply to be made and kept open for inspection.

XVI. (1) The licensee shall, after commencing to supply energy, forthwith cause a plan to be made of the area of supply, and shall cause to be marked thereon the alignment and the approximate height above or depth below the surface of all his then existing electric supply-lines, street-distributing boxes and other works, and shall once in every year cause that plan to be duly corrected so as to show the electric supply-lines, street-distributing boxes and other works for the time being in position. The licensee shall also, if so required by an Electric Inspector, cause to be made

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made sections showing the approximate level of all his existing underground works other than service lines.

(2) Every such plan shall be drawn to a scale which shall not be smaller than sixteen inches to the mile.

(3) Every such section shall be drawn to a horizontal scale which shall not be smaller than sixteen inches to the mile and to a vertical scale which shall not be smaller than one inch to eight feet.

(4) Every plan and section so made or corrected, or a copy thereof, marked with the date when it was so made or corrected, shall be kept by the licensee at his principal office or place of business within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and copies thereof shall be supplied on such terms and conditions as may be prescribed by rules under the Indian Electricity Act, 1910.

(5) The licensee shall, if required by an Electric Inspector and, where the licensee is not a local authority, by the local authority (if any) concerned, supply free of charge to such Electric Inspector or local authority a copy of every such plan or section duly corrected so as to agree with the original kept at the principal office or place of business of the licensee.

Additional notice of certain works.

XVII. On the day next preceding the commencement of any such works as are referred to in section 13 of the Indian Electricity Act, 1910, the licensee shall, in addition to any other notices which he may be required to give, serve upon the Electric Inspector, or such officer as the Local Government may appoint in this behalf for the area of supply, a notice in writing stating that he is about to commence the works, and the nature and position of the same.

Notice to
Electric
Inspector.

ACT No. X OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 18th
March 1910.)*

An Act to consolidate and amend the law
relating to the Indian Museum.

WHEREAS it is expedient to consolidate and
amend the law relating to the Indian Museum;
It is hereby enacted as follows:—

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Museum
Act, 1910.

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

Incorporation of the Trustees.

Constitution
and incor-
poration of
the Trustees
of the Indian
Museum.

2. (1) The Trustees of the Indian Museum (here-
inafter called the Trustees) shall be—

(a) the six persons for the time being perform-
ing the duties of the following offices,
namely:—

- (i) the Accountant General of Bengal;
- (ii) the Principal, Government School
of Art, Calcutta;
- (iii) the Director, Geological Survey of
India;
- (iv) the Superintendent of the Zoolo-
gical and Anthropological Sec-
tion of the Museum;

(v) the

- (v) the Director General of Archæology; and
- (vi) the Officer in charge of the Industrial Section of the Museum;
- (b) one other person to be nominated by the Governor General in Council;
- (c) three other persons to be nominated by the Lieutenant-Governor of Bengal;
- (d) one other person to be nominated by the Council of the Asiatic Society of Bengal;
- (e) one other person to be nominated by the Bengal Chamber of Commerce;
- (f) one other person to be nominated by the British Indian Association, Calcutta;
- (g) one other person to be nominated by the Syndicate of the Calcutta University; and
- (h) three other persons to be nominated by the Trustees.

(2) The Trustees shall be a body corporate, by the name of "The Trustees of the Indian Museum," with perpetual succession and a common seal, and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act.

(3) The nominated Trustees shall, save as herein otherwise provided, hold office for a period of three years :

Provided that the authority nominating a Trustee may extend his term of office for one or more like periods.

3. (1) The powers of the said body corporate may only be exercised so long and so often as there are nine members thereof. Minimum
number
of Trustees
and quorum.

(2) The quorum necessary for the transaction of business at a meeting of the Trustees shall not be less than six.

4. If

Power to
appoint new
Trustees.

4. If a nominated Trustee—

- (a) dies, or
- (b) is absent from the meetings of the Trustees for more than twelve consecutive months, or
- (c) desires to be discharged, or
- (d) refuses or becomes incapable to act, or
- (e) is appointed to perform the duties of any office specified in section 2, clause (a),

the authority which nominated the Trustee may nominate a new Trustee in his place.

Vacation of
office by
existing
Trustees.

5. From the commencement of this Act the term of office of all persons appointed to be Trustees under the Indian Museum Act, 1876, shall cease.

XXII of
1876.

Property and powers of the Trustees.

Property
vested in
or placed
under the
control of
the Trustees.

6. (1) All the property, whether moveable or immoveable, which at the commencement of this Act is held by the Trustees of the Indian Museum constituted by the Indian Museum Act, 1876, on trust for the purposes of the said Museum shall, together with any such property which may hereinafter be given, bequeathed, transferred or acquired for the said purposes, vest in the Trustees of the Indian Museum constituted by this Act on trust for the purposes of the said Museum :

XXII of
1876.

Provided that the Trustees may expend the capital of any portion of such property which may consist of money on the maintenance, improvement and enlargement of the collections deposited in, presented to or purchased for the said Museum or otherwise for the purposes of the same as they may think fit.

(2) The Trustees shall have the exclusive possession, occupation and control, for the purposes of such trust, of the land specified in the schedule, including any buildings which may have been, or may hereafter be, erected thereon, other than those portions thereof

thereof which have been set apart by the Trustees for the records and offices of the Geological Survey of India.

7. Subject to the provisions of any bye-laws made in this behalf, the Trustees may, from time to time,—

- (a)* deliver, by way of loan, to any person the whole or any portion of, or any article contained in, any collection vested in them under this Act;
- (b)* exchange or sell duplicates of articles contained in any such collection and take or purchase, in the place of such duplicates, such articles as may in their opinion be worthy of preservation in the Museum;
- (c)* present duplicates of articles contained in any such collection to other Museums in British India; and
- (d)* remove and destroy any article contained in any such collection.

Power to Trustees to exchange, sell and destroy articles in collections.

8. *(1)* The Trustees may from time to time, with the previous sanction of the Governor General in Council, make bye-laws consistent with this Act for any purpose necessary for the execution of their trust.

Power to Trustees to make bye-laws.

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

- (a)* the summoning, holding and adjournment of general and special meetings of the Trustees;
- (b)* the securing of the attendance of Trustees at such meetings;
- (c)* the provision and keeping of minute-books and account-books;
- (d)* the compiling of catalogues;
- (e)* the lending of articles contained in the collections vested in the Trustees;
- (f)* the

- (f) the exchange and sale, and the presentation to other Museums in British India, of duplicates of articles contained in such collections;
- (g) the removal and destruction of articles contained in such collections; and
- (h) the general management of the Museum.

Power to
Trustees to
appoint
officers
and servants.

9. Subject to such regulations and conditions as may be prescribed by them in this behalf, the Trustees shall appoint such officers and servants as may be necessary or proper for the care or management of the trust-property, and may assign to such officers and servants such pay as they may think fit :

Provided that—

- (a) no officer shall be appointed—
 - (i) if such officer is, at the date of his appointment, in India, without the approval of the Governor General in Council, or
 - (ii) if such officer is not then in India, without the approval of the Secretary of State for India in Council; and
- (b) no new office shall be created, and no salaries of officers shall be altered, without the previous sanction of the Governor General in Council.

Duties of the Trustees.

Trustees to
furnish
annual re-
ports and
accounts.

10. (1) The Trustees shall furnish on or before the first day of December in each year—

- (a) to the Government of India a report of their several proceedings for the previous financial year, and
- (b) to such auditor as the Governor General in Council appoints in this behalf, accounts of all moneys expended by the Trustees during

during the previous financial year, supported by the necessary vouchers.

(2) The Trustees shall cause such report and accounts to be published annually for general information.

11. (1) The Trustees shall cause every article in the collections in the said Indian Museum formerly belonging to the Asiatic Society of Bengal and all additions that may hereafter be made thereto otherwise than by purchase under section 6, to be marked and numbered and (subject to the provisions contained in sections 7 and 16) to be kept and preserved in the said Museum with such marks and numbers.

Collections of Asiatic Society to be kept distinguished in the Museum.

(2) An inventory of such additions shall be made by the said Society, one copy whereof shall be signed by the Trustees and delivered to the said Society, and another copy shall be signed by the Council of the said Society and delivered to the Trustees, and shall be kept by them along with the inventory delivered to the predecessors in office of the Trustees when the said collections were deposited in the said Museum.

12. All objects taken in exchange and articles purchased under section 7 and all moneys realised from sales made in accordance with the terms of the same section shall be held on trust and subject to powers and declarations corresponding as nearly as may be with the trusts, powers and declarations by this Act limited and declared.

Articles received in exchange or purchased and moneys realized from sale to be held on trust.

Supplemental Provisions.

13. All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of the Indian Penal Code; and, so far as regards their salaries, allowances and pensions and their leave of absence from duty, they shall be subject to the rules which under the Civil Service Regulations for the time being in force would be applicable if their service was service under Government.

Officers under Act to be public servants and subject to Civil Service Regulations.

14. Notwithstanding

Power to Trustees to keep collections not belonging to them.

14. Notwithstanding anything hereinbefore contained, the Trustees may, if they think fit, with the previous sanction of the Governor General in Council and subject in each case to such conditions as he may approve and to such rules as he may prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trust under this Act and keep and preserve such collections either in the Indian Museum or elsewhere :

Provided that if the trust constituted by this Act is at any time determined, any such collections shall not by reason of their then being in the Indian Museum become the property of His Majesty.

Power to Trustees to part with certain property in their possession.

15. The Trustees may, with the previous sanction of the Governor General in Council, and subject to such conditions as he may approve, deliver possession of the whole or any part of the property described in the schedule to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

Property in collections on determination of trust.

16. If the trust constituted by this Act is at any time determined,—

(a) the collections and additions mentioned in section 11 shall become the property of the said Asiatic Society or their assigns, and

(b) all the other collections then in the said Indian Museum shall, save as otherwise provided by section 14, become the property of His Majesty.

Repeals.

17. The Indian Museum Act, 1876, and the Indian Museum Act, 1887, are hereby repealed. XXII of 1876.
IV of 1887.

THE SCHEDULE.

(See sections 6 and 15.)

Land bounded—

on the north side by the premises No. 2, Sudder Street, and by Sudder Street;

on the west side by Chowringhee Road and by the premises No. 29, Chowringhee Road (occupied by the Bengal United Service Club);

on the south side by the premises No. 29, Chowringhee Road, by Kyd Street, and by the premises No. 4, Chowringhee Lane, and

on the east side by the premises No. 15, Kyd Street, and the premises Nos. 4, 3, 2 and 1, Chowringhee Lane,

together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.

ACT No. XI OF 1910.

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

(Received the assent of the Governor General on the 18th
March 1910.)

An Act to amend the Central Provinces Courts Act, 1904.

WHEREAS it is expedient to amend the Central Provinces Courts Act, 1904; It is hereby enacted II of 1904.
as follows:—

Short title.

1. This Act may be called the Central Provinces Courts (Amendment) Act, 1910.

Substitution
of new
Chapter for
Chapter II
of Act II,
1904.

2. For Chapter II of the Central Provinces Courts Act, 1904, the following shall be substituted, II of 1904.
namely:—

“ CHAPTER II.

“ THE COURT OF THE JUDICIAL COMMISSIONER.

Jurisdiction
of Court of
Judicial
Commis-
sioner.

3. The Court of the Judicial Commissioner of the Central Provinces shall be the highest Civil Court of Appeal, and, except in reference to proceedings against European British subjects and persons jointly charged with European British subjects, the highest Court of Criminal appeal and revision in and for the territories to which this Act extends.

Constitution
of Court of
Judicial
Commis-
sioner.

4. (1) The Court of the Judicial Commissioner shall consist of three or, with the sanction of the Governor General in Council, more Judges, one of whom shall be the Judicial Commissioner of the Central Provinces who shall be appointed by the Governor General in Council, and the others Additional Judicial Commissioners who shall be appointed by the Local Government with the previous sanction of the Governor General in Council.

(2) Every

(2) Every person appointed under this section shall hold his office during the pleasure of the Governor General in Council.

"4A. (1) The Judicial Commissioner, whether permanent or officiating, shall have rank and precedence before the other Judges of his Court. Rank and precedence of Judges.

(2) The Additional Judicial Commissioners shall have rank and precedence among themselves according to the seniority of their appointment as such Additional Judicial Commissioners :

Provided that an Additional Judicial Commissioner permanently appointed shall be deemed to be senior to and to have rank and precedence before an officiating Judge.

(3) In this Act the expression 'the senior Judge' shall mean the Judge for the time being entitled to the first place in rank and precedence.

" 5. (1) Except as otherwise provided by this Act or by any other enactment for the time being in force, and subject to any rules made under this Act, the jurisdiction of the Court of the Judicial Commissioner may be exercised by a single Judge of the Court. Exercise of jurisdiction by Judges of Court of Judicial Commissioner.

(2) The Court of the Judicial Commissioner may, with the sanction of the Local Government, make rules to provide, in such manner as it thinks fit, for the exercise of any of its powers by a bench of two or more Judges of the Court.

" 5A. (1) The Court of the Judicial Commissioner may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court of the Judicial Commissioner, and may by such rules prescribe the mode of determining which Judges shall sit as a full bench when a full bench sitting becomes necessary. Constitution of full bench and other benches.

(2) Subject to the provisions of sub-section (1), the Judicial Commissioner may determine which Judge in each case or class of cases shall sit alone and which Judges shall constitute any bench.

" 5B. The

Power of
Judicial Com-
missioner
to transfer
cases.

" 5B. The Judicial Commissioner may transfer any case, whether the hearing has or has not commenced, from the file of any Judge sitting alone to his own file or to that of any other Judge of the Court.

Power to
refer
question to
full bench.

" 5C. Any single Judge of the Court of the Judicial Commissioner, and any bench of Judges thereof not being a full bench, may refer for the decision of a bench of two Judges or of a full bench any question of law or custom having the force of law, or of the construction of any document, or of the admissibility of any evidence, arising in any case before the Judge or bench, and shall dispose of the case in accordance with the decision of the bench to which the question has been referred.

Appeals.

" 6. A Judge of the Court of the Judicial Commissioner shall when sitting in a bench of three or more Judges of that Court, but not otherwise, be competent to try any appeal from a decree, order or sentence passed by himself, whether in a civil or criminal matter, and to adjudicate upon any proceeding connected with or arising out of such decree, order or sentence notwithstanding anything contained in section 556 of the Code of Criminal Procedure, 1898.

V of 1898.

Rule of
decision
where
Judges
differ.

" 6A. Except as otherwise provided by any enactment for the time being in force,—

- (a) where there is a difference of opinion among the Judges composing any bench of the Court of the Judicial Commissioner, the decision shall be in accordance with the opinion of the majority of those Judges;
- (b) if there is no such majority, then,—
 - (i) if the bench is a full bench, the decision shall be in accordance with the opinion of the senior Judge of the bench;
 - (ii) in other cases, the bench before which the difference has arisen shall

shall refer it to another Judge of the Court and shall dispose of the case in accordance with the decision of such Judge.

" 7. (1) The Registrar of the Court of the Judicial Commissioner shall be appointed by the Local Government.

Registrar and ministerial officers of Court of Judicial Commissioner.

(2) The ministerial officers of the said Court shall be appointed by the Judicial Commissioner.

" 8. (1) In addition to any other powers to make rules expressly or by implication conferred by this Act, the Court of the Judicial Commissioner, with the previous sanction of the Local Government, may, from time to time, by notification in the local official Gazette, make rules consistent with this Act and any other enactment for the time being in force,—

Power to Court of Judicial Commissioner to make rules.

- (a) declaring what persons shall be permitted to practise as petition-writers in the Courts, regulating the conduct of the business of persons so practising and determining the authority by which breaches of rules under this clause shall be tried;
- (b) providing for the translation of any papers filed or produced in the Court of the Judicial Commissioner, and for the payment of the expenses thereby incurred;
- (c) regulating the procedure in cases where any person applies to inspect a record of any Court or to obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;
- (d) prescribing the travelling and other expenses to be allowed to witnesses in civil cases, and the fees to be allowed to Commissioners appointed by Civil Courts;
- (e) conferring and imposing on the ministerial officers of the Court of the Judicial Commissioner and of the Courts subordinate thereto such powers and duties of

a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

- (f) prescribing forms to be used in the subordinate Courts for such proceedings, books, entries, statistics and accounts as it thinks necessary;
- (g) providing for the visitation and inspection of the subordinate Courts, and the supervision of the working thereof; and
- (h) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of the Court of the Judicial Commissioner and of the subordinate Courts and maintaining proper discipline among those officers.

(2) Whoever commits a breach of any rule made under sub-section (1), clause (a), shall be punishable with fine which may extend to fifty rupees.

Registers,
books
and accounts,
returns,
statements
and reports.

"9. The Court of the Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall comply, in such form and manner as the Local Government may deem proper, with any requisitions which the Local Government may make for records of, or papers belonging to, the Court of the Judicial Commissioner or any Civil Court subordinate thereto, or for certified copies of, or extracts from, such records or papers, or for returns, statements or reports."

Amendment
of Act II,
1904, section
13, sub-sec-
tion (1).

3. In section 13, sub-section (1), of the said Act, the following alterations shall be made, namely:—

- (i) in sub-clause (a), for the words "five hundred" the words "one thousand" shall be substituted; and
- (ii) in sub-clause (b), for the word "five" the word "ten" shall be substituted.

4. For

4. For section 14 of the said Act the following section shall be substituted, namely :—

Substitution of new section 14 of Act II of 1904.

ix of 1887. " 14. The Local Government may, by notification in the local official Gazette, invest any District Court or any Court of a Subordinate Judge or of a Munsif with the powers of a Court of Small Causes under the Provincial Small Causes Courts Act, 1887, up to such value not exceeding five hundred rupees in the case of a District Court or of the Court of a Subordinate Judge or one hundred rupees in the case of the Court of a Munsif as it thinks fit, to be exercised in cases arising within the limits of the Court's jurisdiction or in any specified area within such limits, and may withdraw any powers so conferred."

Power to invest certain Courts with Small Cause Court jurisdiction.

5. For section 15, clause (b), of the said Act, the following shall be substituted, namely :—

Amendment of Act II, 1904, section 15, clause (b).

" (b) an appeal from the decree or order of the Court of a Subordinate Judge shall lie—

- (i) where the value of the suit in such Court does not exceed one thousand rupees, to the District Court;
- (ii) where the value of such suit exceeds one thousand rupees but does not exceed five thousand rupees, to the Divisional Court; and
- (iii) where the value of such suit exceeds five thousand rupees, to the Court of the Judicial Commissioner."

6. In section 17 of the said Act, the following shall be inserted as sub-section (2), the present sub-section (2) being renumbered as sub-section (3), namely :—

Addition of new sub-section to section 17, Act II, 1904.

" (2) The Judicial Commissioner or an Additional Judicial Commissioner appointed by

by him shall from time to time visit, and inspect the proceedings of, the Civil Courts subordinate to the Court of the Judicial Commissioner, and shall give such directions on matters not provided for by law as may be necessary to secure the due administration of justice."

Amendment
of sections 22
and 26, Act
II, 1904.

7. In section 22, sub-section (2), and section 26, sub-section (1), of the said Act, for the words "the Judicial Commissioner" the words "the Court of the Judicial Commissioner" shall be substituted.

ACT NO. XII OF 1910.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]
(Received the assent of the Governor General on the 23rd
March 1910.)

An Act to amend the Law relating to Glanders and Farcy.

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

- | | | |
|---------------|--|--|
| | 1. This Act may be called the Glanders and Farcy Law Amendment Act, 1910. | Short title. |
| XI of 1901. | 2. Part II of the Second Schedule to the Repealing and Amending Act, 1901, is hereby repealed. | Repeal of part of Schedule II, Act XI, 1901. |
| XIII of 1899. | 3. In section 3 of the Glanders and Farcy Act, 1899, after the words "any provision of this Act," the words "so far as all or any of the diseases mentioned in, or specified in a notification under, section 2, sub-section (1), are concerned," shall be inserted. | Amendment of section 3, Act XIII, 1899. |

ACT No. XIII OF 1910.

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

(Received the assent of the Governor General on the 23rd March 1910.)

An Act to amend the Prisons Act, 1894.

WHEREAS it is expedient to amend the Prisons Act, 1894; It is hereby enacted as follows:— IX of 1894.

Short title.

1. This Act may be called the Prisons (Amendment) Act, 1910.

Amendment
of section 52,
Act IX,
1894.

2. In section 52 of the Prisons Act, 1894, the following amendments shall be made, namely:—

- (1) after the words "Magistrate of the first class" the words "or Presidency Magistrate" shall be inserted; and
- (2) for the first proviso the following shall be substituted, namely:—

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

ACT NO. XIV OF 1910.

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

(Received the assent of the Governor General on the 22nd July 1910.)

An Act to amend the Indian Emigration Act, 1908.

XVII of 1908. **WHEREAS** it is expedient to amend the Indian Emigration Act, 1908; It is hereby enacted as follows:—

1. This Act may be called the Indian Emigration (Amendment) Act, 1910. Short title.

XVII of 1908. 2. For section 5 of the Indian Emigration Act, 1908, the following section shall be substituted, namely:— Substitution of new section 5, Act XVII, 1908.

“5. Where the Governor General in Council has reason to believe that sufficient grounds exist for prohibiting emigration to any country to which emigration is lawful, he may, by notification in the Gazette of India, declare that emigration to that country shall cease to be lawful from a day specified in the notification; and from that day emigration to that country shall accordingly cease to be lawful.” Power for Governor General in Council to prohibit emigration to any country.

THE CANTONMENTS ACT, 1910
(XV OF 1910.)

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ACT No. XV OF 1910.

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

(Received the assent of the Governor General on the 5th August 1910.)

An Act to consolidate and amend certain Acts relating to Cantonments.

WHEREAS it is expedient to consolidate and amend certain Acts relating to cantonments; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (1) This Act may be called the Cantonments Act, 1910.

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

Interpretation.

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

(a) “officer” means—

(i) a person who, being an officer within the meaning of the Army Act, is commissioned and in pay as an officer doing military duty with His Majesty’s regular forces as defined in that Act or as an officer doing such duty in any arm, branch or part of those forces; and

(ii) a person doing military duty as a warrant officer with those forces or with any arm, branch or part thereof, whether he is or is not an officer within the meaning of the Army Act :

(b) “soldier” means a person who is a soldier of His Majesty’s regular forces within the

44 & 45
Vict., c. 53.

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police.)

the meaning of the Army Act, and is not an officer within the meaning of this Act :

- (c) "spirituous liquor" means any fermented liquor, any wine, any alcoholic liquid obtained by distillation, and the sap of any kind of palm-tree, and includes any other liquid consisting of or containing alcohol which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare to be a spirituous liquor for the purposes of this Act :
- (d) "intoxicating drug" means opium, ganja, bhang, charas and every preparation and admixture thereof, and includes any other intoxicating substance or liquid which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare to be an intoxicating drug for the purposes of this Act : and
- (e) "owner" includes the person who is receiving or entitled to receive the rent of any building or land, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant.

CHAPTER II.

CANTONMENTS AND CANTONMENT AUTHORITIES,
COURTS AND POLICE.

Cantonments.

3. (1) The Local Government, with the previous sanction of the Governor General in Council, may, Definition of Cantonments.
by

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police.)

by notification in the official Gazette, declare any place in which any of His Majesty's regular forces are quartered within the territories administered by such Government to be a cantonment for the purposes of this Act and of all other enactments for the time being in force.

(2) The Local Government, with the like sanction, may also, by a like notification, define the limits of any cantonment for the like purposes.

Cantonment Authorities and Magistrates.

Cantonment
authority and
Magistrate.

4. For every cantonment beyond the limits of a Presidency-town there shall be a cantonment authority and a Cantonment Magistrate.

Cantonment
authority.

5. (1) The expression "cantonment authority" as used in this Act means a cantonment committee or, where a cantonment committee has not been constituted or has in pursuance of an order of the Local Government ceased to exist, or for any reason cannot be convened, then, subject to any rules made under section 24, clause (5), the commanding officer of the cantonment.

(2) The Local Government shall determine, with respect to every cantonment in which troops are for the time being quartered, whether or not a cantonment committee is to be constituted.

(3) The cantonment authority shall be deemed to be a local authority as defined in the Cattle-trespass Act, 1871, the Local Authorities Loan Act, 1879, the Indian Telegraph Act, 1885, and the General Clauses Act, 1897.

I of 1871.
XI of 1879.
XIII of 1885.
X of 1897.

Cantonment
Magistrate

6. The Cantonment Magistrate shall be a Magistrate appointed by the Local Government under section 12 of the Code of Criminal Procedure, 1898, and, as such, subordinate to the District Magistrate or to the District Magistrate and the Sub-divisional Magistrate, as the case may be, under section 17 of that Code.

V of 1898.

Cantonment

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police.)

Cantonment Court of Small Causes.

IX of 1887.

7. (1) When the Local Government appoints the Cantonment Magistrate to be the Judge of a Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, it shall, in its order appointing him to be such Judge, declare, and may by notification in the official Gazette vary, within a limit of five hundred rupees, the value of the suits which are to be cognizable by him under that Act.

Appointment of Cantonment Magistrate as Judge of Cantonment Court of Small Causes.

(2) The provisions of section 15, sub-section (3), of the said Act shall not apply to a Court of Small Causes of which a Cantonment Magistrate is the Judge.

IX of 1887.

8. When the Local Government appoints an Additional Judge of a Court of Small Causes, of which a Cantonment Magistrate is the Judge, it shall, in its order appointing him to be such Additional Judge, declare, and may by notification in the official Gazette vary, within a limit of fifty rupees, the value of the suits with respect to which the functions of the Judge of the Court may be assigned to, and discharged by, the Additional Judge under section 8 of the Provincial Small Cause Courts Act, 1887.

Appointment of Additional Judge of Cantonment Court of Small Causes.

9. A Cantonment Magistrate as Judge of a Court of Small Causes may, whatever may be the value of the suits cognizable by him as such Judge, dispose of any suit which was within the pecuniary limits of the jurisdiction of the Judge presiding over the Court at the time of the institution of the suit, and may entertain and dispose of any proceeding after decree in any such suit.

Continuance of jurisdiction of Cantonment Court of Small Causes in certain cases notwithstanding reduction of jurisdiction of Judge.

Cantonment Police.

10. (1) The police-force employed in a cantonment beyond the limits of a Presidency town shall, for

(Chapter III.—*Spirituos Liquors and Intoxicating Drugs.*)

for the purposes of the Madras District Police Act, ^{XXIV of 1859.} 1859, or the Police Act, 1861, or the Bombay District Police Act, 1890, as the case may be, be deemed to ^{V of 1861.} be part of the general police-establishment under the ^{Bom. IV of 1890.} superintendence of the Local Government in whose territories the cantonment is situated.

(2) The area comprised within the limits of a cantonment shall be deemed to be a town for the purposes of section 34 of the Police Act, 1861. ^{V of 1861.}

CHAPTER III.

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS.

Unauthorised sale of spirituous liquor or intoxicating drug.

11. If within a cantonment, or within such limits around a cantonment as the Local Government may, by notification in the official Gazette, prescribe in this behalf, any person not subject to military law or any person subject to military law otherwise than as an officer or soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife, without the written permission of the commanding officer of the cantonment or of some person authorised by the commanding officer to grant such permission, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Unauthorised possession of spirituous liquor.

12. If within a cantonment, or within such limits around a cantonment as the Local Government may, by notification in the official Gazette, prescribe in this behalf,—

- (a) any person subject to military law otherwise than as an officer or soldier, or
- (b) the wife or servant of any such person or of a soldier,

has

(Chapter III.—*Spirituous Liquors and Intoxicating Drugs.*)

has in his or her possession except on behalf of the Government or for the private use of an officer more than one quart of any spirituous liquor other than fermented malt-liquor without the written permission of the commanding officer of the cantonment or of some person authorised by the commanding officer to grant such permission, he or she shall be punishable in the case of a first offence against this section with fine which may extend to fifty rupees, and in the case of a subsequent offence against this section with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months.

13. (1) Any police-officer or excise-officer may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence against section 11 or section 12, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed, and any vessels or coverings in which the liquor or drug is contained.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.

(2) Where a person accused of an offence against section 11 has been previously convicted of an offence against that section, an officer in charge of a police-station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment, or within the limits prescribed under section 11, which at the time of the alleged commission of the subsequent offence belonged to, or was in the possession of, the person.

(3) The Court convicting a person of an offence against section 11 or section 12 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of Chapter XLIII of the Code of Criminal Procedure, 1898, anything seized under sub-section (1) or sub-section (2) and not

(Chapter III.—*Spirituous Liquors and Intoxicating Drugs.* Chapter IV.—*Taxation and Cantonment Fund.*)

not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

Saving of articles sold or supplied for medicinal purposes.

14. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article for medicinal purposes by a medical practitioner, chemist or druggist.

CHAPTER IV.

TAXATION AND CANTONMENT FUND.

Taxation.

General tower of taxation.

15. (1) With the previous sanction of the Governor General in Council, the Local Government may, by notification in the official Gazette,—

(a) impose in any cantonment which is not included in a municipality any tax which, under any enactment in force at the date of the notification, can be imposed in any municipality within the territories administered by such Government; and

(b) abolish or modify any tax so imposed.

(2) When any tax is leviable in a cantonment in pursuance of a notification under sub-section (1), the Local Government, subject to the like sanction, may, by a like notification, apply or adapt to the cantonment the provisions of any enactment or rules in force at the date of the notification in any municipality within the territories administered by such Government relating to—

(a) the assessment, collection or recovery of any tax;

(b) the refund or revision of, or exemption from, any such tax; and

(c) the punishment of any breach of such enactment or rules.

16. (1) The

(Chapter IV.—Taxation and Cantonment Fund.)

16. (1) The Local Government may, by notification in the official Gazette, extend the provisions of the Bengal Chaukidari Act, 1856, to any cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force, and the Cantonment Magistrate may exercise all the powers of the Magistrate under that Act, subject only to the control of the District Magistrate and the Local Government.

Extension of Act XX of 1856 to certain cantonments.

(2) The Local Government may order that a cantonment to which the provisions of the Bengal Chaukidari Act, 1856, have been extended shall be divided into any number of cantonment divisions, and may determine the nature of the tax to be levied in each such division according to section 10 of that Act.

17. While a tax assessed according to the circumstances, and the property to be protected, of the persons liable thereto, or according to the annual value of houses and grounds, is levied under the Bengal Chaukidari Act, 1856, in a cantonment, a tax on persons practising any profession or art or carrying on any trade or calling or a tax on buildings and lands, as the case may be, shall not be leviable in the cantonment in pursuance of a notification under section 15 of this Act.

Restriction of power of taxation in cantonments in which Act XX of 1856 is in force.

18. (1) Notwithstanding anything in any enactment for the time being in force, the Governor General in Council may, by notification in the Gazette of India, prohibit the levy of the whole or any part of any tax imposed in a cantonment, or exempt any person by name or in virtue of his office or any class of persons, or any property or any class of property, from the operation of any such tax.

Power to prohibit or exempt from taxation.

(2) Where the area subject to the authority of a municipal committee as defined in section 2 of the Municipal Taxation Act, 1881, includes the whole or part of a cantonment, nothing in section 4 or section 5 of that Act or in any other like enactment for the

the

(Chapter IV.—Taxation and Cantonment Fund.)

the time being in force shall apply to so much of that area as is comprised in the cantonment.

Cantonment Fund.

Cantonment
fund.

19. (1) There shall be formed for every cantonment which is not included in a municipality a cantonment fund, and there shall be placed to the credit thereof, among other sums, the following, namely :—

- (a) subject to deductions under section 545 of the Code of Criminal Procedure, 1898, ^{V of 1898,} or under any other enactment for the time being in force or under any order of the Local Government, all fines recovered from persons convicted of offences committed within the cantonment against this Act or against any enactment extended or rule made thereunder, or against the provisions of section 34 of the Police Act, 1861, or the corresponding ^{V of 1861,} enactment for the time being in force in the territories administered by the Governor of Fort St. George in Council or by the Governor of Bombay in Council, or against the provisions of Chapter XIII or Chapter XIV of the Indian ^{XLV of 1860,} Penal Code or of section 156 of the Army ^{44 & 45 Vict.,} Act; ^{c. 58.}
- (b) the proceeds of taxes imposed under section 15 or levied under the Bengal Chaukidari Act, 1856, in the cantonment; and ^{XX of 1856.}
- (c) rents and profits accruing from property placed by the Government under the management of the cantonment authority.

(2) Notwithstanding anything in any enactment as to the purposes to which the proceeds of a tax are to be appropriated, the cantonment fund shall be applicable, subject to the rules under this Act, to the maintenance of the police-force employed in the
cantonment

(Chapter IV.—Taxation and Cantonment Fund.
(Chapter V.—Supplemental Provisions.)

cantonment and to the other purposes of this Act within the cantonment and, with the general or special sanction of the Local Government, to like objects, within or without British India, beyond the limits of the cantonment in cases in which, in the opinion of the Local Government, the application of the fund beyond those limits is for the benefit of the inhabitants of the cantonment or of any military force ordinarily quartered therein or of any detachment of any such force.

20. (1) Where, in or near a cantonment, there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the cantonment fund shall be kept in the treasury, sub-treasury or bank. Custody of cantonment fund.

(2) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any banker or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the District Magistrate may in each case think sufficient.

21. The cantonment fund shall be vested in His Majesty, and, subject to the provisions of this Act and of the rules thereunder and to the control of the Local Government, the management of the fund shall be entrusted to the cantonment authority. Vesting and management of cantonment fund.

22. The cantonment fund shall be deemed to be "public revenues" within the meaning of the proviso to section 6 of the Land Acquisition Act, 1894, and any property acquired at the cost of the cantonment fund shall vest in His Majesty. Acquisition of immovable property at cost of cantonment fund.

I of 1894.

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

23. The Governor General in Council may, by notification in the Gazette of India, extend to all cantonments or to any cantonment or to any part of any Extension of enactments to cantonments.

(Chapter V.—Supplemental Provisions.)

any cantonment any enactment for the time being in force in any municipality in British India, and declare its extension to be subject to such restrictions and modifications, if any, as he thinks fit.

Matters respecting which rules may be made.

24. The Governor General in Council may make rules consistent with this Act to provide for all or any of the following matters, namely:—

- (1) the manner in which, and the authority to which, application for permission to occupy land belonging to the Government in a cantonment is to be made;
- (2) the conditions to be annexed to every such permission given in pursuance of such an application;
- (3) the preparation and maintenance of registers of immoveable property in cantonments;
- (4) the constitution of cantonment committees, the functions to be discharged by them, the conduct of, and the control to be exercised over, their proceedings, and the division of duties among the members of such committees;
- (5) the functions to be discharged by the commanding officer of a cantonment where a cantonment committee has not been constituted, or has in pursuance of an order of the Local Government ceased to exist, or for any reason cannot be convened;
- (6) the executive duties of the Cantonment Magistrate and his position in relation to the commanding officer of the cantonment;
- (7) the purposes to which the cantonment fund may be applied;
- (8) the authority on which money may be paid from the cantonment fund;
- (9) the

(Chapter V.—Supplemental Provisions.)

- (9) the investment of any balance of that fund;
- (10) the execution of contracts by, or on behalf of, the cantonment authority;
- (11) the accounts to be kept by the cantonment authority, and the manner in which those accounts are to be audited and published;
- (12) the definition and abatement of nuisances for which sufficient provision has not, in the opinion of the Governor General in Council, been made under section 23;
- (13) the requisitions which may be made on persons having the control of sewers, drains, latrines or other things creating, or likely to create, nuisances, and the mode of enforcing such requisitions;
- (14) the prevention of the overcrowding of buildings and places in a cantonment;
- (15) the construction and maintenance, to the satisfaction of the cantonment authority, of buildings and of boundary-walls, hedges and other fences;
- (16) the regulation of the practice of agriculture and irrigation in a cantonment, the keeping of lands therein in proper order, and the felling, lopping and trimming of trees on such lands;
- (17) the regulation of encamping-grounds, sarais, markets and slaughter-houses, of traffic on roads and across unenclosed spaces under the control of the cantonment authority, and of processions and public assemblies;
- (18) the use and management of burial and burning grounds;
- (19) the supervision and the regulation of the use of public wells, tanks, rivers, streams, springs or other sources from which water is or may be made available for public

(Chapter V.—Supplemental Provisions.)

public use, and of the lands in the vicinity thereof;

- (20) the parts of a cantonment in which persons practising any profession or carrying on any trade, calling or occupation may be required to reside for the purpose of practising the profession or carrying on the trade, calling or occupation, and the conditions, if any, to be observed by such persons;
- (21) the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease;
- (22) the segregation in, or the removal and exclusion from, a cantonment, or the destruction of animals suffering or supposed to be suffering from any infectious or contagious disease;
- (23) the suppression of mendicancy and of loitering or importuning for the purpose of prostitution, and the removal and exclusion from a cantonment of disorderly persons, of persons who have been convicted of any offence against Chapter XVII of the Indian Penal Code, or section 156 of the Army Act, or have been ordered under the Code of Criminal Procedure, 1898, to execute a bond for their good behaviour, and of persons whom the commanding officer deems it expedient to exclude from the cantonment with or without assigning any reason for excluding them therefrom;
- (24) the prevention of cruelty to animals and the care of animals while grazing;

(25) the

XLV of 1860.
44 & 45 Viot.,
o. 58.

V of 1898.

Chapter V.—Supplemental Provisions.)

- (25) the prevention and extinction of fires;
- (26) the registration of births and deaths;
- (27) the appointment by owners of buildings and lands in cantonments, who are absent from cantonments, of persons residing within or near cantonments, to act as their agents for all or any of the purposes of this Act or any enactment extended or rule made thereunder;
- (28) the powers of inspection, entry and search which may be exercised in carrying out any of those purposes, and the cases in which breaches of enactments extended or rules made under this Act are to be cognizable offences;
- (29) the mode in which summonses, notices, requisitions and other documents are to be served on the persons to whom they are addressed;
- (30) the cases, authorities and conditions in, to and on which executive orders passed under this Act or any enactment extended or rule made thereunder may be appealed from; and
- (31) generally, the carrying out of the purposes of this Act.

25. (1) The power to make rules under section 24 is subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner as the Governor General in Council prescribes.

Supplemental provisions respecting rules.

(2) A rule under section 24 may be general for all cantonments in British India or for all cantonments not expressly excepted from its operation, or may be special for the whole or any part of any one or more than one cantonment, as the Governor General in Council directs.

(3) A

(Chapter V.—Supplemental Provisions.)

(3) A copy of the rules for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Magistrate.

(4) In making any rule under clause (12) or any of the following clauses of section 24, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days, and, when the breach is a continuing breach, with fine which, in addition to such fine or imprisonment as aforesaid, may extend to five rupees for every day after the first during which the breach continues.

Extension of certain enactments and rules to places beyond cantonments.

26. The Local Government may, by notification in the official Gazette, and subject to any conditions as to compensation or otherwise which it may see fit to impose, extend to any area beyond the cantonment and in the vicinity thereof—

- (a) any enactment which, with or without restriction or modification, has been extended to the cantonment or any part thereof under section 23, or
- (b) any rule in force in the cantonment or any part thereof under clause (12) or any of the following clauses of section 24, as well as any direction there in force under sub-section (4) of section 25;

and the enactment, rule or direction specified in the notification shall, so long as the notification remains uncanceled, apply to that area as if the area were included in the cantonment.

Cantonments in Presidency towns.

27. Where a cantonment is situated within the limits of a Presidency-town, the functions assigned to any authority by this Act or any enactment extended or rule made thereunder shall, subject to the provisions of any enactment for the time being in force, be discharged by such authority as the Local Government may appoint in this behalf.

28. A

(Chapter V.—Supplemental Provisions. Chapter VI.—Repeals and Savings.)

28. A suit or prosecution shall not be entertained in any Court against any cantonment authority, authority appointed under section 27, Cantonment Magistrate or commanding, medical or other officer for anything in good faith done or purporting to be done in pursuance of powers conferred by or under this Act on such authority, Magistrate or officer, whether the thing done was or was not authorised by the powers so conferred.

Protection of cantonment-authority, Magistrate and commanding officer.

29. (1) Section 54, paragraphs 2 and 3, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment in British India.

Registration.

(2) Where a cantonment has not been constituted a sub-district or district for the purposes of the Indian Registration Act, 1908, under section 9 of that Act, the Registrar of the district in which the cantonment is situated shall cause a copy of such entries in Indexes Nos. I and II as relate to immovable property within the limits of the cantonment to be forwarded to the Cantonment Magistrate annually or at such shorter intervals as the Local Government may prescribe.

XVI of 1908.

30. The Governor General in Council may, by notification in the Gazette of India, exclude from the operation of the whole or any part of this Act the whole or any part of any cantonment.

Limitation of the operation of this Act.

CHAPTER VI.

REPEALS AND SAVINGS.

31. The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof.

Repeals.

32. All

(Chapter VI.—Repeals and Savings. The Schedule.—Enactments repealed.)

Savings.

32. All licenses and permits given under the Cantonments Act, 1889, or under any enactment repealed by that Act, and in force at the commencement of this Act, shall be deemed to have been given under this Act. XIII of 1889.

THE SCHEDULE.
ENACTMENTS REPEALED.
(See section 31.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1889	XIII	The Cantonments Act, 1889.	So much as has not been repealed.
1891	I	The Cattle-trespass Act (1871) Amendment Act, 1891.	Section 11.
"	XII	The Amending Act, 1891.	So much of Part I of the Second Schedule as relates to the Cantonments Act, 1889.
1896	XII	The Excise Act, 1896	So much of the Schedule as relates to the Cantonments Act, 1889.
1897	XV	The Cantonments Act, 1897.	The whole.
1898	V	The Code of Criminal Procedure, 1898.	So much of Schedule I as relates to the Cantonments Act, 1889.
1903	I	The Repealing and Amending Act, 1903.	So much of Part II of the Second Schedule as relates to the Cantonments Act, 1889.
1909	V	The Amending (Army) Act, 1909.	So much of the Schedule as relates to the Cantonments Act, 1889.

ACT No. XVI OF 1910.

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

(Received the assent of the Governor General on the 5th August 1910.)

An Act to provide for certain matters in connection with the taking of the Census.

WHEREAS it has been determined to take a census of British India during the year 1911, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Census Act, 1910. Short title and extent.

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

2. (1) The Local Government may appoint any person to take, or aid in or supervise the taking of, the census within any specified local area. Appointment of census-officers.

(2) Persons so appointed shall be called census-officers.

(3) The Local Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

3. (1) A declaration in writing, signed by any officer authorised by the Local Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment. Proof of appointment of census-officers and their status as public servants.

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code. XLV of 1860.

4. (1) (a) Every officer in command of any body of men belonging to His Majesty's military or naval forces or to His Majesty's Indian Marine Service or of any vessel of war, Discharge of duties of census-officers in certain cases.

(b) every

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(d) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house, emigration-depôt or club, and

(e) every occupant of immoveable property and every manager or officer of a railway or other commercial or industrial enterprise who has at the time of the taking of the census not less than twenty persons employed under him, or living on or in such property,

shall, if so required by the District Magistrate or by such officer as the Local Government may appoint in this behalf; perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or inmates of his house or present on or in such immoveable property as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

XLV of 1860

Power of District Magistrate to call upon certain persons to give assistance.

5. (1) The District Magistrate, or such officer as the Local Government may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

(a) all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1905, or the Upper

Burma Bar. III of 1905.

III of 1889.

Burma Land and Revenue Regulation, 1889, or their agents,

Mad. II of 1894.

(b) all village-officers and servants in estates as defined in the Madras Proprietary Estates' Village Service Act, 1894 (Madras), and

Ben. VI of 1870.
I of 1883.

(c) all members of panchayats appointed under the Village Chaukidari Act, 1870 (Bengal), or the Sylhet and Cachar Rural Police Regulation, 1883, all ghatwals and all circle-tahsildars appointed under the Chota Nagpur Rural Police Act, 1887 (Bengal), and all village-headmen in the Kumaun Division of the United Provinces,

Ben. V of 1887.

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the taking of the census on the lands of such owners, occupiers, holders, farmers and assignees, or within the limits of such fisheries or in the villages or other areas for which such village-officers and servants, panchayats, ghatwals, circle-tahsildars or village-headmen are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees or their agents, and such village-officers and servants, the members of such panchayats and such ghatwals, circle-tahsildars and village-headmen shall be bound to obey it.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask. Asking of questions by census-officers.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief : Obligation to answer questions.

Provided that no person shall be bound to state the name of any female member of his household,
and

and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to allow access, and permit affixing of numbers.

8. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purpose of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier or manager to fill up schedule.

9. (1) Subject to such orders as the Local Government may issue in this behalf, any census-officer may leave, or cause to be left,—

- (a) at any dwelling-house within the local area for which he is appointed, or
- (b) with any manager or officer of any commercial or industrial enterprise who has at the time of the taking of the census not less than twenty persons employed under him,

a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Local Government may direct regarding the inmates of such house or part or the persons employed under such manager or officer at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates or the manager or officer with whom it is left shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, or the persons employed under him at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

10. In

10. In any of the following cases, namely :— Penalties.

- (a) if a census-officer or a person appointed to be a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act, or with any rule duly made thereunder,
- (b) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return,
- (c) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,
- (d) if any person occupying any house, enclosure, vessel or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,
- (e) if any person removes, obliterates, alters or injures before the thirty-first day of March 1911, any letters, marks or numbers which have been painted or affixed for the purposes of the census,
- (f) if any occupier of a dwelling-house or part thereof or any person with whom a schedule is left under section 9 knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

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

11. (1) The Local Government may, by notification in the official Gazette, declare before what ^{Jurisdiction} _{in prosecutions,} classes of Magistrates prosecutions under this Act may be instituted.

(2) Unless

(2) Unless and until a notification is published under sub-section (1), all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere before the District Magistrate.

(3) No prosecution under this Act shall be instituted except with the previous sanction of the Local Government, or with the previous sanction of some officer authorised by the Local Government in this behalf.

Records of census not open to inspection or admissible in evidence in certain proceedings.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under section 9, and, notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898.

I of 1872.

V of 1898.

Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of British India during the year 1911, cause the census of the municipality to be taken wholly or in part by any method authorised by this Act.

Power in regard to expenses.

14. Notwithstanding anything in any enactment or rule, in regard to municipal, local or village funds, the Local Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Act, may be charged to any municipal, local or village fund constituted for, and on behalf of, the area within which such expenses were incurred.

Power to make rules

15. (1) The Governor General in Council may make rules for carrying out the purposes of this Act.

(2) In

(2) In particular, and without prejudice to the generality of the foregoing power, the Governor General in Council may make rules providing—

- (a) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census and for the general instructions to be issued to such officers and persons;
- (b) for the enumeration of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision;
- (c) for the enumeration of persons travelling on the night when a census is taken.

(3) The Governor General in Council may, by general or special order, direct that all or any of the powers conferred upon him by this section may also be exercised by any Local Government with respect to the territories administered by it.

ACT No. XVII OF 1910.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL]

(Received the assent of the Governor General on the 6th August 1910.)

An Act to provide for the continuance of the
Prevention of Seditious Meetings Act, 1907.

WHEREAS it is expedient to provide for the continuance of the Prevention of Seditious Meetings Act, 1907; It is hereby enacted as follows:— VI of 1907.

Short title.

1. This Act may be called the Continuing Act, 1910.

Continuance
of Act VI of
1907.

2. The Prevention of Seditious Meetings Act, VI of 1907, shall be continued until the thirty-first day of March 1911, and shall then expire, unless further continued.

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