

A COLLECTION

OF

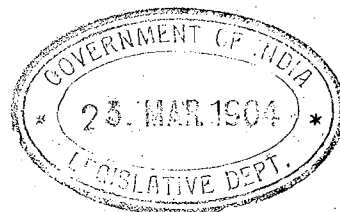
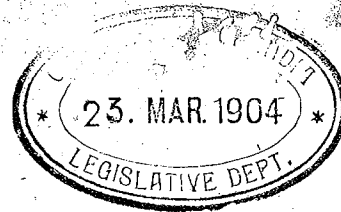
THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1903.



CALCUTTA:

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.

1904.

[Price one anna and six pies.]

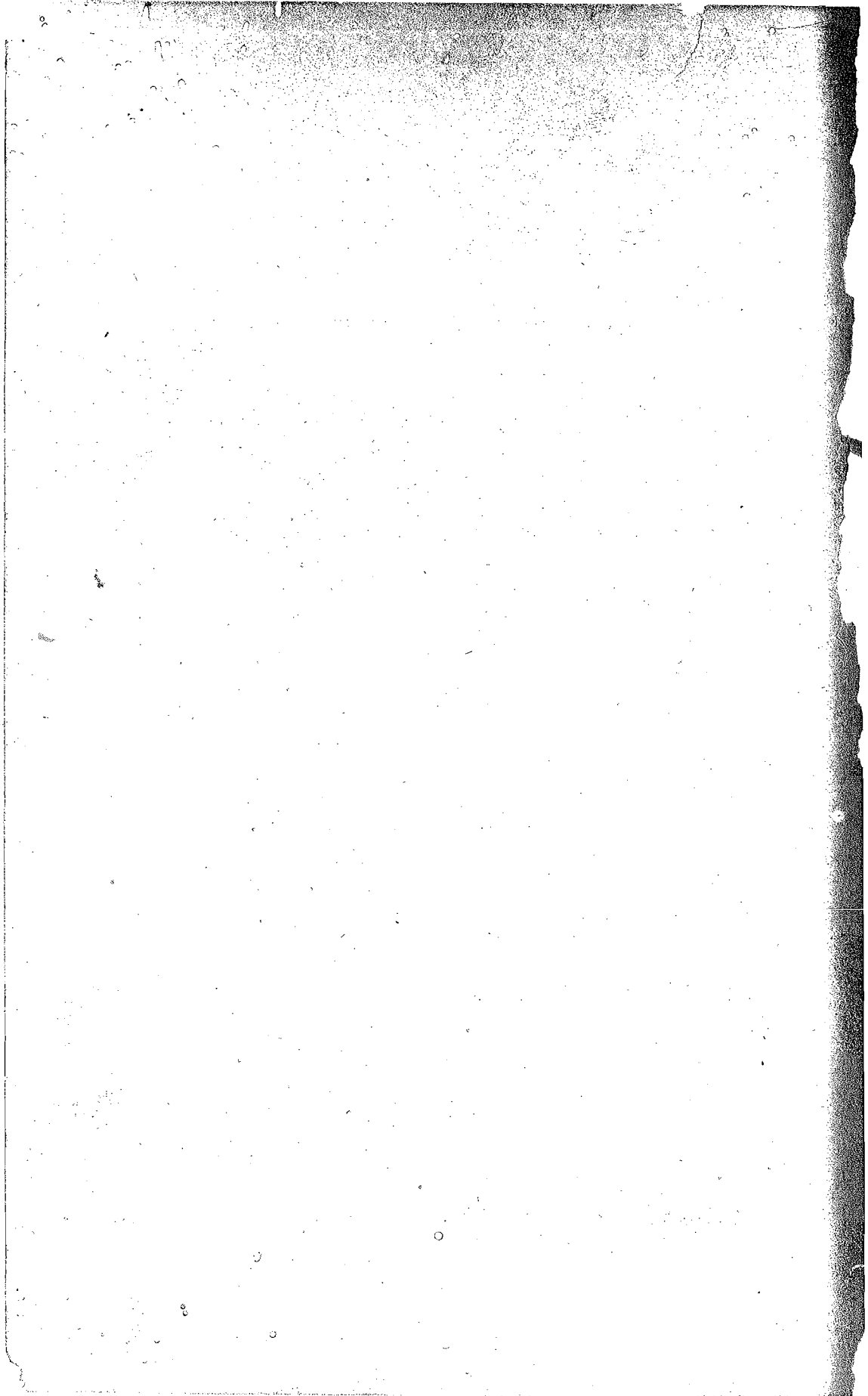
CALCUTTA:
GOVERNMENT OF INDIA CENTRAL PRINTING OFFICE,
8, HASTINGS STREET.

TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1903.

- I. An Act to facilitate the citation of certain enactments, to amend certain enactments and to repeal certain other enactments.
- II. „ to amend the Indian Post Office Act, 1898.
- III. „ to make better provision for facilitating and regulating the supply and use of electrical energy for lighting and other purposes.
- IV. „ further to amend the Provident Funds Act, 1897.
- V. „ further to amend the Indian Ports Act, 1889.
- VI. „ further to amend the Indian Paper Currency Act, 1882.
- VII. „ to provide for imposing restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions, and for determining the amount of compensation to be made on account of such imposition.
- VIII. „ to extend to all High Courts the power to grant Probates of Wills and Letters of Administration having effect throughout British India, and to confer upon District Judges the power to grant such probates in certain cases.
- IX. „ to provide for the levy of customs-duty on Indian tea exported from British India, and to amend section 5 of the Indian Tariff Act, 1894.
- X. „ to provide for the erection and management of the Victoria Memorial at Calcutta.
- XI. „ further to amend the Indian Income-tax Act, 1886.
- XII. „ further to amend the Indian Tariff Act, 1894.
- XIII. „ further to amend the Lepers Act, 1898.
- XIV. „ to give effect to the Foreign Marriages Order in Council, 1903.
- XV. „ to consolidate and amend the law relating to the Extradition and Rendition of Criminals.
- XVI. „ to make better provision for the organization and administration of municipalities in the Central Provinces.



ACT No. I OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the 6th March, 1903.]

An Act to facilitate the citation of certain enactments, to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient to facilitate the citation of the enactments specified in the first schedule to this Act;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

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

It is hereby enacted as follows:—

1. This Act may be called the Repealing and Amending Act, 1903. Short title.

2. Each of the enactments described in the first three columns of the first schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof. Citation of certain enactments.

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

4. The enactments specified in the third schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

5. The

B

Savings.

5. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

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

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

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

1903.]

Repeal and Amendment.

3

THE FIRST SCHEDULE.

SHORT TITLES.

(See section 2.)

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part I.—Regulations of the Bengal Code.

1793	XIX	A Regulation for re-enacting, with modifications, the rules passed by the Governor General in Council on the 1st December, 1790, for trying the validity of the titles of persons holding, or claiming a right to hold, lands exempted from the payment of revenue to Government, under grants not being of the description of those termed <i>bádsháhi</i> or royal; and for determining the amount of the annual assessment to be imposed on lands so held which may be adjudged or become liable to the payment of public revenue.	The Bengal Revenue-free Lands (Non- <i>Bádsháhi</i> Grants) Regulation, 1793.
"	XXXVII	A Regulation for re-enacting, with modifications, the rules passed on the 23rd April, 1788, and subsequent dates, for trying the validity of the titles of persons holding or claiming a right to hold <i>Altámgha</i> , <i>jágir</i> and other lands exempt from the payment of public revenue, under grants termed <i>bádsháhi</i> or royal; and for determining when certain grants of that description shall be considered to have expired; and for fixing the amount of the public revenue to be assessed upon the lands the grants for which may expire or be adjudged invalid.	The Bengal Revenue-free Lands (<i>Bádsháhi</i> Grants) Regulation, 1793.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part I.—Regulations of the Bengal Code—contd.

1794	III	A Regulation for prescribing the process by which Tahsildárs are to demand payment of arrears; and for enabling the Collectors to recover from Native officers employed under them public money or papers which they may embezzle or retain.	The Bengal Native Revenue-officers Regulation, 1794.
1795	I	A Regulation for fixing in perpetuity the revenue assessed on the lands in the Province of Benares; for the more general restoration of the ancient zamindars.	The Benares Permanent Settlement Regulation, 1795.
"	XV	A Regulation for referring certain cases to the decision of the Raja of Benares.	The Benares Family Domains Regulation, 1795.
"	XXVII	A Regulation declaratory of certain reservations made by Government, and of rights preserved to the proprietors of landed estates, under the Permanent Settlement of the land-revenue made in the Province of Benares; for allowing of the transfer or division of entire estates or portions of estates; and prescribing rules for apportioning the fixed jama on the several shares of estates which may be divided, or portions of estates which may be transferred.	The Benares Permanent Settlement (Supplemental) Regulation, 1795.
"	XLIV	A Regulation for removing certain restrictions to the operation of the Hindu and Muhammadan Laws with regard to the inheritance of landed property subject to the payment of revenue to Government in the Province of Benares.	The Benares Inheritance Regulation, 1795.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
<i>Part I.—Regulations of the Bengal Code—contd.</i>			
1798	I	A Regulation to prevent fraud and injustice in conditional sales of land under deeds of bai-bil-wafa or other deeds of the same nature.	The Bengal Land (Conditional Sales) Regulation, 1798.
1800	VIII	A Regulation for registers of estates paying revenue, and lands held exempt from the payment of revenue.	The Bengal Revenue-free Lands Regulation, 1800.
1801	I	A Regulation to explain and amend the rules for the division of joint estates and allotment of the fixed assessment thereupon.	The Bengal Land-revenue Assessment Regulation, 1801.
1803	XXXIII	A Regulation for preventing the embezzlement of public money and the withholding of public papers by the Native officers of Government in the Provinces ceded by the Nawab Wazir to the Hon'ble the English East India Company.	The United Provinces Native Revenue-officers Regulation, 1803.
1805	XII	A Regulation for the settlement and collection of the public revenue in the Zila of Cuttack, including the Parganas of Pataspur, Kamardáchor and Bográí, at present included in the Zila of Midnapur.	The Cuttack Land-revenue Regulation, 1805.
"	XIII	A Regulation for the maintenance of the peace and for the support and administration of the Police in the Zila of Cuttack, and for amending certain provisions contained in Regulation IV, 1804.	The Cuttack Police Regulation, 1805.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part I.—Regulations of the Bengal Code—contd.

1806	XVII	A Regulation for extending to the Province of Benares the rates of interest on future loans, and provisions relative thereto, contained in Regulation XV, 1793; also for a general extension of the period fixed by Regulations I, 1798, and XXXIV, 1803, for the redemption of mortgages and conditional sales of land, under deeds of bai-bil-wafa, kat-kábala or other similar designation.	The Bengal Land (Redemption and Foreclosure) Regulation, 1806.
1810	XIX	A Regulation for the due appropriation of the rents and produce of lands granted for the support of mosques, Hindu temples, colleges and other purposes; for the maintenance and repair of bridges, saráis, kattras and other public buildings; and for the custody and disposal of nazúl property or escheats.	The Bengal Charitable Endowments Public Buildings and Escheats Regulation, 1810.
1812	V	A Regulation for amending some of the rules at present in force for the collection of the land-revenue.	The Bengal Land-revenue Sales Regulation, 1812.
"	XVIII	A Regulation for explaining section 2, Regulation V, 1812, and rescinding sections 3 and 4, Regulation XLIV, 1793, and sections 3 and 4, Regulation L, 1795, and enacting other rules in lieu thereof.	The Bengal Leases and Land-revenue Regulation, 1812.
1814	XXIX	A Regulation for the settlement of certain maháls in the district of Birbhum, usually denominated the Ghatwáli maháls.	The Bengal Ghatwáli Lands Regulation, 1814.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part I.—Regulations of the Bengal Code—contd.

1816	V	A Regulation for establishing the office of Kánungo in the district of Cuttack, the pargana of Patáspur, and the several parganas dependent on it.	The Bengal Kánungos Regulation, 1816.
"	IX	A Regulation for the appointment of a Commissioner of Revenue within that portion of the districts of the 24-Parganas, Nadia, Jessore and Backergunge commonly denominated the Sundarbans.	The Sundarbans Regulation, 1816.
1817	XII	A Regulation for securing the better administration of the office of Patwári in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the district of Cuttack, the pargana of Patáspur and its dependencies.	The Bengal Patwáris Regulation, 1817.
"	XX	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of daroghas and other subordinate officers of police.	The Bengal Police Regulation, 1817.
1819	I	A Regulation for re-establishing Kánungos and reforming the office of Patwári throughout the Province of Bengal; and for explaining and modifying certain parts of Regulation XII, 1817.	The Bengal Kánungos and Patwáris Regulation, 1819.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part I.—Regulations of the Bengal Code—contd.

1819	II	A Regulation for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.	The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1819.
1821	IV	A Regulation for explaining the duties of an Assistant Collector of Revenue, and for defining the duties and powers vested in Assistant Collectors or other officers appointed to the charge of the revenues of parganas or other local divisions, or employed in the performance of any portion of the functions ordinarily belonging to the Collectors of land-revenue.	The Bengal Land-revenue (Assistant Collectors) Regulation, 1821.
1822	III	A Regulation for modifying the constitution and altering the jurisdiction of the several Boards vested with the superintendence of the land-revenue in the territories belonging to the Presidency of Fort William.	The Bengal Board of Revenue Regulation, 1822.
"	VII	A Regulation for declaring the principles according to which the settlement of the land-revenue in the Ceded and Conquered Provinces, including Cuttack, Patáspur and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other officers employed in making, revising or superintending settlements; for defining, settling	The Bengal Land-revenue Settlement Regulation, 1822.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part I.—Regulations of the Bengal Code—contd.

1822	VII— <i>contd.</i>	and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the Revenue-authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent and produce of land.	
"	XI	A Regulation for declaring Government not to be liable for any errors or irregularities in the proceedings of the Courts of Justice; and for making further provision for the conduct of the Revenue-officers in certain cases.	The Bengal Government Indemnity Regulation, 1822.
1823	VI	A Regulation for authorizing the institution of summary suits to enforce the execution of certain written engagements for the cultivation and delivery of the indigo-plant, and for declaring certain principles in regard to the same.	The Bengal Indigo Contracts Regulation, 1823.
1825	IX	A Regulation for extending the operation of Regulation VII, 1822; for authorizing the Revenue-authorities to let in farm estates under temporary leases, on the default of the málguzárs, or to hold the same khás for a term of years; for modifying and adding to the rules contained in Regulation II, 1819; and for making certain other amendments in the existing Regulations.	The Bengal Land-revenue Settlement Regulation, 1825.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part I.—Regulations of the Bengal Code—contd.

1825	XIII	A Regulation to maintain the settlement made for certain lands held exempt from the payment of revenue by Kánungos in the Province of Behar; and to provide for the future settlement of such lands, as well as of the lands composing other resumed lákhiráj tenures, with the present occupants, when so directed by Government.	The Bengal Land-revenue Settlement (Resumed Kánungos' and Revenue-free Lands) Regulation, 1825.
"	XIV	A Regulation to declare the extent of the authority possessed by the Revenue-authorities, subordinate to the Governor General in Council, in the confirmation of lákhiráj tenures; to define the principles to be followed in determining on the force and validity of grants made by persons exercising authority in different quarters previously to the acquisition of the country by the British Government; and to provide for the due application of the general laws and regulations respecting lands held free of assessment to the territory ceded by Govind Ráo to the British Government, and annexed to the zila of Bundelkhand, under the provisions of Regulation II, 1818.	The Bengal Revenue-free Lands Regulation, 1825.
1828	III	A Regulation for the appointment of Special Commissioners for the more speedy hearing and determination of appeals from the decisions of the Revenue-authorities in regard to lands or rents occupied or	The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
<i>Part I.—Regulations of the Bengal Code—contd.</i>			
1828	III — <i>contd.</i>	collected by individuals, without payment of the revenue demandable by Government under the general law of the country; and for otherwise more effectually securing the realization of the public dues.	
,,	IV	A Regulation to declare and extend the powers to be exercised by Collectors when making or revising settlements under the provisions of Regulation VII, 1822.	The Bengal Land-revenue Settlement Regulation, 1822.
,,	VII	A Regulation for amending the provisions of Regulation XV, 1795, and for defining the authority of the Raja of Benares in the Mahals therein referred to.	The Benares Family Domains Regulation, 1828.
1829	I	A Regulation for constituting Commissioners of Revenue and Circuit; for establishing a Sadr Board of Revenue; for modifying the constitution of the Provincial Courts; for transferring to the said Commissioners the functions now exercised by the Superintendents of Police and those of the mufassal special Commissioners acting under the provisions of Regulation I, 1821; and otherwise for providing for the better administration of Civil and Criminal Justice.	The Bengal Revenue Commissioners Regulation, 1829.
1830	V	A Regulation relating to the cultivation and delivery of Indigo-plant.	The Bengal Indigo Contracts Regulation, 1830.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part I.—Regulations of the Bengal Code—concl'd.

1833	IX	A Regulation to modify certain portions of Regulation VII of 1822 and Regulation IV of 1823; to provide for the more speedy and satisfactory decision of judicial questions cognizable by officers of revenue employed in making settlements under the above Regulations; for enforcing the production of the village-accounts; for the more extensive employment of Native agency in the Revenue Department; and to declare the intent of section 5, Regulation VII of 1822, touching claims to <i>málikána</i> .	The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833.
------	----	--	--

Part II.—Acts of the Governor General in Council.

1836	X	Indigo Contracts	The Bengal Indigo Contracts Act, 1836.
"	XXI	Districts	The Bengal Districts Act, 1836.
1841	XII	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	The Bengal Land-revenue Sales Act, 1841.
1847	IX	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.	The Bengal Alluvion and Diluvion Act, 1847.
1848	XX	An Act for better enforcing the attendance of proprietors and farmers of land before Collectors of Land-revenue in the Lower Provinces of the Bengal Presidency.	The Bengal Landholders' Attendance Act, 1848.
1850	XXIII	An Act for securing the Land-revenue of Calcutta.	The Calcutta Land-revenue Act, 1850.
"	XLIV	An Act for consolidating the Board of Customs, Salt and Opium and the Sadr Board of Revenue in the Lower Provinces of Bengal.	The Bengal Board of Revenue Act, 1850.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part II.—Acts of the Governor General in Council—contd.

1855	XXXII	An Act relating to Embankments.	The Bengal Embankment Act, 1855.
"	XXXVII	An Act to remove from the operation of the General Laws and Regulations certain districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	The Sonthal Parganas Act, 1855.
1856	XVIII	An Act relating to the administration of the public revenues in the Town of Calcutta.	The Calcutta Land-revenue Act, 1856.
"	XX	An Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bazars in the Presidency of Fort William in Bengal.	The Bengal Chaukidari Act, 1856.
"	XXII	An Act for establishing a toll on boats and timber passing through the Karatoya river in the district of Bogra.	The Karatoya Tolls Act, 1856.
1857	X	An Act to amend Act XXXVII of 1855.	The Sonthal Parganas Act, 1857.
"	XIII	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	The Opium Act, 1857.
"	XXI	An Act to make better provision for the order and good government of the station of Howrah.	The Howrah Offences Act, 1857.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part II.—Acts of the Governor General in Council—contd.

1858	XXXI	An Act to make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The Bengal Alluvial Land Settlement Act, 1858.
1859	V	An Act to empower the holders of ghátwáli lands in the district of Birbhum to grant leases extending beyond the period of their own possession.	The Bengal Ghátwáli Lands Act, 1859.
"	X	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	The Bengal Rent Act, 1859.
"	XI	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	The Bengal Land-revenue Sales Act, 1859.
"	XII	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	The Calcutta Pilots Act, 1859.
1867	XIX	An Act to make further provision for the administration of justice in the district of Darjeeling.	The Darjeeling (High Court's Jurisdiction) Act, 1867.
"	XXIII	An Act for the suppression of murderous outrages in certain districts of the Punjab.	The Punjab Murderous Outrages Act, 1867.
1871	XXII	An Act to authorize the extension of the Chaukidari Act to places where there is no Jamadar of Police.	The Bengal Chaukidari (Amendment) Act, 1871.
1876	VII	An Act to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal, and to amend the same Act.	The Criminal Tribes (Amendment) Act, 1876.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part II.—Acts of the Governor General in Council—concl'd.

1877	IX	An Act to revive and amend Act No. XXIII of 1867.	The Punjab Murderous Outrages (Amendment) Act, 1877.
1878	XII	An Act for the further amendment of the Punjab Laws Act, 1872.	The Punjab Laws (Amendment) Act, 1878.
1881	VII	An Act to amend Bengal Act No. IX of 1880 (the Cess Act, 1880).	The Bengal Cess (Amendment No. 1) Act, 1881.
1883	VI	An Act to give power to arrest persons whose evidence is needed under Act XII of 1859.	The Calcutta Pilots (Amendment) Act, 1883.
1884	V	An Act to amend the Chota Nagpur Encumbered Estates Act, 1876.	The Chota Nagpur Encumbered Estates (Amendment) Act, 1884.
1886	VIII	An Act to amend sections 12 and 13 of the Bengal Tenancy Act, 1885.	The Bengal Tenancy (Amendment) Act, 1886.
1895	XIX	An Act to amend the Punjab Courts Act, 1884.	The Punjab Courts (Amendment) Act, 1895.
1896	XVII	An Act to amend the Punjab Land-revenue Act, 1887.	The Punjab Land-revenue (Amendment) Act, 1896.
"	XVIII	An Act to amend the Punjab Municipal Act, 1891.	The Punjab Municipal (Amendment) Act, 1896.

Part III.—Bengal Acts.

1862	III	An Act to amend Act XI of 1859 (to improve the law relating to sales of land for Arrears of Revenue in the Lower Provinces under the Bengal Presidency).	The Bengal Land-revenue Sales (Amendment) Act, 1862.
"	VI	An Act to amend Act X of 1859 (to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal).	The Bengal Rent Act, 1862.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part III.—Bengal Acts—contd.

1862	VII	An Act to repeal section 30 of Regulation II, 1819 (for modifying the provisions contained in the existing Regulations regarding the Resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made).	The Bengal Land-revenue Resumption Act, 1862.
"	VIII	An Act to improve the system of Zamindari Daks in the Provinces subject to the Government of Bengal.	The Bengal Zamindari Dak Act, 1862.
1863	II	An Act to abate and prevent nuisances arising from the smoke of furnaces in the Town and Suburbs of Calcutta.	The Calcutta and Howrah Smoke Nuisances Act, 1863.
1864	IV	An Act to amend Act XXI of 1836.	The Bengal Districts Act, 1864.
1865	IV	An Act for the prohibition of the practice of inoculation in the Town and Suburbs of Calcutta and in towns to which Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended.	The Bengal Prevention of Inoculation Act, 1865.
"	VII	An Act to make provision for the better regulation and supervision of Public Slaughter-houses in the Suburbs of Calcutta, and for the adoption of proper conservancy arrangements connected therewith.	The Bengal Municipal (Slaughter-houses and Meat-markets) Act, 1865.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
<i>Part III.—Bengal Acts—contd.</i>			
1865	VIII	An Act to amend the law for the sale of such under-tenures as by the title-deeds or established usage of the country are transferable by sale or otherwise for the recovery of arrears of rent due in respect thereof.	The Bengal Rent Recovery (Under tenures) Act, 1865.
1866	II	An Act to provide for the better regulation of the Police within the suburbs of the town of Calcutta.	The Calcutta Suburban Police Act, 1866.
"	III	An Act to provide for the attendance and examination of witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.	The Bengal Legislative Council (Witnesses) Act, 1866.
"	VII	An Act to make better provision for the acquisition of land for embankments, and other matters relating thereto.	The Bengal Embankment Act, 1866.
1867	II	An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal.	The Bengal Public Gambling Act, 1867.
"	III	An Act to amend the law relating to ships lying in ports in the Provinces under the control of the Lieutenant-Governor of Bengal.	The Bengal Ports Act, 1867.
"	IV	An Act to explain and amend Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.	The Bengal Rent (Appeals) Act, 1867.

THE FIRST SCHEDULE—contd.

1	2	3	4
Year.	No.	Title or subject.	Short title.
<i>Part III.—Bengal Acts—contd.</i>			
1868	III	An Act to amend the law respecting appeals in cases under Regulation VII of 1822.	The Bengal Land-revenue Settlement Act, 1868.
"	IV	An Act to amend the provisions of Act IX of 1847 (an Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa).	The Bengal Alluvion (Amendment) Act, 1868.
"	VII	An Act to make further provision for the recovery of arrears of land-revenue and public demands recoverable as arrears of land-revenue.	The Bengal Land-revenue Sales Act, 1868.
1869	I	An Act for the Prevention of Cruelty to Animals.	The Bengal Cruelty to Animals Act, 1869.
"	III	An Act to enable Police-officers to arrest without warrant persons guilty of cruelty to animals.	The Bengal Cruelty to Animals (Arrest) Act, 1869.
"	VII	An Act to amend the constitution of the Police-force in Bengal.	The Bengal Police Act, 1869.
1871	I	An Act to amend the Village Chaukidári Act, 1870.	The Bengal Village Chaukidári Act, 1871.
"	II	An Act to amend the procedure for the recovery of arrears of land-revenue in respect of tenures not being estates.	The Bengal Land-revenue Sales (Amendment) Act, 1871.
1873	I	An Act to amend the Salt Act, 1864.	The Bengal Salt Act, 1873.
"	IV	An Act for registering Births and Deaths.	The Bengal Births and Deaths Registration Act, 1873.
1876	I	An Act to provide for the voluntary Registration of Muhammadan Marriages and Divorces.	The Bengal Muhammadan Marriages and Divorces Registration Act, 1876.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
<i>Part III.—Bengal Acts—contd.</i>			
1876	II	An Act to amend Act XI of 1849, Act XXI of 1856 and Act IV (B.C.) of 1866.	The Calcutta Police (Amendment) Act, 1876.
1878	V	An Act to amend Bengal Act VII of 1876.	The Bengal Land Registration (Amendment) Act, 1878.
1879	II	An Act to amend and extend the Puri Lodging-house Act, 1871.	The Puri Lodging-house (Extension) Act, 1879.
"	III	An Act to provide for the periodical inspection of Steam-boilers and Prime-movers attached thereto in the Town and Suburbs of Calcutta and in Howrah.	The Bengal Steam-boilers and Prime-movers Act, 1879.
"	VIII	An Act to define and limit the powers of Settlement-officers.	The Bengal Rent Settlement Act, 1879.
1880	III	An Act to amend the Howrah Bridge Act, 1871.	The Howrah Bridge Act, 1880.
1881	II	An Act to amend the Cess Act, 1880.	The Bengal Cess (Amendment No. 2) Act, 1881.
"	III	An Act to amend the Court of Wards Act, 1879.	The Bengal Court of Wards (Amendment) Act, 1881.
1883	I	An Act to amend the Bengal Excise Act, 1878.	The Bengal Excise (Amendment) Act, 1883.
"	V	An Act for the Registration and Control of Porters and Dandewallas in the Darjeeling and Kurseong Municipalities.	The Darjeeling and Kurseong Municipal (Porters) Act, 1883.
1884	I	An Act further to amend Bengal Act IV of 1871.	The Puri Lodging-house (Extension) Act, 1884.
"	II	An Act to amend the Calcutta Tramways Act, 1880.	The Calcutta Tramways (Amendment) Act, 1884.
1886	I	An Act to further amend the Village Chaukidari Act, 1870.	The Bengal Village Chaukidari (Amendment) Act, 1886.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
<i>Part III.—Bengal Acts—contd.</i>			
1886	II	An Act to amend Act II (B.C.) of 1866, and the Calcutta Police Act, 1866.	The Calcutta and Suburban Police (Amendment) Act, 1886.
„	III	An Act to amend Act III (B.C.) of 1884.	The Bengal Municipal (Amendment) Act, 1886.
1887	II	An Act to amend Bengal Act V of 1880.	The Bengal Vaccination (Amendment) Act, 1887.
1889	IV	An Act to provide for the appointment of a Muhammadan Burial Board in Calcutta, and to make better provision for the interment of persons other than Christians or Muhammadans.	The Calcutta Burial Boards Act, 1889.
1890	I	An Act to consolidate the Calcutta and the Suburban Police Superannuation Funds.	The Calcutta and Suburban Police (Superannuation Fund) Act, 1890.
„	II	An Act to amend the Bengal Vaccination Act, 1880.	The Bengal Vaccination (Amendment) Act, 1890.
1892	I	An Act to further amend the Village Chaukidari Act, 1870.	The Bengal Village Chaukidari (Amendment) Act, 1892.
1894	II	An Act to amend the Calcutta Port Act, 1890.	The Calcutta Port (Amendment) Act, 1894.
„	IV	An Act to amend the Bengal Municipal Act, 1884.	The Bengal Municipal (Amendment) Act, 1894.
1895	II	An Act to further amend the Suburban Police Act, 1866, and the Calcutta Police Act, 1866.	The Calcutta and Suburban Police (Amendment) Act, 1895.
„	IV	An Act to further amend the Calcutta Port Act, 1890.	The Calcutta Port (Amendment No. 1) Act, 1895.
„	VI	An Act to further amend the Calcutta Port Act, 1890.	The Calcutta Port (Amendment No. 2) Act, 1895.
1896	II	An Act to further amend the Bengal Municipal Act, 1884.	The Bengal Municipal (Amendment) Act, 1896.

THE FIRST SCHEDULE—*concl'd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.

Part III.—Bengal Acts—concl'd.

1897	I	An Act to amend the Public Demands Recovery Act, 1895.	The Bengal Public Demands Recovery (Amendment) Act, 1897.
1899	II	An Act to repeal the Civil Courts Amins Act, 1856, in Bengal.	The Bengal Civil Court Amins Act, 1899.

THE SECOND SCHEDULE.

AMENDMENTS.

(See section 3.)

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part I.—Regulations of the Bengal Code.

1798	II	The Bengal Land-revenue Regulation, 1793.	<p>In section 18, <i>after</i> Collector insert or.</p> <p>In sections 36, 38, 39, 40, 42, 43 and 45, <i>the words</i> Governor General in Council, <i>wherever they occur, shall be read as if the words</i> Local Government <i>were substituted therefor.</i></p> <p>In section 40, <i>the word</i> his <i>shall be read as if the word</i> its <i>were substituted therefor.</i></p> <p>In section 45, <i>the word</i> him <i>shall be read as if the word</i> it <i>were substituted therefor.</i></p>
"	VIII	The Bengal Decennial Settlement Regulation, 1793.	<p>In section 20, <i>the words</i> Governor General in Council <i>shall be read as if the words</i> Local Government <i>were substituted therefor.</i></p> <p>In section 21, <i>the word</i> Government <i>shall be read as if the words</i> the Local Government <i>were substituted therefor.</i></p>
"	XIX	Revenue-free Lands (Non-Bádsáhí Grants).	<p>In sections -2, 3, 8 and 15, <i>the words</i> Governor General in Council, <i>wherever they occur, shall be read as if the words</i> Local Government <i>were substituted therefor.</i></p> <p>In section 2, clause <i>Fourth</i>, <i>the word</i> him <i>shall be read as if the word</i> it <i>were substituted therefor.</i></p> <p>In section 10, <i>the words</i> Governor General in Council <i>shall be read as if the words</i> Governor General in Council or the Local Government <i>were substituted therefor.</i></p> <p>In section 15, <i>the word</i> him, <i>where it last occurs, shall be read as if the word</i> it <i>were substituted therefor.</i></p>

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part I.—Regulations of the Bengal Code—contd.

1793	XXXVII	Revenue-free Lands (Bádsáhi Grants).	<p>In sections 2, 3, 5 and 10, the words Governor General in Council, wherever they occur, shall be read as if the words Local Government were substituted therefor.</p> <p>In section 10, the word him, where it last occurs, shall be read as if the word it were substituted therefor.</p>
1799	V	The Bengal Wills and Intestacy Regulation, 1799.	<p>In section 7, the words Governor General in Council shall be read as if the words Local Government were substituted therefor, and the word his, where it last occurs, shall be read as if the word its were substituted therefor.</p>
1805	XII	Land-revenue, Cuttack	<p>In sections 18, 20, 26, 28 and 30, the words Governor General in Council, wherever they occur, shall be read as if the words Local Government were substituted therefor.</p> <p>In section 18, clause <i>Third</i>, the word himself shall be read as if the word itself were substituted therefor.</p> <p>In section 18, clause <i>Fifth</i>, the word him shall be read as if the word it were substituted therefor.</p> <p>In section 22, for through the Board of Revenue for the information of the Governor General in Council substitute to the Board of Revenue.</p>
"	XIII	Police, Cuttack	<p>In section 3, the words the Governor General in Council, by an order in Council, shall be read as if the words the Local Government, by notification in the Calcutta Gazette, were substituted therefor.</p> <p>In section 4, clause <i>Fourth</i>, the words Governor General in Council shall be read as if the words Local Government were substituted therefor.</p>

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part I.—Regulations of the Bengal Code—contd.

1810	XIX	Charitable Endowments, Public Buildings and Escheats.	<p>In section 3, for those Boards substitute the Board of Revenue.</p> <p>In section 4, for Boards substitute Board.</p> <p>In section 8, for those Boards respectively substitute the Board.</p> <p>In section 9, the words Governor General in Council shall be read as if the words Local Government were substituted therefor.</p> <p>In section 12, for superior Boards substitute Board of Revenue, and for Boards substitute Board.</p> <p>In section 13, for superior Board substitute Board of Revenue.</p>
1812	V	Land-revenue Sales . . .	In section 25, the words Governor General in Council shall be read as if the words Local Government were substituted therefor.
"	XI	The Bengal Foreign Immi- grants Regulation, 1812.	At the end of section 5, for the said Regulation substitute this Regulation.
1814	XXIX	Ghatwáli Lands . . .	In section 5, the words Governor General in Council, wherever they occur, shall be read as if the words Local Government were substituted therefor.
1816	V	Kánúngos . . .	In sections 5 and 11, the words Governor General in Council, wherever they occur, shall be read as if the words Local Government were substituted therefor.
"	IX	Sundarbans . . .	<p>In section 2, the words Governor General in Council shall be read as if the words Local Government were substituted therefor.</p> <p>In the same section, for Regulations substitute Laws.</p>

THE SECOND SCHEDULE—contd.

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
<i>Part I.— Regulations of the Bengal Code—contd.</i>			
1817	XII	Patwáris	In section 18, <i>the words</i> Governor General in Council <i>shall be read as if the words</i> Local Government <i>were substituted therefor.</i>
1819	I	Kánúngos and Patwáris	In section 4, <i>the words</i> Governor General in Council, <i>wherever they occur, shall be read as if the words</i> Local Government <i>were substituted therefor.</i> In section 4, clause <i>Third</i> , <i>the word</i> he <i>shall be read as if the word</i> it <i>were substituted therefor.</i>
"	II	Land-revenue Assessment (Resumed Lands).	In section 13, clause <i>Third</i> , and in section 14, <i>the words</i> Governor General in Council <i>shall be read as if the words</i> Local Government <i>were substituted therefor.</i> In section 21, clause <i>Second</i> , <i>for</i> Boards <i>substitute</i> Board.
"	VIII	The Bengal Patni Taluqs Regulation, 1819.	In section 9, and in section 14, clause <i>Second</i> , <i>for</i> notes of the Bank of Bengal <i>substitute</i> currency notes.
1820	I	The Bengal Patni Taluqs Regulation, 1820.	In section 2, <i>for</i> the general Regulations <i>substitute</i> Law.
1821	IV	Land-revenue (Assistant Collectors).	In section 7, <i>for</i> by the Regulations <i>substitute</i> by law, <i>and for</i> the Regulations already in force <i>substitute</i> the law for the time being in force. In section 8, <i>the words</i> Governor General in Council, <i>wherever they occur, shall be read as if the words</i> Local Government <i>were substituted therefor.</i> In section 8, clause <i>Fifth</i> , <i>for</i> by the Regulations <i>substitute</i> by the laws, <i>and for</i> to the Regulations <i>substitute</i> to law.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part I.—Regulations of the Bengal Code—contd.

1822	III	Board of Revenue	<p>In the title, <i>for the words from and altering to the end, substitute</i> of the Board of Revenue, and for controlling the distribution of powers between the members of the Board.</p> <p>In section 4, clause <i>First</i>, <i>for</i> The said Boards shall each of them <i>substitute</i> The Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal shall.</p> <p>In section 5, clause <i>First</i>, <i>for</i> any of the said Boards <i>substitute</i> the said Board.</p> <p>In section 5, second proviso, and clause <i>Second</i>, <i>for</i> a Board <i>substitute</i> the Board.</p> <p>In section 5, clauses <i>Third</i> and <i>Sixth</i>, <i>for</i> Boards <i>substitute</i> Board.</p>
„	VII	Land-revenue Settlement	<p>In section 2, clause <i>Sixth</i>, <i>for the words</i> as aforesaid, <i>where they first occur, substitute</i> acknowledged as the proprietor or possessor of a permanent interest in the mahal for which he has engaged.</p> <p>In section 3, <i>the words</i> Governor General in Council, <i>wherever they occur, shall be read as if the words</i> Local Government <i>were substituted therefor, and the words</i> by an Order in Council <i>shall be read as if the words</i> by notification in the local official Gazette <i>were substituted therefor.</i></p> <p>In section 5, section 6, clause <i>Second</i>, section 7, clause <i>First</i>, section 8, section 9, clause <i>Third</i>, section 10, clauses <i>First</i> and <i>Third</i>, and sections 16, 17 and 32, <i>the words</i> Governor General in Council, <i>wherever they occur, shall be read as if the words</i> Local Government <i>were substituted therefor; and in section 35, the words</i> Governor General in Council, <i>in the second place where they occur, shall be read as if the words</i> Local Government <i>were substituted therefor.</i></p>

THE SECOND SCHEDULE—contd.

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part I.—Regulations of the Bengal Code—contd.

1822	VII	Land-revenue Settle- ment—contd.	<p>In section 9, clause <i>Third</i>, for Boards substitute Board, and for such a Board substitute that Board.</p> <p>In section 10, clause <i>Ninth</i>, section 16, proviso, and section 32, for the word Boards, wherever it occurs, substitute Board.</p> <p>In section 13, for Regulation substitute law.</p> <p>In section 20, clause <i>First</i>, the words the Government by an Order in Council shall be read as if the words the Local Government by notification in the local official Gazette were substituted therefor, the word he shall be read as if the word it were substituted therefor, and the word Government shall be read as if the words the Local Government were substituted therefor.</p> <p>In section 20, clause <i>Second</i>, the words Governor General in Council and the words Governor General shall be read as if the words Local Government were substituted therefor, and the words by an Order in Council shall be read as if the words by notification in the local official Gazette were substituted therefor.</p> <p>In section 23, clause <i>First</i>, for other Regulation substitute other law.</p> <p>In section 24, clause <i>Second</i>, for the existing Regulations substitute any other law.</p> <p>In section 26, for such suits substitute suits the cognizance of which is hereby vested in Collectors.</p>
1825	IX	Land-revenue Settlement	<p>In section 3, section 4, section 5, clause <i>Eighth</i>, section 6 and section 8, the words Governor General in Council, wherever they occur, shall be read as if the words Local Government were substituted therefor.</p>

THE SECOND SCHEDULE—contd.

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
<i>Part I.—Regulations of the Bengal Code—contd.</i>			
1825	IX	Land-revenue Settlement— <i>contd.</i>	In section 3, after Behar insert or. In section 6, the words an Order in Council shall be read as if the words notification in the local official Gazette were substituted therefor.
"	XIII	Land-revenue Settlement	In section 8, for the words rules respectively substitute section. In sections 2 and 5, the words Governor General in Council, wherever they occur, shall be read as if the words Local Government were substituted therefor. In the first paragraph of section 2, the word he shall be read as if the word it were substituted therefor.
"	XIV	Revenue-free Lands	In section 3, for Regulations substitute law. In section 1 and section 3, clause Fifth for Regulations VIII and substitute Regulation. In sections 2 and 3, the words Governor General in Council, wherever they occur, shall be read as if the words Local Government were substituted therefor. In section 3, clause Fifth, the word his, where it last occurs, shall be read as if the word its were substituted therefor.
1827	III	The Bengal Corruption and Extortion Regulation, 1827.	In section 6, for Revenue Boards substitute Board of Revenue, and for these Boards substitute that Board. In section 5, for a Court of Circuit or the Nizamut Adalat substitute the Court.
"	V	The Bengal Attached Estates Management Regulation, 1827.	In section 3, for several Regulations substitute Regulation.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
<i>Part I.—Regulations of the Bengal Code—concl'd.</i>			
1828	III	Land-revenue Assessment (Resumed Lands).	In section 10, clauses <i>Second</i> and <i>Third</i> for Boards <i>substitute</i> Board. In section 13, clause <i>First</i> , the words Governor General in Council and the word he shall be read as if the words Local Government and the word it were respectively substituted therefor.
"	IV	Land-revenue Settlement .	In section 2, clause <i>Fourth</i> , for aforesaid <i>substitute</i> vested with the powers of a Collector.
1833	IX	Land-revenue (Settlement and Deputy Collectors).	In the title, for Regulations <i>substitute</i> Regulation, and, in section 1, for those Regulations <i>substitute</i> that Regulation. In sections 12 and 13, for Boards <i>substitute</i> Board. In section 16, the words Governor General in Council shall be read as if the words Local Government were substituted therefor.
<i>Part II.—Acts of the Governor General in Council.</i>			
1836	XXI	Districts	The words the Governor General in Council by an Order in Council shall be read as if the words the Local Government, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, were substituted therefor.
1859	X	Rent	In sections 136 and 151, for Boards <i>substitute</i> Board.
"	XI	Land-revenue Sales	In section 22, after post bills insert currency notes. In section 22, for section 25 <i>substitute</i> section 2 of the Bengal Land-revenue Sales Act, 1868. In section 33, for section 25 of this Act <i>substitute</i> section 2 of the Bengal Land-revenue Sales Act, 1868.
"	XII	Calcutta Pilots	In sections 2 and 18, for the words Superintendent of Marine, wherever they occur, <i>substitute</i> Port Officer.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part II.—Acts of the Governor-General in Council—contd.

1861	V	The Police Act, 1861	In section 34, <i>after</i> imprisonment insert with or without hard labour.
1867	III	The Public Gambling Act, 1867.	In the title, <i>for</i> the Central Provinces and British Burma <i>substitute</i> and the Central Provinces. In the preamble, <i>for</i> of the Chief Commissioner of the Central Provinces and of the Chief Commissioner of British Burma, <i>substitute</i> and of the Chief Commissioner of the Central Provinces. In section 1, <i>for the definitions of</i> Lieutenant-Governor and Chief Commissioner <i>substitute the following, namely:—</i> “Lieutenant-Governor” means the Lieutenant-Governor of the United Provinces of Agra and Oudh or of the Punjab, as the case may be: “Chief Commissioner” means the Chief Commissioner of the Central Provinces or of the North-West Frontier Province, as the case may be.
1872	XV	The Indian Christian Marriage Act, 1872.	In section 82, <i>for</i> certificates of marriages, and <i>also for</i> marriage certificates, <i>substitute</i> certificates for marriage. In Schedule II, <i>after</i> declaration insert or oath.
1878	XII	Laws, Punjab (Amending Act IV of 1872).	In section 2, <i>for</i> 18 <i>substitute</i> 16.
1879	XIV	The Hackney Carriage Act, 1879.	In section 3, <i>for</i> The Lieutenant-Governors of the North-Western Provinces and the Punjab and the Chief Commissioners of Oudh, the Central Provinces, British Burma, <i>substitute</i> The Lieutenant-Governors of the United Provinces of Agra and Oudh, the Punjab and Burma, and the Chief Commissioner of the Central Provinces.

THE SECOND SCHEDULE—contd.

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part II.—Acts of the Governor General in Council—contd.

1879	XVIII	The Legal Practitioners' Act, 1879.	In section 42 (added by the Legal Practitioners' Act, 1884, section 9) <i>before the words and figures</i> Act 1 of 1846 <i>insert</i> So much of Chapter VI of Bombay Regulation II of 1827 as has not been repealed.
1881	XIII	The Fort William Act, 1881	In section 1, <i>for</i> Army Discipline and Regulation Act, 1879, <i>substitute</i> Army Act. In section 5, <i>for</i> Presidency Magistrates Act, 1877, <i>substitute</i> Code of Criminal Procedure, 1898; <i>and for</i> the High Courts Criminal Procedure Act, 1875, section 147, <i>substitute</i> section 526 of that Code. In section 7, <i>for</i> Magistrates appointed under the Presidency Magistrates Act, 1877, <i>substitute</i> Presidency Magistrates.
1889	V	The Coroners (Madras) Act, 1889.	In the preamble and in section 4, sub-section (2), as amended by the Repealing and Amending Act, 1891, <i>for</i> the Code of Criminal Procedure, 1882, <i>substitute</i> the Code of Criminal Procedure, 1898.
"	XIII	The Cantonments Act, 1889	In section 6, sub-section (1), <i>for</i> in the case of a cantonment for which such a committee has not been constituted, <i>substitute</i> 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 26, clause (5).
1897	X	The General Clauses Act, 1897.	In section 3, clauses (5), (6), (30) and (35), <i>after</i> under <i>insert</i> the Indian Councils Act, 1861, or. In section 3, <i>after</i> clause 8, <i>insert</i> the following :— (8a) "Burma Act" shall mean an Act made by the Lieutenant-Governor of Burma in Council under the Indian Councils Acts, 1861 and 1892 :.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part II.—Acts of the Governor General in Council—contd.

1897	X	The General Clauses Act, 1897— <i>contd.</i>	<p>In section 3, after clause (44), insert the following:—</p> <p>(44a) "Punjab Act" shall mean an Act made by the Lieutenant-Governor of the Punjab in Council under the Indian Councils Acts, 1861 and 1892:</p> <p>In section 3, after clause (55), insert the following:—</p> <p>(55a) "United Provinces Act" shall mean an Act made by the Lieutenant-Governor of the North-Western Provinces and Oudh (or of the United Provinces of Agra and Oudh) in Council under the Indian Councils Act, 1861, or the Indian Councils Acts, 1861 and 1892:.</p> <p>In section 20, before the word order, in each of the places in which it occurs, insert notification.</p> <p>In section 21, for make substitute issue notifications, between the words any and orders insert notifications, and for made substitute issued.</p> <p>In section 24, before the word order, in each of the places in which it occurs, insert appointment, notification; and before the word issued, in each of the places in which it occurs, insert made or.</p>
1898	V	The Code of Criminal Procedure, 1898.	<p>In section 260, sub-section (1), clause (i), after 451 insert 453, 454.</p> <p>In section 555 for 553 substitute 554.</p> <p>In the second schedule, column 5, against section 195 for Bailable substitute Not bailable.</p>

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part II.—Acts of the Governor General in Council—conold.

1898	V	The Code of Criminal Procedure, 1898— <i>contd.</i>	<p>In the second schedule, column 8, against section 506 for Ditto substitute Presidency Magistrate or Magistrate of the first or second class.</p> <p>In the heading to the fifth schedule, for 554 substitute 555.</p> <p>In the fifth schedule, Form IV, for within days from this date substitute on the day of</p> <p>In the fifth schedule, Forms XIII and XIV, for the passage from comply where it occurs for the second time to released, substitute be lawfully ordered to be released.</p>
1900	III	The Prisoners Act, 1900	<p>For section 29 substitute the following:—</p> <p>29. (1) The Governor General in Council may, by general or special order, provide for the removal of any prisoner confined in a prison—</p> <p>(a) under sentence of death, or</p> <p>(b) under, or in lieu of, a sentence of imprisonment or transportation, or</p> <p>(c) in default of payment of a fine, or</p> <p>(d) in default of giving security for keeping the peace or for maintaining good behaviour,</p> <p>to any other prison in British India.</p> <p>(2) The Local Government and (subject to its orders and under its control) the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the Province to any other prison in the Province.</p>

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part III.—Bengal Acts.

1862	VI	Rent	In section 14, for the said Act substitute Act X of 1859, and for section VII of Act I of 1846 substitute section 27 of the Legal Practitioners' Act, 1879.
1865	VII	Slaughter-houses and Meat-markets.	In section 1, for the jurisdiction of the Municipal Commissioners of the Suburbs of the Town of Calcutta appointed under the provisions of Act III of 1864 passed by the Lieutenant-Governor of Bengal in Council (<i>the District Municipal Improvement Act</i>), substitute any limits to which this section has heretofore been, or may hereafter be, extended by notification under section 9.
1866	IV	The Calcutta Police Act, 1866.	In section 25, for such officer substitute officer of the Police Force. In section 33, for the Articles of War for Her Majesty's Army or Her Majesty's Navy or for the native officers or soldiers in Her Majesty's Indian Army, substitute the Naval Discipline Act, the Army Act or the Indian Articles of War. In section 95, for the words this Act, in the second place in which they occur, substitute sections 64 and 67 to 70 of the Indian Penal Code and sections 386, 387 and 389 of the Code of Criminal Procedure, 1898.
1867	IV	Rent (Appeals)	In section 5, for the said recited Acts substitute the Bengal Rent Act, 1859, or the Bengal Rent Act, 1862.
1869	I	Cruelty to Animals	In section 9, for the said Act II of 1866 substitute Ben. Act II of 1866.
1876	III	The Bengal Irrigation Act, 1876.	In section 95, for as a demand under section 1 of the aforesaid Ben. Act VII of 1868, substitute under the procedure provided by the Public Demands Recovery Act, 1895, for the recovery of public demands.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part III.—Bengal Acts—contd.

1880	IX	The Cess Act, 1880	In section 29, Example B, for rate <i>substitute</i> ratio.
1884	II	Amendment of the Calcutta Tramways Act, 1880.	In the preamble, for the words and figures situate within the local limits of the town as defined in the Calcutta Municipal Consolidation Act, 1876, <i>substitute</i> subject to the authority of the Corporation of Calcutta. In section 3, for the words and figures in Calcutta but situate beyond the local limits of the town as defined in the Calcutta Municipal Consolidation Act, 1876, <i>substitute</i> in those portions of Calcutta, as defined in the Calcutta Municipal Act, 1899, which are not subject to the authority of the Corporation of Calcutta, and for the words and figures within the local limits of the town as defined by the Calcutta Municipal Consolidation Act, 1876, <i>substitute</i> within the area subject to their authority. In section 4, for the words and figures outside the limits of the town as defined by the Calcutta Municipal Consolidation Act, 1876, <i>substitute</i> outside the area subject to their authority.
1885	III	The Bengal Local Self-Government Act of 1885.	In section 45, for such district <i>substitute</i> any district in which this Act is in force. In the reference to section 9 of Bengal Act IX of 1880 in the second Schedule, for 111 <i>substitute</i> 109.
1887	IV	The Chittagong Port Commissioners Act, 1887.	In section 39, clause (b), for 32 <i>substitute</i> 34.
1890	II	Vaccination (amending Bengal Act V of 1880).	In sections 2 and 3, after Suburbs insert of Calcutta.
"	III	The Calcutta Port Act, 1890.	In section 30, for the three next succeeding sections and in section 34 for any of the three last preceding sections, <i>substitute</i> section 31, section 32 or section 33.

THE SECOND SCHEDULE—concl'd.

1	2	3	4
Year.	No.	Subject or short title.	Amendments.

Part III.—Bengal Acts—concl'd.

1890	III	The Calcutta Port Act, 1890 — <i>cont'd.</i>	In section 94, for vessels substitute vessel.
1894	IV	Municipalities	In section 94, for Municipality substitute Municipalities.
1899	I	The Bengal General Clauses Act, 1899.	In section 3, clause (6), after under insert the Indian Councils Act, 1861, or. In section 25, before the word order, wherever it occurs, insert the word appointment, and before the word issued, wherever it occurs, insert the words made or.

Part IV.—Burma Act.

1898	I	The Burma General Clauses Act, 1898.	In section 20, before the word order, in each of the places in which it occurs, insert notification. In section 21, for make substitute issue notifications, between the words any and orders insert notifications, and for made substitute issued. In section 24, before the word order, in each of the places in which it occurs, insert appointment, notification; and before the word issued, in each of the places in which it occurs, insert made or.
------	---	--------------------------------------	---

Part V.—Regulation made under the Government of India Act, 1870 (33 & 34 Vict., c. 3).

1874	IX	The Arakan Hill District Laws Regulation, 1874.	In the first column of the schedule, for II of 1857 substitute XI of 1857.
------	----	---	--

THE THIRD SCHEDULE.

REPEALS.

(See section 4.)

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

Part I.—Regulations of the Bengal Code.

1793	VIII	The Bengal Decennial Settlement Regulation, 1793.	In section 19, <i>the words and figures</i> as the mukarraridars mentioned in section XVIII are supposed to have done. Section 33. In section 66, <i>the words</i> or the Courts of Circuit.
"	XIX	Revenue-free Lands (Non-Bádsháhi Grants).	Sections 25 and 35.
"	XXXVII	Revenue-free Lands (Bádsháhi Grants).	In section 2, clause <i>Second</i> , <i>the words and figures</i> and proceeded in it as required by section XIV, Regulation III, 1793. Sections 20 and 30.
"	XXXVIII	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.	In section 2, <i>the words</i> have been made in opposition to the repeated prohibitions of Government, or which.
1794	III	Native Revenue officers	In the title, <i>the words</i> money or <i>and the words</i> embezzle or. In section 16, <i>the words</i> a balance of accounts, or money or, <i>the words</i> the payment of the money or, <i>the words</i> the amount of the money or, <i>the words</i> money or, <i>the words</i> discharge the money or, <i>the words</i> the sum demanded of him shall be discharged or, <i>and the words</i> from The Collector is authorized likewise to attach to arrears of revenue. In section 17, <i>the words</i> money or. In section 18, <i>the words</i> money or, <i>the words</i> balance or, <i>and the words</i> that no part, or a portion only, of the sum demanded was due from him, or. Section 19.

THE THIRD SCHEDULE—*contd.*

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

Part I.—Regulations of the Bengal Code—contd.

1794	III	Native Revenue-officers— <i>contd.</i>	In section 20, <i>the words and figures</i> and shall not obtain his release in the mode specified in section 19, <i>and the word nevertheless.</i>
1799	V	The Bengal Wills and Intestacy Regulation, 1799.	In section 2, <i>the words</i> under any Regulation relative to the jurisdiction of the Court of Wards. In section 3, <i>the words</i> when they are to proceed thereupon according to the general Regulations. In section 7, <i>the words</i> or, if the deceased were an European, in the Calcutta Gazette.
1801	I	Land-revenue Assessment	In section 8, <i>the words and figures</i> from and the patwari accounts furnished in pursuance of clause Fourth of section LXII, Regulation VIII, 1793, to procurable by the officers of Government, <i>the words and figures</i> in pursuance of clause Fourth of section LXII, Regulation VIII, 1793, or of any other Regulation, <i>the words</i> under the process prescribed in clause Eighth of the above section and Regulation, <i>and the words and figures</i> from Moreover, nothing in this Regulation is meant to supersede the rules contained in section LXII, Regulation VIII, 1793, to the end of the section. In section 10, <i>the words</i> Governor General in Council or.
1805	XII	Land-revenue, Cuttack	In section 1, <i>the words</i> from And whereas the principles to confirmed. Sections 2 to 11. In section 31, <i>the words and figures</i> from and the rules contained in Regulation XXVII, 1793, to the end.
„	XIII	Police, Cuttack	In the title, <i>the words and figures</i> and for amending certain provisions contained in Regulation IV, 1804.

THE THIRD SCHEDULE—contd.

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

Part I.—Regulations of the Bengal Code—contd.

1805	XIII	Police, Cuttack—contd.	<p>In section 1, <i>the words from</i> And whereas it was the practice <i>to</i> general tranquillity of the country.</p> <p>Section 4, clause <i>Third</i>.</p> <p>In section 4, clause <i>Fourth</i>, <i>the words</i> and third.</p> <p>Sections 5, 6, 7, 10 and 11.</p>
1810	XIX	Charitable Endowments, Public Buildings and Es- cheats.	<p>In the title, <i>the words</i> mosques, Hindu temples <i>and the words</i> bridges, serais, kattras and other.</p> <p>In section 1, <i>the words</i> mosques, Hindu temples, <i>the words</i> pious and <i>and the words</i> bridges, serais, kattras and other.</p> <p>In section 2, <i>the words</i> mosques, Hindu temples, <i>the words</i> pious and, <i>and the words</i> and Board of Commissioners in the several districts subject to the control of those Boards respectively.</p> <p>In sections 3, 5, 6 and 8, <i>the words</i> and Board of Commissioners.</p> <p>In section 7, <i>the words</i> and Board of Commissioners, respectively.</p> <p>In section 10, <i>the words</i> to whose authority those agents are respectively subject.</p> <p>In section 14, <i>the words</i> or Board of Commissioners.</p> <p>In section 15, <i>the words</i> in the mode and form prescribed by the Regulations, where Government or public officers are parties, or under the general provisions of the Regulations, if the suit be brought against a competitor or other private person.</p>
1812	V	Land-revenue Sales	<p>In section 26, <i>the words</i> and City.</p> <p>In section 27, <i>the words</i> or City.</p>

THE THIRD SCHEDULE—contd.

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

Part I.—Regulations of the Bengal Code—contd.

1812	XVIII	Leases and Land-revenue	In section 1, <i>the words</i> and Benares.
"	XXIX	Territories bordering on Bundelkhand.	So much as is unrepealed.
1814	V	Ghatwáli Lands	In section 3, <i>the words</i> with the sanction of the Governor General in Council.
1816	XXII	Kánúngos	In section 10, <i>the words</i> by the Regulations.
1817	XII	Patwáris	In the title, <i>the words</i> in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the district of Outtack, the Pargana of Patáspur and its dependencies. In section 1, <i>the words from</i> but, as for the full attainment to organization of that office, <i>and the words from</i> to be in force to dependent on it. In section 23, <i>the words</i> City or. In sections 27 and 29, <i>the words</i> In like manner. In section 30, <i>the words</i> Provided further that.
1818	III	The Bengal State Prisoners Regulation, 1818.	In section 4, <i>the words</i> or City, <i>wherever they occur</i> .
1819	I	Kánúngos and Patwáris	In section 4, clause <i>Sixth</i> , <i>the words</i> and Sylhet.
"	II	Land-revenue Assessment (Resumed Lands).	In section 3, clause <i>First</i> , <i>the words</i> and fifty bighas if within the Province of Benares.
"	VIII	The Bengal Patni Taluqs Regulation, 1819.	In section 17, clause <i>Eighth</i> , <i>the words</i> as shown by the Government Gazette last received.
1820	I	The Bengal Patni Taluqs Regulation, 1820.	In section 2, <i>the words</i> or City.

THE THIRD SCHEDULE—*contd.*

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

Part I.—Regulations of the Bengal Code—contd.

1822	VII	Land-revenue Settlement	<p>In the title, <i>the words</i> the Ceded and Conquered Provinces including.</p> <p>In section 1, <i>the words</i> the district of Gorakhpur, the <i>chaklá</i> of Azamgarh, <i>the words</i> and whereas it is also advisable to provide for the revision of the settlement of the Conquered Provinces and of the Province of Bundelkhand, pending the continuance of the existing leases, <i>and the words</i> from the date of their promulgation throughout the Ceded and Conquered Provinces.</p> <p>Section 5, clause <i>First</i>, and section 6, clause <i>Fourth</i>.</p> <p>In section 7, clause <i>First</i>, <i>the words</i> in the Ceded Provinces or.</p> <p>Section 7, clause <i>Fourth</i>.</p> <p>In section 7, clause <i>Sixth</i>, <i>the words</i> the district of Gorakhpur, the <i>chaklá</i> Azamgarh.</p> <p>In section 29, clause <i>First</i>, <i>the words</i> but no petition of appeal shall be received after the expiration of three months from the date of the decision unless sufficient cause shall be shown for the delay to the satisfaction of the Board, <i>and the words</i> Provided also that, <i>in both places in which they occur</i>.</p> <p>In section 31, clause <i>Second</i>, <i>the words</i> Provided also that.</p> <p>In section 33, clause <i>First</i>, <i>the word</i> City.</p> <p>In section 35, <i>the words</i> or Board of Commissioners.</p>
"	XI	Government Indemnity	Section 2.
1823	VI	Indigo Contracts	In section 4, clause <i>Second</i> , <i>the words</i> by the existing Regulations.

THE THIRD SCHEDULE—contd.

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

Part I.—Regulations of the Bengal Code—contd.

1823	VII	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.	In section 6, <i>the words</i> In like manner. Section 7.
1825	VI	The Bengal Troops Transport Regulation, 1825.	In section 2, <i>the word</i> Sicca. In section 4, <i>the words</i> in whose jurisdiction the district may be situate. In section 5, <i>the word</i> proper <i>and the words</i> by whom the case may be cognizable.
"	IX	Land-revenue Settlement . . .	In section 5, clause <i>Tenth</i> , <i>the words</i> under the provisions of the existing Regulations.
"	XI	The Bengal Alluvion and Diluvion Regulation, 1825.	In section 5, <i>the words</i> and City.
"	XIV	Revenue-free Lands	In the title, <i>the words and figures</i> and to provide for the due application of the general laws and regulations respecting lands held free of assessment to the territory ceded by Govind Ráo to the British Government and annexed to the zila of Bundelkhand under the provisions of Regulation II, 1818. In section 1, <i>the words and figures</i> and it is necessary to make provision for the due application of the general rules in force relative to <i>lákhiráj</i> tenures to the territory ceded by Govind Ráo to the British Government and annexed to the zila of Bundelkhand under the provisions of Regulation II, 1818, <i>the words</i> a special appeal only shall lie in the Provincial Courts, and that in like manner in cases decided in the first instance by a Provincial Court, excepting cases ultimately appealable to the King in Council, <i>the words</i> on special grounds only, <i>the words</i> the above restriction should not apply to. <i>the words and figures</i> Regulations XII and XIII, 1795, Regulations XXXI and XXXVI, 1803.

THE THIRD SCHEDULE—*contd.*

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

Part I.—Regulations of the Bengal Code—contd.

1825	XIV	Revenue-free Lands— <i>contd.</i>	<p>In section 2, <i>the words</i> the Lieutenant-Governor and the Board of Commissioners in the Ceded and Conquered Provinces.</p> <p>In section 3, clause <i>Second</i>, <i>the words and figures from</i> the 1st July, 1775, to 1st November, 1817.</p> <p>In section 3, clause <i>Fifth</i>, <i>the words and figures</i> Regulation XLII, 1795, Regulation XXXVI, 1803, and, <i>and the words and figures from</i> and with respect to the territory to territory referred to.</p> <p>In section 3, clause <i>Seventh</i>, <i>the words and figures from</i> for Benares to 1st January, 1803, <i>and the words and figures from</i> for the pargana to 1st November, 1817.</p> <p>In section 4, <i>the words and figures</i> Regulation XLI, 1795, Regulation XXXI, 1803.</p>
1827	V	The Bengal Attached Estates Management Regulation, 1827.	In section 2, <i>the words and figures</i> and clauses five and six, section XVI, Regulation III, 1803.
1828	III	Land-revenue Assessment (Resumed Lands).	<p>In the title, <i>the words from</i> the appointment to for otherwise.</p> <p>In section 1, <i>the words and figures from</i> By the provisions of Regulation II, 1819, to To remedy the aforesaid evils, <i>and the words from</i> to appoint special Commissioners to relative to such cases, and.</p> <p>Sections 2 to 8.</p> <p>In section 10, clause <i>Second</i>, <i>the words</i> whether the same be situated in districts to which the jurisdiction of a special Commissioner has been extended or in any other district, <i>and the words</i> or to the Commissioner appointed under this Regulation.</p>

THE THIRD SCHEDULE—*contd.*

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

Part I.—Regulations of the Bengal Code—contd.

1828	III	Land-revenue Assessment (Resumed Lands)— <i>contd.</i>	<p>In section 12, <i>the words and figures</i> Regulations XLI and XLII, 1795, Regulations XXXI and XXXVI, 1803, Regulations VIII.</p> <p>In section 13, clause <i>First</i>, <i>the words</i> or before a special Commissioner under this Regulation.</p> <p>In section 13, clause <i>Second</i>, <i>the words</i> to a special Commissioner under this Regulation having local jurisdiction for the time being (or, if no such jurisdiction exist).</p>
"	IV	Land-revenue Settlement	<p>Section 1.</p> <p>In section 2, clause <i>Fourth</i>, <i>the words</i> by this Regulation and.</p>
1829	I	Revenue Commissioners	<p>In the title, <i>the words and figures</i> from for establishing to the end.</p> <p>In section 1, <i>the words</i> now vested in the Courts of Circuit, together with those; <i>the words</i> the former under the authority of the Nizamat Adalat, and the latter; <i>the words</i> and altogether to disjoin the functions of the Courts of Circuit from those of the Judges of Appeal; <i>and the words and figures</i> from It has, at the same time, appeared to be necessary to superseded by the appointment of Commissioners.</p> <p>In section 2, <i>the figures and words</i> from 1st Division to Ghazipur, <i>the words</i> To be placed under the officer appointed to control the affairs of Arakan, <i>and the figures and words</i> from 17th to Rungpore.</p> <p>Sections 6 to 8, section 9, clause <i>First</i>, and section 10.</p>
1833	IV	Convict Labourers	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
<i>Part I.—Regulations of the Bengal Code—concl'd.</i>			
1833	IX	Land-revenue (Settlement and Deputy Collectors).	In the title, and in section 1, <i>the words and figures</i> and Regulation IV of 1823. Section 2 and the first sentence of section 3. In sections 8, 24 and 25, <i>the word Sadr.</i>
<i>Part II.—Acts of the Governor General in Council.</i>			
1836	XXI	Districts	<i>The words</i> and to alter the limits of existing zilas. The whole Act, so far as it applies to the United Provinces of Agra and Oudh.
1837	VI	Land-revenue Settlement, Cuttack.	So much as is unrepealed.
1847	IX	Alluvion and Diluvion	In section 4, <i>the word Government.</i> In sections 5 and 6, <i>the word Sadr, where it occurs before the word Board.</i> In section 9, <i>the words Except as regards the proprietary right to islands.</i>
1850	XXXIII	The Sale of Patni-tenures Act, 1850.	So much as is unrepealed.
1853	XIX	The Recusant Witnesses Act, 1853.	So much as is unrepealed, except so far as it is in force in Assam.
1854	XX	Amendment of Bengal Regulation XIII of 1833 (Administration of parts of the Ramgarh Jungle Mahals and Midnapur districts).	The whole.
"	XXVI	Education of male minors subject to Court of Wards.	The whole.
1855	XXXII	Embankments	In section 21, <i>the words from words importing the singular to females.</i>
1856	XXII	Karatoyá Tolls	In section 4, <i>the words or other officer exercising the powers of a Magistrate.</i>

THE THIRD SCHEDULE—contd.

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

Part II.—Acts of the Governor General in Council—contd.

1857	XXI	Offences, Howrah	In section 54, <i>the words from</i> The provisions to Provided that. Section 55. In section 57, <i>the words</i> Suburbs or, in both places in which they occur. In section 59, <i>the words from</i> words importing the singular to females.
1858	XXXI	Alluvial Land Settlement	Section 3.
1859	X	Rent	In sections 3 and 15, <i>the words and</i> Benares. In section 28, <i>the words and figures</i> section X, Regulation XLI, 1795, section VI, Regulation XXXI, 1803, section XXI, Regulation VIII, 1805, and <i>the words from</i> If such period to the end. Section 29, the second paragraph. In section 32, <i>the words from</i> For arrears to first expire. In section 33, <i>the words from</i> or, in the case to first expire, and <i>the words</i> (except the case of claims now existing as aforesaid). In section 163, <i>the words</i> Except as provided in the last preceding section. In section 168, <i>the words from</i> Unless to females.
"	XI	Land-revenue Sales	In section 18, proviso, <i>the words and</i> it is hereby enacted. In section 22, <i>the words</i> notes or. Schedule B.
1867	XXXII	The Chief Commissioners Powers Act.	In the preamble, <i>the words and</i> British Burma. In section 1, <i>the words</i> or British Burma.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
<i>Part II.—Acts of the Governor General in Council—contd.</i>			
1869	XVI	The Bhutan Duars Act, 1869	So much as is unrepealed.
1870	XXVII	The Indian Penal Code Amendment Act, 1870.	Section 5.
1871	XIX	The Bengal Sessions Courts Act, 1871.	So much as is unrepealed.
1873	XIV	The Lunatic Soldiers' Property Act, 1873.	So much as is unrepealed.
1874	XV	The Laws Local Extent Act, 1874.	So much of sections 6 and 7 and the fourth and fifth Schedules as relates to Act XIX of 1853 (<i>Recusant Witnesses</i>). So much of section 7 and the fifth Schedule as relates to Act XXI of 1836 (<i>Creating Zilas</i>).
1876	XVIII	The Oudh Laws Act, 1876 .	So much of section 3 and the second Schedule as relates to Act XIX of 1853 (<i>Recusant Witnesses</i>).
1877	XI	The Military Lunatics Act, 1877.	In section 3, <i>the words</i> and has been ordered to be forwarded to any one of the Presidency-towns.
1878	XII	Laws, Punjab (amending Act IV of 1872).	Section 3.
1880	IV	The Portuguese Treaty Act, 1880.	The whole.
1881	X	The Coroners Act, 1881 .	In section 1, <i>the words</i> and shall come into force on the passing thereof.
"	XVII	The Portuguese Convention Act, 1881.	The whole.
1882	XVIII	The Burma Steam-boilers and Prime-movers Act, 1882.	In section 18, <i>the word thrice and the word last</i> .
1885	IX	The Excise and Sea Customs Law Amendment Act, 1885.	So much of section 4 as is unrepealed.
1886	XV	Land-revenue, United Provinces (amending Act XIX of 1873).	The whole.

THE THIRD SCHEDULE—*contd.*

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

Part II.—Acts of the Governor General in Council—contd.

1887	IV	The Indian Museum Act, 1887	Section 4.
1888	X	The Presidency Small Cause Courts Law Amendment Act, 1888.	In the title and preamble, <i>the words and figures</i> and the Presidency Small Cause Courts Act, 1882. Section 2 and the second Schedule.
1890	XVII	The Indian Census Act, 1890.	The whole.
1891	XII	The Repealing and Amending Act, 1891.	In the title, <i>the words</i> to repeal certain obsolete enactments and <i>and the word</i> other. In the preamble, <i>the words from</i> Whereas it is expedient to repealed; And, <i>and the word</i> also. In section 1, <i>the words</i> Repealing and. Section 2, sub-section (1). So much of section 2, sub-section (2), and the second Schedule, Part I, as relates to the following enactments, namely:— Act V of 1869 (Indian Articles of War), Part I, clause (c); Act XVII of 1876 (Oudh Land-revenue Act, 1876); and Act XII of 1881. Section 3 and the first Schedule.
1892	IV	The Court of Wards Act (Bengal) Amendment Act, 1892.	In section 1, <i>the word</i> and, <i>and</i> sub-section (2).
1893	II	The Porahat Estate Act, 1893	In section 1, <i>the word</i> and, <i>and</i> sub-section (2).
"	XI	The Tributary Mahals of Orissa Act, 1893.	In the preamble, <i>the words</i> to repeal certain enactments relating to the Tributary Mahals of Orissa and. In section 1, <i>the word</i> and, <i>and</i> sub-section (3). Section 2 and the Schedule.

THE THIRD SCHEDULE—*contd.*

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

Part II.—Acts of the Governor General in Council—contd.

1894	IV	The Repealing and Amending Act, 1894.	In the title, <i>the words</i> to repeal certain obsolete enactments and, <i>and the word</i> other. In the preamble, <i>the words from</i> Whereas it is expedient to repealed; And, <i>and the word</i> also. In section 1, <i>the words</i> Repealing and. Section 2, sub-section (1), section 3 and the first Schedule.
"	XIII	The Repealing and Amending (Army) Act, 1894.	In section 1, <i>the words</i> Repealing and. Section 2, sub-section (1), and the first Schedule.
"	XVI	Tariff (Amending Act VIII of 1894).	The whole.
1895	I	The Presidency Small Cause Courts Act, 1895.	Section 4.
"	XVI	The Repealing and Amending Act, 1895.	In the title, <i>the words</i> to repeal certain obsolete enactments and, <i>and the word</i> other. In the preamble, <i>the words from</i> Whereas it is expedient to repealed; And, <i>and the word</i> also. In section 1, <i>the words</i> Repealing and. Section 2, sub-section (1), section 3 and the first Schedule. So much of the second Schedule as relates to Bombay Act IV of 1882.
1896	VII	The Presidency Small Cause Courts Act (1882) Amendment Act, 1896.	The whole.
"	XIV	Repealing part of the Government Tenants (Punjab) Act, 1893.	The whole.
1897	II	The Criminal Tribes Act Amendment Act, 1897.	In section 1, <i>the word</i> and, <i>and</i> sub-section (2).
"	V	The Repealing and Amending Act, 1897.	In the title, <i>the words</i> to repeal certain obsolete enactments and, <i>and the word</i> other.

THE THIRD SCHEDULE—*contd.*

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

Part II.—Acts of the Governor General in Council—concl'd.

1897	V	The Repealing and Amending Act, 1897— <i>cont'd.</i>	In the preamble, <i>the words from</i> Whereas it is expedient to specifically repealed; And, <i>and the word also where it first occurs.</i> In section 1, <i>the words</i> Repealing and. Section 2, sub-section (1), section 3 and the first Schedule.
"	X	The General Clauses Act, 1897.	Section 2 and the Schedule.
"	XI	The Bhopal Coinage Act, 1897.	The whole.
1898	III	The Lepers Act, 1898 . .	Section 19.
"	XIII	The Burma Laws Act, 1898 .	In the preamble, <i>the word</i> repeal. Section 18 and the fifth Schedule.
1900	III	The Prisoners Act, 1900 .	Section 31.
1901	I	Native Military Lunatics (repeal of enactments).	The whole.
"	XI	The Repealing and Amending Act, 1901.	In the preamble, <i>the words from</i> And whereas it is also expedient that certain enactments to repealed. In section 1, <i>the words</i> Repealing and. Section 3, sub-section (2), section 4 and the third Schedule.

Part III.—Bengal Acts.

1862	III	Land-revenue Sales . . .	In the preamble, <i>the word</i> under <i>where it first occurs, and the words</i> and farms <i>where they first occur.</i> In section 2, the first two paragraphs.
"	VI	Rent	Section 1. In sections 2, 3, 12, 14 and 16, <i>the words</i> hereafter to be brought. In section 8, <i>the words</i> instituted after the passing of this Act.

THE THIRD SCHEDULE—*contd.*

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

Part III.—Bengal Acts—contd.

1862	VI	Rent— <i>contd.</i>	<p>In section 14, <i>the words and figures</i> So much of section LXXI of Act X of 1859 as directs that no fee for any agent shall be charged as part of the costs of suit in any case under the Act is hereby repealed.</p> <p>In section 17, <i>the words</i> hereafter to be instituted.</p> <p>In section 18, <i>the words</i> after the date of the passing of this Act.</p> <p>In section 21, <i>the words</i> except as regards suits instituted thereunder before the passing of this Act.</p> <p>In Schedules A and B, <i>the word</i> Company's, <i>wherever it occurs.</i></p>
1863	II	Smoke Nuisances, Calcutta and Howrah.	<p>In section 1, <i>the words and figures</i> on and after the first day of July, 1864, <i>and the words and figures</i> on or after the said first day of July, 1864, and.</p> <p>Section 6.</p> <p>In section 7, <i>the words and figures from</i> All penalties imposed to time being.</p>
1864	V	The Canals Act, 1864 .	<p>In the preamble, <i>the word</i> the, <i>where it occurs before the word</i> canals, <i>and the words</i> specified in the Regulations and Acts in the Schedule to this Act annexed.</p> <p>In section 1, <i>the words from</i> Words importing the singular to feminine.</p> <p>In section 2, the last thirty-four words.</p> <p>In section 3, <i>the words and figures</i> Act VI of 1857 (<i>for the acquisition of land for public purposes</i>) or of, <i>the word</i> other, <i>and the words</i> that may now or hereafter be.</p> <p>Section 17 and the Schedule.</p>

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
<i>Part III.—Bengal Acts—contd.</i>			
1864	VII	The Salt Act, 1864	In section 3, <i>the words</i> the word "Magistrate" shall mean any person exercising the full powers of a Magistrate under the Code of Criminal Procedure, <i>and the words from</i> words importing the singular to feminine. Sections 35 and 36. In section 40, <i>the words and figures</i> section 35 of.
1865	III	Fire in Ports	So far as it is unrepealed.
"	IV	Prevention of Inoculation	In section 4, as in force in Bengal, <i>the words</i> and to the recovery of fines. In section 4, <i>the words and figures from</i> beyond the town of Calcutta to said town.
"	VII	Slaughter-houses and Meat-markets.	In the title and preamble, <i>the words</i> in the Suburbs of Calcutta. In section 8, <i>the words and figures</i> and the magisterial powers conferred upon the Municipal Commissioners by section VI of the above Act shall be exercised by them for all the purposes of this Act.
"	VIII	Rent Recovery (Under-tenures).	In section 1, the second sentence.
1866	II	Calcutta Suburban Police	Section 31. In section 51, <i>the words from</i> words importing the singular to females. Section 52.
"	III	Bengal Legislative Council (Witnesses).	In section 6, <i>the words from</i> words importing the singular to feminine.
"	IV	The Calcutta Police Act, 1866	In section 3, <i>the words from</i> words importing the singular to females. In section 77, <i>the words and figures</i> or with any of the offences numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24 and 25 in section 26 of this Act. Form B in the Schedule.

THE THIRD SCHEDULE—*contd.*

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

Part III.—Bengal Acts—contd.

1866	VII	Embankments	In section 10, <i>the words from</i> words in the singular <i>to females.</i>
1867	II	Public Gambling	In section 1, <i>the words from</i> words importing the masculine <i>to the end.</i> In section 14, <i>the words and figures from</i> The provisions <i>to shall apply to, the words and penalties, the words in any town or place other than the town of Calcutta; and such fines, and the words and figures from</i> And the provisions <i>to the end.</i> In section 18, <i>the words from and after the passing of this Act, in both places in which they occur.</i> Section 17.
"	III	Ports	In section 1, <i>the words</i> words importing the singular number include the plural, and words importing the plural number include the singular. In section 15, <i>the words</i> and hospital port-dues, <i>and the word</i> respectively. In section 17, <i>the words from</i> and the provisions, <i>where they first occur, to the end.</i> In the third Schedule, <i>the figures 11, and the words from</i> Hospital port-dues <i>to the end.</i>
"	IV	Rents (Appeals)	The title and preamble. Sections 2, 3 and 4. In section 5, <i>the words</i> From and after the passing of this Act.
"	X	Land-revenue Settlement, Cuttack.	The whole.

THE THIRD SCHEDULE—*contd.*

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

Part III.—Bengal Acts—contd.

1868	VII	Land-revenue Sales	In sections 3 and 4, <i>the words</i> From the date when this Act comes into operation. In section 3, <i>the words from</i> and the words <i>to the end.</i> Section 9 and Schedules A, B, C and D.
1869	V	Place of sitting of Courts of Session.	The whole.
"	VII	Police	Section 1.
1871	IV	The Puri Lodging-house Act, 1871.	In section 3, <i>the words</i> From and after the passing of this Act. In section 7, <i>the words</i> After the passing of this Act. Section 39.
"	VII	Calcutta Port Improvement (amending Ben. Act V of 1870).	The whole.
"	XI	Census	The whole.
1874	I	Calcutta Suburban Police	So much as is unrepealed.
1875	IV	Realization of famine loans	The whole.
"	V	The Bengal Survey Act, 1875.	In section 1, <i>the words from</i> and shall to General.
1876	III	The Bengal Irrigation Act, 1876.	Section 2, and Schedule A.
"	VI	The Agrarian Disputes Act, 1876.	The whole.
"	VII	The Land Registration Act, 1876.	In section 1, <i>the words from</i> and it shall <i>to the end.</i> Section 2 and the Schedule.
1878	V	Land Registration	Section 2.

THE THIRD SCHEDULE—*contd.*

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

Part III.—Bengal Acts—contd.

1878	VII	The Bengal Excise Act, 1878	The concluding paragraph of section 3. In section 51, <i>the words</i> except in the town of Calcutta, <i>and the words and figures</i> and, in the said town, the provisions of sections 164, 165 and 166 of the Presidency Magistrates' Act.
1879	I	The Chota Nagpur Landlord and Tenant Procedure Act.	In section 1, <i>the words</i> and the Tributary Mahals, <i>and the words from</i> And it shall <i>to the end.</i> Sections 3 and 4. In section 150, <i>the words and figures</i> or of Bengal Act VI of 1876. Schedule A.
"	II	Puri Lodging-houses . . .	In the preamble, <i>the words and figures</i> to places other than those specified in section 39 of the said Act. Section 1.
"	III	Steam-boilers and Prime-movers.	In the title and preamble, <i>the words</i> in the town and suburbs of Calcutta and in Howrah. In section 1, <i>the words from</i> and it shall <i>to</i> General. In section 12, <i>the words from</i> No charge shall <i>to</i> Calcutta Gazette and.
"	VI	The Darjeeling Steam Tramway Act.	In section 1, <i>the words from</i> And it shall <i>to the end.</i>
"	VIII	Rent Settlement . . .	In section 1, <i>the words from</i> and it shall <i>to the end.</i> Section 2. In section 4, <i>the words and figures</i> or in sections 14, 15 and 18 of Bengal Act VIII of 1869.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
<i>Part III.—Bengal Acts—contd.</i>			
1879	IX	The Court of Wards Act, 1879.	In section 2, <i>the words and figures from</i> And all suits <i>to the end.</i>
1880	I	The Calcutta Tramways Act, 1880.	In section 1, <i>the words from</i> and it shall <i>to the end.</i>
"	VI	The Bengal Drainage Act, 1880.	In section 1, <i>the words from</i> and it shall <i>to the end.</i> Sections 60 to 63.
"	VIII	The Bengal Contagious Diseases (Animals) Act, 1880.	In section 1, <i>the words from</i> and it shall <i>to the end.</i>
"	IX	The Cess Act, 1880 . . .	In section 1, <i>the words from</i> and it shall <i>to the end.</i>
1881	V	The Calcutta Burial Boards Act, 1881.	In section 1, <i>the words from</i> and it shall <i>to the end.</i>
1882	II	The Bengal Embankment Act, 1882.	In section 1, <i>the words from</i> And it shall <i>to the end.</i> In section 2, <i>the words</i> From such day. In section 46, <i>the words</i> after the commencement of this Act.
1883	I	Excise	Section 13.
"	III	The Bengal Tramways Act, 1883.	In section 1, <i>the words from</i> It shall <i>to the end.</i>
1884	I	Puri Lodging-houses	Section 1.
"	II	Amendment of the Calcutta Tramways Act, 1880.	In section 1, <i>the words from</i> And it shall <i>to the end.</i> Section 2.
"	III	The Bengal Municipal Act, 1884.	In section 1, <i>the words from</i> But any notification <i>to the end.</i> In section 2, <i>the words</i> On the commencement of this Act, <i>and the words</i> And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

THE THIRD SCHEDULE—contd.

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
<i>Part III.—Bengal Acts—contd.</i>			
1884	V	Calcutta Municipality . . .	The whole.
1886	I	Village Chaukidars . . .	In section 1, <i>the words from from the date to the end.</i>
"	II	Calcutta and Suburban Police	Section 1.
"	III	Municipalities . . .	Section 1.
1887	I	The Calcutta Survey Act, 1887.	In section 1, <i>the words from and shall to General.</i>
"	V	The Chota Nagpur Rural Police Act, 1887.	In section 1, <i>the words from and shall to General.</i> In section 38, <i>the words and figures from Act VIII to repealed and.</i>
1888	I	Municipalities . . .	The whole.
"	III	The Howrah Bridge Act Amendment Act, 1888.	In section 2, <i>the words from and it shall to the end.</i>
1889	III	Loan by Calcutta Port Commissioners to Calcutta Corporation.	The whole.
"	IV	Calcutta Burial Boards . . .	Section 1.
1890	I	Calcutta and Suburban Police (Superannuation Fund).	Sections 1 and 3.
"	II	Vaccination (amending Bengal Act V of 1880).	Section 1. Section 4, sub-section (3).
1891	II	The Calcutta Hackney Carriage Act, 1891.	Section 1, sub-section (2).
1892	I	Village Chankidars . . .	Section 2, sub-section (1), and sections 6 and 12.
1893	I	The Licensed Warehouse and Fire-brigade Act, 1893.	Section 1, sub-section (3). In section 4, <i>the words From and after the commencement of this Act.</i>

THE THIRD SCHEDULE—*contd.*

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

Part III.—Bengal Acts—contd.

1893	I	The Licensed Warehouse and Fire-brigade Act, 1893— <i>contd.</i>	In section 27, <i>the words and figures</i> or at the credit of any fund appropriated to the maintenance of the fire-brigade under the provisions of Act IV of 1893 at the time when this Act comes into force.
1894	I	The Licensed Warehouse and Fire-brigade Amendment Act, 1894.	In section 1, <i>the words from</i> and shall to the end. Sections 4 and 5.
"	II	Calcutta Port	Section 1.
"	III	The Calcutta Tramways Act, 1894.	In section 1, <i>the words from</i> and it shall to the end.
"	IV	Municipalities	In section 1, <i>the words from</i> and it shall to the end. Sections 5, 9, 46, 51, 77, 83 and 89.
"	VI	Municipalities	The whole.
1895	I	The Public Demands Recovery Act, 1895.	Section 1, sub-section (3).
"	II	Calcutta and Suburban Police	Section 1.
"	IV	Calcutta Port	Section 1, sub-section (2), and sections 4, 6, 14 and 16.
"	VI	Calcutta Port	Section 1, sub-section (2). In section 2, <i>the words and figures</i> as amended by section 4 of Act IV (B. C.) of 1895. In section 5, <i>the words and figures</i> as amended by section 14 of Act IV of 1895 (B. C.). In section 6, <i>the words and figures</i> as amended by section 16 of Act IV of 1895 (B. C.).
"	VII	The Bhutan Duars Repealing Act, 1895.	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
<i>Part III.—Bengal Acts—conold.</i>			
1895	VIII	The Bengal Sanitary Drainage Act, 1895.	Section 1, sub-section (3).
"	IX	The Calcutta Electric Lighting Act, 1895.	Section 1, sub-section (2).
1896	II	Municipalities	Section 1, section 9, sub-section (4), and section 19.
1897	I	Public Demands Recovery .	Sections 1 and 3.
"	IV	The Chota Nagpur Commutation Act, 1897.	Section 2.
1898	I	The Calcutta Police Act, 1898.	In section 1, <i>the word</i> and, <i>and</i> sub-section (2).
"	II	The Calcutta Port (Amendment) Act, 1898.	In section 1, <i>the word</i> and, <i>and</i> sub-section (2).
"	III	The Bengal Tenancy (Amendment) Act, 1898.	In section 1, <i>the word</i> and, <i>and</i> sub-section (2).
1899	I	The Bengal General Clauses Act, 1899.	Section 11. Section 2.
"	III	The Calcutta Municipal Act, 1899.	In section 1, <i>the words and figures</i> and (3) It shall come into force on the first day of April, 1900. The proviso to section 1. In section 2, <i>the words and figures</i> On and from the said first day of April, 1900. Section 60, sub-section (1).
1900	I	The Darjeeling Municipal Act, 1900.	In the preamble, <i>the words</i> and to provide for the temporary exercise by the Local Government of certain powers of the Commissioners of the Darjeeling Municipality. Section 23. Part II (sections 24 to 28). Schedules E, F and G.
"	II	The Calcutta Municipal Act, 1900.	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
<i>Part IV.—Madras Acts.</i>			
1880	II	Repealing Madras Act III of 1863.	The whole.
1881	II	Repealing Madras Act I of 1868.	The whole.
1882	II	Repealing Madras Regulation XIV of 1816.	The whole.
<i>Part V.—Bombay Acts.</i>			
1872	I	Police, Bombay Town . . .	So much as is unrepealed.
1879	I	District Municipalities . . .	So far as it is unrepealed.
"	II	Police, Bombay Town . . .	The whole.
1882	IV	Police, Bombay Town . . .	The whole.
1885	IV	Local Boards and District Municipalities.	In the title, <i>the words and figures</i> and the Bombay District Municipal Act Amendment Act, 1884. Section 5 and the preamble prefixed thereto.
1888	I	Local Boards and District Municipalities.	In the title and preamble <i>the words and figures</i> and the Bombay District Municipal Act Amendment Act, 1884. In section 1, <i>the words and figures</i> and to section 18 of the Bombay District Municipal Act Amendment Act, 1884.
1892	III	The Bombay Abkari Act Amendment Act, 1892.	Section 5.
<i>Part VI.—United Provinces Act.</i>			
1894	I	Repealing the Tarai Regulation, 1876.	The whole.
<i>Part VII.—Regulations made under the Government of India Act, 1870 (33 & 34 Vict., c. 3).</i>			
1871	I	Peshawar District Limitation Regulation, 1871.	The whole.

THE THIRD SCHEDULE—*contd.*

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

Part VII.—Regulations made under the Government of India Act, 1870 (33 & 34 Vict., c. 5)—contd.

1872	III	The Sonthál Parganas Settlement Regulation.	<p>So much of section 3, sub-section (1), and the schedule (as amended by section 3 of the Sonthál Parganas Justice and Laws Regulation, 1899) as relates to the following enactments, namely:—</p> <p>Act XXXVIII of 1850 (The Sale of Patni Tenures Act, 1850);</p> <p>Act XV of 1869 (The Prisoners Testimony Act, 1869);</p> <p>Act I of 1882 (The Assam Labour and Emigration Act, 1882);</p> <p>Act IX of 1882 (The Prisoners Act Amendment Act, 1882);</p> <p>Act V of 1888 (The Inventions and Designs Act, 1888), section 2;</p> <p>Act VII of 1893 (The Inland Emigration Act, 1893);</p> <p>Act VII of 1894 [The Prisoners Act (1871) Amendment Act, 1894];</p> <p>Bengal Act I of 1889 (The Inland Emigrants' Health Act, 1889);</p> <p>Bengal Act VI of 1894 (Municipalities);</p> <p>Bengal Act V of 1895 (The Lepers Act, 1895); and</p> <p>Regulation III of 1886 (The Sonthál Parganas Laws Regulation, 1886).</p> <p>In section 25 <i>the words</i> if any suit affecting such rights be pending at the time when this Regulation shall come into operation, or.</p>
1873	V	Bengal Eastern Frontier Regulation, 1873.	In the preamble, <i>the words</i> and Chittagong Hills.
1874	IX	The Arakan Hill District Laws Regulation, 1874.	So much of section 3 and the Schedule as relates to Act XXXIV of 1855 (Enforcement of judgments of Charter Courts) and Act XXXII of 1867 (The Chief Commissioners' Powers Act).

THE THIRD SCHEDULE—*contd.*

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

*Part VII.—Regulations made under the Government of India Act, 1870
(33 & 34 Vict., c. 3)—contd.*

1881	III	The Chittagong Hill Tracts Frontier Police Regulation, 1881.	In section 1, <i>the words from</i> and it shall <i>to the end.</i>
1886	II	The Sonthal Parganas Rent Regulation, 1886.	The preamble <i>to made</i> and. Section 1, sub-section (2), and section 5. In section 22, sub-section (1), <i>the words and figures</i> under Bengal Act VII of 1880.
"	III	The Sonthal Parganas Laws Regulation, 1886.	So much as is unrepealed.
"	VII	The Upper Burma Criminal Justice Regulation, 1886.	So much as is unrepealed.
1890	I	The British Baluchistan Laws Regulation, 1890.	So much of section 3, sub-section (1), and the schedule as relates to Act XIV of 1873 (Lunatic Soldiers).
"	VI	Criminal Justice, Upper Burma.	The whole.
1893	V	The Sonthal Parganas Justice Regulation, 1893.	Section 2.
"	IX	The Ajmer Repealing and Amending Regulation, 1893.	In the title, <i>the words</i> to repeal certain obsolete enactments and, <i>and the word</i> other. In the preamble, <i>the words from</i> Whereas it is expedient <i>to repealed</i> ; And, <i>and the word</i> also. In section 1, <i>the words</i> Repealing and. Section 2, sub-section (1), section 3 and the first Schedule.

THE THIRD SCHEDULE—concl'd.

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

*Part VII.—Regulations made under the Government of India Act, 1870
(33 & 34 Vict., c. 3)—concl'd.*

1894	I	The Angul District Regulation, 1894.	<p>So much of section 3, sub-section (1), and the schedule as relates to the following Acts, namely:—</p> <p>Act XIV of 1866 (Post Office); Act I of 1868 (General Clauses); Act XV of 1869 (Prisoners' Testimony); Act X of 1870 (Land Acquisition); Act XXVI of 1870 (Prisons); Act I of 1879 (Stamps); Act X of 1882 (Criminal Procedure); Act XVIII of 1883 (Cattle-trespass); Act I of 1887 (General Clauses); Act XII of 1890 (Tariff); Bengal Act II of 1864 (Jails); and Bengal Act V of 1867 (General Clauses).</p> <p>In section 3, sub-section (2), <i>the words</i> or to have been, <i>the words</i> shall have been expressly extended thereto or, <i>and the word</i> so.</p> <p>Section 3, sub-section (2), proviso.</p> <p>In column 1 of Part II of the schedule, in the entry relating to Act X of 1873 (Oaths), <i>the words and figures</i> (except the first sentence of section 16).</p>
1899	III	The SoutháI Parganas Justice and Laws Regulation, 1899.	In section 1, <i>the word</i> and, <i>and</i> sub-section (2).
1900	I	The Chittagong Hill Tracts Regulation, 1900.	Section 20.
"	III	The SoutháI Parganas Rural Police Regulation, 1900.	In section 1, <i>the words and figure</i> and (3) It shall come into force at once.
1901	VII	The North-West Frontier Province Law and Justice Regulation, 1901.	So much of Part I of the First Schedule as relates to section 31 of the Prisoners Act, 1900.

ACT No. II OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th March,
1903.)

Act to amend the Indian Post Office Act,
1898.

WHEREAS it is expedient to amend the Indian Post Office Act, 1898; It is hereby enacted as VI of 1898. follows:—

Short title.

1. This Act may be called the Indian Post Office (Amendment) Act, 1903.

Addition to Act VI of 1898, section 2, clause (b).

2. At the end of clause (b) of section 2 of the Indian Post Office Act, 1898, the following shall be VI of 1898. added, namely:—

“Provided that the expression ‘inland’ shall not apply to any class of postal articles which may be specified in this behalf by the Governor General in Council by notification in the Gazette of India, when posted in or at or addressed to any places or post offices which may be described in such notification.”

**THE INDIAN ELECTRICITY ACT (III OF
1903).****CONTENTS.****PART I.****PRELIMINARY.****SECTIONS.**

1. Short title, extent and commencement.
2. Definitions.

PART II.**SUPPLY OF ENERGY TO THE PUBLIC.**

3. Supply of energy for traction or to the public for any purpose to be licensed.
4. Grant and revocation of licenses.
5. Provisions where license of licensee, not being a local authority, is revoked.
6. Provisions where license of local authority is revoked.
7. Purchase of undertaking.
8. Provisions where no purchase and license revoked with consent of licensee.
9. Licensee not to purchase, or associate himself with, other licensed undertakings or transfer his undertaking.
10. General power for Local Government to vary terms of purchase.
11. Annual accounts of licensee.
12. Provisions as to the opening and breaking up of streets, railways and tramways.
13. Notice of new works.
14. Alteration of pipes or wires.
15. Laying of electric supply-lines or other works near sewers, pipes or other electric supply-lines or works.
16. Streets, railways, tramways, sewers, drains or tunnels broken up to be reinstated without delay.
17. Aërial lines.
18. Compensation for damage.
19. Power for licensee to enter premises for ascertaining energy consumed, or to remove fittings, or other apparatus of licensee.

20. Restrictions

SECTIONS.

20. Restrictions on licensee's controlling or interfering with use of energy.
21. Obligation on licensee to supply energy.
22. Maximum electrical power.
23. Charges for energy to be made without undue preference.
24. Discontinuance of supply to consumer neglecting to pay charge.
25. Exemption of electric supply-lines or other apparatus from attachment in certain cases.
26. Protection of railways and canals, docks, wharves and piers.
27. Protection of telegraphic, telephonic and electric-signalling lines.
28. Notice of and inquiry into accidents.
29. Power for Local Government to interfere in certain cases of default by licensee.
30. Meters.

PART III.

RESTRICTIONS ON USE OF ENERGY NOT SUPPLIED UNDER
PART II.

31. Use of energy not supplied under Part II to be subject to rules.

PART IV.

GENERAL.

32. Advisory Boards.
33. Power for Government to make rules.
34. Further provisions respecting rules.
35. Exercise in certain cases of powers of telegraph-authority.
36. Arbitration.
37. Service of notices, orders or documents.
38. Recovery of sums recoverable under certain provisions of Act.
39. Penalties.
40. Functions of Local Government under Part II in certain places to be performed by Governor General in Council.
41. Protection for acts done in good faith.
42. Repeals and savings.

THE SCHEDULE.

THE SCHEDULE.

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND TO FORM PART OF, EVERY LICENSE GRANTED UNDER PART II.

Security and accounts.

CLAUSES.

- I. Security for execution of works of licensee not being local authority.
- II. Audit of accounts of licensee not being local authority.
- III. Separate accounts.

Nature and mode of supply.

- IV. Systems of supply.
- V. Provisions as to electric railways and tramways.

Compulsory works.

- VI. Power of Local Government to order licensee to lay down distributing mains.
- VII. Provisions as to laying electric supply-lines under special agreement.
- VIII. Provisions as to laying down of further distributing mains.
- IX. Requisition for supply to owners or occupiers in vicinity.
- X. Supply for public lamps.

Charges.

- XI. Methods of charging.
- XII. Maximum charges.
- XIII. Charge for supply for public lamps.

Testing and inspection.

- XIV. Licensee to establish testing station and keep instruments for testing.
- XV. Licensee to give facilities for testing.
- XVI. Representation of licensee at testings.
- XVII. Testing of mains.

Plans.

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

Additional notice of certain works.

- XIX. Notice to Electric Inspector

ACT NO. III OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 13th
March, 1903.)*

An Act to make better provision for facilitating and regulating the supply and use of electrical energy for lighting and other purposes.

WHEREAS it is expedient to make better provision for facilitating and regulating the supply and use of electrical energy for lighting and other purposes ;
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, 1903.

(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 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) the expression "area of supply" means the area within which alone a licensee is for the time being authorized to supply energy :

(c) "consumer"

XIII of 1895

(Part I.—Preliminary.—Section 2.)

- (c) "consumer" means any person supplied, or entitled to be supplied, with energy by a licensee:
- (d) the expression "consumer's terminals" means the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines:
- (e) "daily fine" means a fine for each day on which an offence is continued after conviction therefor:
- (f) "distributing main" means the portion of any main which is used for transmitting energy to service lines for the purposes of general supply:
- (g) "electric supply-line" means a wire, conductor or other means used for conveying, transmitting or distributing energy for any purpose, 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:
- (h) "electrical power" means the rate per unit of time at which energy is supplied:
- (i) "energy" means electrical energy expended at a rate greater than twenty-five watts:
- (j) "general supply" means the general supply of energy to ordinary consumers, and includes, in the absence of a special agreement to the contrary with the Government or with a local authority, the general supply of energy for public lamps, but does not include the supply of energy to particular consumers under special agreements:
- (k) "licensee" means any person licensed under Part II to supply energy:
- (l) "main"

(Part II.—Supply of Energy to the Public.—Section 3.)

- (l) "main" means any electric supply-line which is laid by a licensee in any street and through which energy may be supplied, or is intended to be supplied, by the licensee for the purpose of general supply :
- (m) "plan" includes a section :
- (n) "purpose" includes any purpose except the transmission of a message :
- (o) "service line" means any electric supply-line through which energy may be supplied, or is intended to be supplied, by a licensee to a consumer either from a main or directly from the licensee's premises :
- (p) "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
- (q) the expression "works" includes electric supply-lines and any buildings, machinery or apparatus required to supply energy and to carry into effect the objects of a licensee.

PART II.

SUPPLY OF ENERGY TO THE PUBLIC.

Supply of energy for traction or to the public for any purpose to be licensed.

3. (1) No person shall supply energy for electric traction or to the public for any purpose except under, and in accordance with the terms and conditions of, a license granted by the Local Government under this Part :

Provided that nothing in this section shall apply to any railway or tramway subject to the provisions of the Indian Railways Act, 1890.

IX of 1890.

(2) Where any difference or dispute arises as to whether energy is or is not supplied or to be supplied for

(Part II.—Supply of Energy to the Public.—Section 4.)

for electric traction or to the public for any purpose 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.

4. (1) The Local Government may grant a license to any person to supply energy for any purpose in any specified local area, and also to lay down electric supply-lines for the conveyance and transmission of energy from a generating station situated outside such specified local area to the boundary of such specified local area in any case in which the energy to be supplied is to be generated outside such specified local area; and in respect of every such license and the grant thereof the following provisions shall have effect, namely:—

Grant and
revocation
of licenses.

(a) Before granting a license under this Part the Local Government shall consult every local authority concerned, and, where such local authority advances any objection to the grant of a license, the Local Government shall take such objection into consideration and, if in its opinion it is insufficient, shall record in writing and communicate to such local authority its reasons for such opinion.

(b) Any person applying for a license under this Part shall publish a notice of his application in such manner and with such particulars as the Governor General in Council may by rule direct, and no such license shall be granted until three months from the date of the first publication of such notice as aforesaid have expired and until all representations or objections received by the Local Government within that period with reference thereto have been considered by it.

(c) No

(Part II.—Supply of Energy to the Public.—Section 4.)

- (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 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 other matters as the Local Government may think fit.
- (e) The grant of a license under this Part for any purpose shall not in any way hinder or restrict the grant of another license to another person within the same area of supply for a like purpose.
- (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 such additions, variations or exceptions (if any) which the Local Government, with the previous sanction of the Governor General in Council, is hereby empowered to make, apply to the undertaking authorized by the license, and shall be binding in like manner and to the same extent as if enacted in this Act.
- (2) The Local Government may, if in its opinion the public interest so requires, revoke a license, as to

the

(Part II.—Supply of Energy to the Public.—Section 4.)

the whole or any part of the area of supply, in any of the following cases, namely:—

- (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 not being a local authority fails, within a period of six months after the date of his license or such further period as the Local Government may determine and before exercising any of the powers conferred on him thereby in relation to the execution of works, 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 fails 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;
- (e) where the licensee, not being a local authority, shows, to the satisfaction of the Local Government, at any time after the commencement of his license, that his undertaking cannot be carried on with profit and ought to be abandoned;
- (f) where the licensee supplies energy by means of some system not approved by the Local Government;
- (g) in

(Part II.—Supply of Energy to the Public.—Section 5.)

(g) in any other case, with the consent of the licensee and, if the licensee is not a local authority, with that of the local authority (if any) concerned, and upon such terms and conditions as it thinks just :

Provided that the Local Government shall not revoke the license as to part only of the area of supply if the licensee represents that he desires to be relieved of his liabilities in respect of the whole.

(3) Where the Local Government might, under sub-section (2), 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, and any further terms or conditions 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.

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

5. Where the Local Government revokes the license of any licensee, not being a local authority, as to the whole or any part of the area of supply, the following provisions shall have effect, namely :—

- (a) The Local Government shall serve a notice of the revocation upon the licensee and upon any local authority concerned, 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) Within one month after the service of such notice as aforesaid any local authority concerned may, if the Local Government has intimated to the local authority that it is at liberty so to do, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, to the local authority the undertaking or such part thereof as is carried on within the area for which

(Part II.—Supply of Energy to the Public.—Section 5.)

which it is constituted, on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purpose of the undertaking or such part thereof as aforesaid, 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, and, where a part only of the undertaking is purchased, to any loss occasioned by severance, but without any addition in respect of compulsory purchase or of good will 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 a local authority under clause (b), and any other person is willing to purchase the undertaking or such part of it as aforesaid, 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, to such other person the undertaking or such part thereof as aforesaid.

(d) Where

(Part II.—Supply of Energy to the Public.—Section 5.)

- (d) Where a purchase has been effected under clause (b) or clause (c), the undertaking, or such part thereof as aforesaid, shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking; and 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, or such part thereof as aforesaid, is purchased, and, save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee.
- (e) Where no purchase has been effected under clause (b) or clause (c), the Local Government shall have the option of purchasing the undertaking, or such part thereof as aforesaid, and, if the Local Government elects to purchase, the licensee shall sell the undertaking or part thereof to the Local Government upon terms and conditions similar to those set forth in clauses (b) and (d), save that where the Local Government is the purchaser the license shall, 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 Local Government may forthwith cause the works of the licensee to be removed and the 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 or any part thereof, and if the sale has not been completed by the date
fixed

(Part II.—Supply of Energy to the Public.—Sections 6-7.)

fixed in the notice issued under clause (a), the purchaser may, with the previous sanction of the Local Government, work the undertaking or such part thereof pending the completion of the sale.

6. Where the Local Government revokes the license of a local authority as to the whole or any part of the area of supply, it may forthwith cause the works of the licensee to be removed and the street to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

Provisions where license of local authority is revoked.

7. (1) Where a license has been granted, a local authority shall, on the expiration of such period, not exceeding forty-two years, and of every such subsequent period, not exceeding ten years, as shall be specified in this behalf in the license, have the option of purchasing such portion of the undertaking as is in the area for which it is constituted, and, if the local authority, with the previous sanction of the Local Government, elects to purchase, the licensee shall sell the undertaking or part thereof to it upon terms and conditions similar to those set forth in section 5, clauses (b) and (d).

Purchase of undertaking.

(2) In any such case as aforesaid, if a local authority does not elect to purchase, the Local Government shall have the like option upon the like terms and conditions save that where the Local Government purchases the undertaking or any part thereof under such option the license shall, in so far as the Local Government is concerned, cease to have any further operation.

(3) Where, in exercise of the option conferred by sub-section (1), a local authority has elected to purchase the portion of the undertaking which is within the area for which it is constituted, the Local Government shall have the like option upon the like terms and conditions in respect to any portion of the undertaking which is without such area.

(4) Not

(Part II.—Supply of Energy to the Public.—Sections 8-9.)

(4) Not less than twelve months' 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, the local authority may, with the previous sanction of the Local Government, waive its option of purchase and enter into an agreement with the licensee for the working by him of the undertaking, or such portion thereof as is in the area for which such authority is constituted, 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.

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

8. Where, on the expiration of any of the periods referred to in section 7, sub-section (1), neither the local authority nor the Local Government purchases the undertaking or any portion thereof, and the license is, 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:

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).

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

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 undertaking of, or associate himself 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.

(2) The

(Part II.—Supply of Energy to the Public.—Sections 10-12.)

(2) The licensee shall not at any time 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) which may be made without such consent as aforesaid shall be void.

10. Notwithstanding anything in sections 5, 7 and 8, the Local Government, with the previous sanction of the Governor General in Council, may, in any license granted under this Act, vary the terms upon which a licensee shall be bound to sell his undertaking.

General power for Local Government to vary terms of purchase.

11. (1) Every licensee shall prepare and render to the Local Government, on or before such date in each year as the Local Government may by rule fix, an annual statement of accounts of his undertaking made up to such date, in such form, and containing such particulars, as may be prescribed by the said rule.

Annual accounts of licensee.

(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 one rupee per copy.

12. (1) Any licensee may, from time to time but subject always to the terms and conditions of his license,—

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

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

(b) open and break up any sewer, drain or tunnel in or under any such street, railway or tramway;

(c) lay down and place within the area of supply electric supply-lines and other works;

(d) repair, alter or remove the same; and

(e) do

(Part II.—Supply of Energy to the Public.—Section 12.)

(e) do all other acts necessary for the due supply of energy within the area of supply.

(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, wherever or whereunder any electric supply-line or work has not already been lawfully laid down or placed by such licensee :

Provided that any stay or strut required for the sole purpose of securing in position any support of an aerial electric supply-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, 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 stay or strut has been fixed shows sufficient cause, the District Magistrate or, in a Presidency-town, the Commissioner of Police may by order in writing direct any such stay or strut to be removed or altered.

(3) 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.

(4) 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 a local authority, or any railway or tramway, without the consent of the person by whom the same is repairable, unless with the written consent of the Local Government :

Provided that the Local Government shall not
give

(Part II.—Supply of Energy to the Public.—Section 13.)

give any such consent as aforesaid, until notice has been given, by advertisement or otherwise as the Local Government may direct, to the person by whom the street, railway or tramway concerned is repairable, and until all representations or objections received in accordance with the notice have been considered by the Local Government.

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:—

Notice of
new works.

- (a) Not less than one month before commencing the execution of the works (not being a house-service or the repair, renewal or amendment of existing works of which the character or position is not to be altered), the licensee shall serve upon the person or authority 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 or authority 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 detailed plan thereof, on a scale which shall not be smaller than eighty-eight feet to the inch, or such other scale as the Local Government may approve, 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

(Part II.—Supply of Energy to the Public.—Section 13.)

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 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 and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and plan served under clause (a).
- (d) If the owner disapproves of such works 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 his obligations 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), the owner shall be deemed to have approved of the works and plan, and in that case, or where after a requisition
- tion

(Part II.—Supply of Energy to the Public.—Section 13.)

tion 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 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 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 for a period exceeding

(Part II.—Supply of Energy to the Public.—Section 14.)

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 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, together with a plan, on a scale which shall not be smaller than eighty-eight feet to the inch, or such other scale as the Local Government may approve, describing the proposed alteration, 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.

(3) Within fourteen days after the service of the notice and plan upon the owner, the owner
may

(Part II.—Supply of Energy to the Public.—Section 14.)

may serve upon the operator a requisition to the effect that any question arising upon the notice or plan shall be settled by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration.

- (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), 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 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, settled 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

(Part II.—Supply of Energy to the Public.—Section 15.)

furnish such security and serve upon the owner a notification 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 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 notification served upon him under clause (f), comply with the notification, the operator may himself execute the alteration.
- (h) All expenses properly incurred by the owner in complying with a notification served upon him by the operator under clause (f) may be recovered by him from the operator.
- (i) Where the operator 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.

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

15. (1) Where a licensee requires to dig or sink any trench for laying down any new electric supply-lines (not being service-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 main, pipe, syphon, electric supply-line or other work belonging to any duly authorized person, has been lawfully placed, or where any duly authorized person requires to dig or sink any trench for laying down or constructing any new mains or pipes (not being service-pipes) or other works, near to

which

(Part II.—Supply of Energy to the Public.—Section 15.)

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 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 temporarily 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 mains, pipes, lines or service-pipes or lines belonging to any duly authorized person or to any person supplying or using energy under this Act, he shall not, except with the consent of such person and of the Local Government, lay his electric supply-lines so as to come into contact with any such mains, pipes, lines or service-pipes or lines, or, except with the like consent, employ any such mains, pipes, lines or service-pipes or lines as conductors for the purpose of supplying energy.

(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

(Part II.—Supply of Energy to the Public.—Section 16.)

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.

Streets, rail-ways, tram-ways, sewers, drains or tunnels broken up to be reinstated without delay.

16. (1) Where any person, in exercise of any of the powers conferred by or under this Act, opens or 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, 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

(Part II.—Supply of Energy to the Public.—Sections 17-18.)

(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.

17. (1) Nothing in this Part shall be deemed to authorize or empower a licensee to place any aërial line along or across any street unless and until the Local Government, after consulting the local authority, has communicated to him a general approval in writing of the methods of construction which he proposes to adopt: Aërial lines.

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 aërial 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 aërial 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 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 shall, in the case of any tree in existence before the placing of the aërial 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.

18. (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 caused by him or by any one employed by him. Compensation for damage.

(2) Where

(Part II.—Supply of Energy to the Public.—Sections 19-20.)

(2) Where any difference or dispute arises as to the amount or the application of such compensation, the matter shall be determined by arbitration.

Power for licensee to enter premises for ascertaining energy consumed, or to remove fittings or other apparatus of licensee.

19. (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—

- (a) inspecting and testing the electric supply-lines, meters, fittings, works and apparatus for the supply of energy belonging to the licensee;
- (b) ascertaining the quantity of energy consumed or supplied; or
- (c) removing, where a supply of energy is no longer required, or where the licensee is authorized to take away and out 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, by the Commissioner of Police, and after giving not less than twenty-four hours' notice in writing to the consumer, 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.

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

20. (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 30, sub-section (6), in any way to control or interfere with the use of such energy:

Provided that no person may adopt any form of appliance

(Part II.—Supply of Energy to the Public.—Sections 21-22.)

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 under this section, the matter shall be determined by arbitration.

21. 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 :

Obligation on licensee to supply energy.

Provided that no person having a private generating plant shall be entitled to demand a connection with the mains of the licensee in order to use the energy of the licensee only in the event of accident to the plant of such person.

22. (1) The electrical power at which any consumer shall be entitled to be supplied by a licensee, shall not exceed what is necessary for the maximum consumption of energy on his premises :

Maximum electrical power.

Provided that, where a consumer has required a licensee to supply him at a specified maximum power, he shall not be entitled to alter that maximum except after one month's notice in writing to the licensee, and the licensee may recover from the consumer any expenses incurred by him by reason of the alteration in respect of the service-lines by which energy is supplied to the consumer's premises, or of any fittings or apparatus of the licensee upon those premises.

(2) Where any difference or dispute arises between a consumer and a licensee as to the power at which energy is to be supplied under sub-section (1) or as to the amount of the expenses incurred under the proviso thereto, the matter shall be determined by arbitration.

(Part II.—Supply of Energy to the Public.—Sections 23-24.)

Charges for energy to be made without undue preference.

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, and may allow rebates thereon according to the quantity supplied, either in relation to the maximum power to which the consumer is entitled under section 22, or to the total quantity, or to the time at which the supply is needed.

(2) Notwithstanding anything in sub-section (1), the licensee may, with the consent of the Local Government, charge at one rate for the supply of energy for lighting purposes, and at other rates for the supply of energy for purposes other than lighting; and no person shall be entitled to utilize for one purpose energy supplied to him at a lower rate for any other purpose.

(3) Where any difference or dispute arises between a consumer and a licensee as to any matter provided for in sub-section (1) or sub-section (2), the matter shall be determined by arbitration.

Discontinuance of supply to consumer neglecting to pay charge.

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 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 :

Provided that the provisions of this section shall not apply in any case in which any difference or dis-

pute

(Part II.—Supply of Energy to the Public.—Sections 25-27.)

pute of the nature described in section 30, sub-section (7), has been referred for determination by an Electric Inspector or other person as therein provided until such Inspector or other person 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. No licensee shall, in exercise of any of the powers conferred by or under this Act, in any way injure any railway, tramway or canal or (in cases where the licensee is not a local authority) any dock, wharf or pier vested in or controlled by a local authority or obstruct or interfere with the traffic on any railway, tramway or canal.

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

27. (1) Nothing in this Act shall be deemed to authorize or empower any licensee to lay down any underground, or place any aerial, electric supply-line or other works, or to make any alterations in any telegraph-line, maintained or worked by the Government or by any person licensed under the Indian Telegraph Act, 1885, without the previous sanction of the telegraph-authority, to whom the licensee shall give not less than one month's notice in writing of his intention, specifying the course of the works or alterations proposed, the manner in which the works are to be utilized, the amount and nature of the energy to be transmitted, and 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 for preventing

Protection of telegraphic, telephonic and electric-signalling lines.

(Part II.—Supply of Energy to the Public.—Section 27.)

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) Every licensee shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works and in working his undertaking, 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.

(3) Where any difference or dispute arises between the licensee and the telegraph-authority or any person licensed under the Indian Telegraph Act, 1885, as to whether the licensee has constructed, laid down or placed his electric supply-lines or other works, or made alterations in a telegraph-line, or worked his undertaking, in contravention of sub-section (1) or sub-section (2), 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 licensee after the construction of such lines or works, may direct the licensee 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 licensee shall make such alterations or additions accordingly :

XIII of
1885.

Provided that nothing in this sub-section shall apply

(Part II.—Supply of Energy to the Public.—Section 28.)

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 current transmitted thereby are not altered.

(4) Where a licensee 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 by a work if telegraphic communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by such work or by any use made thereof.

28. (1) Every licensee shall, within twenty-four hours of the occurrence, send to the Local Government and to the District Magistrate or, in a Presidency-town, to the Commissioner of Police, notice in writing of any accident by explosion, fire, electric shock or fall of an aerial line and also of any other accident resulting or likely to have resulted in loss of life or personal injury in any part of the licensee's works or circuits, or in connection with the same, and also notice of any loss of life or personal injury actually occasioned by any such accident.

Notice of an inquiry into accidents.

(2) The Local Government may also, if it thinks fit, appoint any Electric Inspector or other competent person to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with a licensee's works, or as to the manner in, and extent to, which the provisions of the license and of this Act, so far as those provisions affect the safety of the public, have been complied with by the licensee.

29. If

(Part II.—Supply of Energy to the Public.—Sections 29-30.)

Power for Local Government to interfere in certain cases of default by licensee.

29. If at any time it is established to the satisfaction of the Local Government,—

- (a) that a licensee is supplying energy otherwise than by means of a system which has been approved of by the Local Government or (except in accordance with the provisions of his license) has permitted any part of his circuits to be connected with earth, or
- (b) that any electric supply-lines or works of a licensee are defective; or
- (c) that any works of a licensee or his supply of energy are or is attended with danger to the public safety;

the Local Government may, by order in writing, specify the matter complained of and require the licensee 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.

Meters.

30. (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 (such amount or quantity being hereinafter referred to as "the value of the supply") shall be ascertained by means of a duly certified meter, and the licensee shall, if required by the consumer, cause the consumer to be supplied with such a meter:

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 in proper order for correctly registering the value of the supply, and, in default of his doing

so,

(Part II.—Supply of Energy to the Public.—Section 30.)

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 in proper order for correctly registering the value of the supply, and, in default of his doing so, the licensee may, 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 take off, remove, test, inspect and replace, any meter whereby the value of the supply is ascertained or to be ascertained; and, except where the meter is so hired as aforesaid, all reasonable expenses of, and incidental to, such taking off, removing, testing, inspecting and replacing, and the procuring the meter to be again duly certified, where that is thereby rendered necessary, shall, if the meter is found to be otherwise than in proper order, be recovered from the consumer; and, where any difference or dispute arises as to the amount of such reasonable expenses, the matter shall be determined by arbitration:

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 (7) has arisen until the matter has been determined as therein provided.

(5) A consumer shall not connect any meter, whereby the value of the supply is ascertained or to be ascertained, with any electric supply-line through which energy is supplied by a 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) In

(Part II.—Supply of Energy to the Public.—Section 30.)

(6) In addition to any meter which may be placed upon the premises of a consumer to ascertain the value of the supply, the licensee may place upon such premises such meter 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 maximum power taken by the consumer, or any other quantity or time connected with the supply :

Provided that the meter or apparatus shall be of a construction and pattern approved of by the Local Government, and shall be fixed and connected with the service-lines in a manner so approved, and shall be supplied and maintained entirely at the cost of the licensee, and shall not, in the absence of an agreement to the contrary, be placed otherwise than between the mains of the licensee and the consumer's terminals.

(7) Where any difference or dispute arises as to whether any meter, whereby the value of the supply as to pressure or quantity is ascertained or to be ascertained, is or is not in proper order for correctly registering the value of the supply, or as to whether such value has in any case been correctly registered by the meter, the matter shall be determined, 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 work for a period not exceeding one month, such Inspector or person shall estimate the value of the supply for such period on the basis of the value of the previous supply ; and the decision of such Inspector or person shall be final, and the costs of or incidental to such determination shall be recoverable as such Inspector or person may direct : but, save as aforesaid, the register of the meter, whereby

(Part III.—Restrictions on Use of Energy not supplied under Part II.—Section 31.)

whereby the value of the supply is ascertained, shall, in the absence of fraud, be conclusive proof of such value.

Explanation.—A meter shall be deemed to be “duly certified” if it is certified by an Electric Inspector or by a competent person appointed by the Local Government in this behalf to be a correct meter, and to be of a construction and pattern approved by the Local Government, and to have been fixed and connected with the electric supply-lines in a manner so approved :

Provided that, where any alteration is made in a duly certified meter, or where any such meter is unfixed or disconnected from the electric supply-lines, it shall cease to be a duly certified meter unless and until it is again duly certified as aforesaid.

PART III.

RESTRICTIONS ON USE OF ENERGY NOT SUPPLIED UNDER PART II.

XV of 1881. 31. (1) No person shall, for any purpose, in any street, or in any place in which one hundred or more persons are likely ordinarily to be assembled or which is a factory within the meaning of the Indian Factories Act, 1881, use energy which is not supplied to him under Part II, without giving not less than seven clear days' notice in writing of his intention to the District Magistrate or, in a Presidency-town, to the Commissioner of Police, and complying with such rules as may be made in this behalf under section 33:

IX of 1890. Provided that nothing in this section shall apply to any railway or tramway subject to the provisions of the Indian Railways Act, 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

H 2

Use of energy not supplied under Part II to be subject to rules.

(Part IV.—General.—Section 32.)

exempt any person or class of persons using energy on premises upon or in connection with which it is generated, from the application of this section or of any such rule as aforesaid.

(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.

PART IV.

GENERAL.

Advisory
Boards.

32. (1) The Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, 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) a Chairman and two other members, or, where the Board is to consist of only three members, one other member nominated by the Governor General in Council or the Local Government, as the case may be, and

(b) two members, or, where the Board is to consist of only three members, one member 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 by rule prescribe.

(3) The Governor General in Council or the Local Government, as the case may be, may give directions as to the payment of travelling expenses incurred by any member of an Advisory Board in the performance of his duty as such member.

33. (1) The

(Part IV.—General.—Section 33.)

33. (1) The Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, make rules to regulate the generation, supply and use of energy, and, generally, to carry out the purposes and objects of this Act.

Power for
Government
to make
rules.

(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 the manner in which, and the time within which, representations or 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, supply or use of energy;
- (g) for the purposes of any electric tramway, 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 gas or water

(Part IV.—General.—Section 33.)

water pipes, or other 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 tramway, or with the currents therein, whether the earth is used as a return or not; and for the like purposes apply or adapt any of the provisions of Part II;

- (h) provide for preventing telegraph lines and magnetic observatories or laboratories from being injuriously affected by any appliance or apparatus used in the generation, supply or use of energy;
- (i) provide for the appointment of Electric Inspectors by the Local Government, and, with the sanction of the Local Government, by local authorities, and prescribe the qualifications to be required of such Inspectors, and their remuneration and duties;
- (j) provide for the appointment of members of Advisory Boards and define the duties and regulate the procedure of such Boards;
- (k) 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, 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
- (l) 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

(Part IV.—General.—Sections 34-35.)

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

34. (1) The power to make rules under section 33 shall be subject to the condition of the rules being made after previous publication.

Further provisions respecting rules.

X of 1897.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under this section 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) Where an Advisory Board has been constituted under section 32 by the Governor General in Council or by the Local Government, any rule to be made under this Act shall, before it is published for criticism under sub-section (2), be referred, in the case of a rule to be made by the Governor General in Council, to the Advisory Board constituted by the Governor General in Council, and, in the case of a rule to be made by the Local Government, to an Advisory Board constituted by such Government, and the rule shall not be so published until such Board has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(4) All rules made under section 33 shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication shall have effect as if enacted in this Act.

35. Notwithstanding anything in sections 12 to 18, the Governor General in Council may, for the purpose of conferring powers of telegraph-public authority, confer upon any public

Exercise in certain cases of powers of telegraph-public authority.

(Part IV.—General.—Sections 36-37.)

public officer or licensee any of the powers which the telegraph-authority possesses under, and subject to the provisions of, the Indian Telegraph Act, 1885, with respect to the placing of telegraph-lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

XIII of
1885.

Arbitration.

36. 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 Governor General in Council or 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.

Service of
notices,
orders or
documents.

37. (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:
- (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 be delivered,

(Part IV.—General.—Sections 38-39.)

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

38. Every sum declared to be recoverable by section 5, clause (f), section 6, section 14, sub-section (2), clause (h), section 16, sub-section (2), section 17, sub-section (2) or sub-section (4), section 22, sub-section (1), or section 30, sub-section (4) or sub-section (7), 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.

Recovery of sums recoverable under certain provisions of Act.

39. (1) Whoever dishonestly abstracts, consumes or uses any energy, shall be deemed to have committed theft within the meaning of the Indian Penal Code.

Penalties.

(2) 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.

(3) Whoever,—

- (a) being a licensee, without the previous sanction of the Local Government, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or
- (b) fails to prevent any variation of pressure exceeding the limits of variation prescribed by the rules made under this Act; or
- (c) makes default in complying with any order issued to him by the Local Government under section 29;

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

(Part IV.—General.—Section 39.)

offence or default, with a daily fine which may extend to one hundred rupees.

(4) Whoever uses energy in contravention of the provisions of section 31 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.

(5) Whoever—

(a) connects any meter, whereby the value of the supply is ascertained or to be ascertained, 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, whereby the value of the supply to a consumer by a licensee is ascertained; or

(d) improperly uses the energy of a licensee; shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

(6) Whoever maliciously extinguishes any electric light supplied for the public use, shall be punishable with fine which may extend to two hundred rupees.

(7) 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 fifty rupees.

(8) Whoever

(Part IV.—General.—Sections 40-41.)

(8) Whoever, in any case not already provided for by this section, 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, 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 and 27, 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.

(9) The penalties imposed by this section 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.

(10) The provisions of sub-sections (1), (2), (5), (6) and (7) 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.

40. The powers and duties of the Local Government under Part II shall, when the energy is to be supplied within the limits of any cantonment or of any fortress, arsenal, factory, dockyard or camp or of any building or place in the occupation of Government for naval or military purposes, be exercised and performed by the Governor General in Council.

Functions of Local Government under Part II in certain places to be performed by Governor General in Council.

41. 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.

Protection for acts done in good faith.

42. (1) The

(Part IV.—General.—Section 42. The Schedule.—
Provisions to be deemed to be incorporated with,
and to form part of, every license granted under
Part II.)

Repeals and
savings.

42. (1) The Electricity Act, 1887, the Calcutta
Electric Lighting Act, 1895, and the Howrah Bridge
Electric Lighting Act, 1902, are hereby repealed :

XIII of
1887.
Ben. Act IX
of 1895.
Ben. Act I
of 1902.

Provided that nothing in the foregoing provisions of
this section shall be deemed to affect the terms of any
license granted before the commencement of this
Act under the Calcutta Electric Lighting Act, 1895,
or any provisions of that Act or any rule made there-
under having reference to any such license.

(2) Nothing in this Act shall be deemed to affect
the terms of any other license which has been granted
or of any agreement which has been 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.

[See section 4, sub-section (1), clause (f).]

Security and accounts.

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

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

- (a) The licensee shall, within a period of six months
after the commencement of the license
and before exercising any of the powers
by the license conferred on him in relation
to the execution of works, show, to the satis-
faction of the Local Government, that he
is in a position fully and efficiently to
discharge the duties and obligations im-
posed

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

posed upon him by the license throughout the area of supply.

(b) The licensee shall also, within six months after the commencement of the license or within such extended period as may be approved by the Local Government and before exercising any of the powers conferred on him in relation to the execution of 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 in equal moieties, when and so soon as it may be certified by an officer appointed by the Local Government in this behalf that amounts equal to the sums so to be repaid or released have been expended by the licensee upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down by the licensee in every street or part of a street in which he is required to lay them down within a limited time, or shall be repaid or released at such earlier dates, and by such instalments, as may be approved by the Local Government.

(d) Where the area of supply includes two or more local areas for which local authorities are constituted, the Local Government may require the deposit to be made or the security to be given in respect of such local areas severally, and in that case the deposit or security shall be repaid or released separately as to each local area.

II. Where

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

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 to the Local Government under section 11 of the Indian Electricity Act, 1903, be examined and audited by such person as the Local Government may appoint 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.

Separate accounts.

III. The licensee shall, unless the Local Government otherwise directs, at all times keep the accounts of the capital employed for the purposes of the undertaking

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

taking distinct from the accounts kept by him of any other undertaking or business.

Nature and mode of supply.

IV. Energy shall be supplied by the licensee only by means of some system approved in writing by the Local Government, and save as otherwise provided by rules under the Indian Electricity Act, 1903, the licensee shall not permit any part of any circuit to be connected with earth unless the connection is for the time being approved by the Local Government, with the concurrence of the telegraph-authority.

Systems of supply.

V. Where and in so far as energy is supplied to a tramway for purposes of electric traction, the following provisions shall apply, namely:—

Provisions as to electric tramways.

- (a) The licensee shall employ either insulated metallic returns, or uninsulated metallic returns of low resistance, save in the case of vehicles in which the motive power is entirely self-contained.
- (b) The licensee shall take all reasonable precautions in constructing, placing and maintaining his electric supply-lines and circuits, and other works of all descriptions, and also in working his undertaking, so as not injuriously to affect, by fusion or electrolytic action, any gas or water pipes, or other metallic pipes, structures or substances.

Compulsory works.

VI. The licensee shall, within a period of two years after the commencement of his license, lay down suitable and sufficient distributing mains for the purposes of general supply throughout such streets or parts of streets as the Local Government may, by order

Power of Local Government to order licensee to lay down distributing mains.

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

order in writing issued within six months of the commencement of the license, direct.

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

VII. Every licensee shall, not less than one month before commencing to lay in any street any electric supply-line for the supply of energy to any particular consumer, and not for the purposes of general supply, 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, a notice stating that the licensee intends to lay the electric supply-line, and intimating that, if within the said period any two or more of such owners or occupiers require in accordance with the provisions of the license that a supply shall be given to their premises, the necessary distributing main will be laid by the licensee at the same time as the electric supply-line intended for the particular consumer.

Provisions as to laying down of further distributing mains.

VIII. (1) Where, after the expiration of eighteen months from the commencement of the license, a requisition is made by six or more owners or occupiers of premises in or upon any street or part of a street within the area of supply or by the Local Government or a local authority charged with the public lighting thereof, requiring the licensee to provide and lay down distributing mains for the purposes of general supply 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

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

that there shall be taken, a supply of energy for not less than three 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, as the case may be, does not, within the like period, tender a like agreement binding itself to take a supply of energy for not less than three years for the public lighting of such street or part thereof.

(2) Where any difference or dispute arises between the licensee and such owners, occupiers or local authority 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 the Local Government 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, 1903; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

IX. (1) Where a requisition is made by the owners or occupiers of any premises situate within one hundred yards from any distributing main in which the licensee is required to maintain a supply of energy for the purposes of general supply, requiring the licensee to supply energy for such premises, the licensee

Requisition for supply to owners or occupiers in vicinity.

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

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 accordance with the requisition, unless the person making it fails, within fourteen days after the service on him by the licensee of a notice in writing in this behalf, to tender to the licensee a written contract, 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:

Provided, first, that the cost of so much of any electric supply-line as may be laid for the purposes of the supply upon the property in respect of which the requisition is made, and of so much of any electric supply-line as it may be necessary for the said purposes to lay for a greater distance than one hundred feet from the licensee's distributing main, although not on that property, shall, if the licensee so requires, be paid by the owner or occupier making the requisition:

Provided, secondly, that the licensee may, after he has furnished a supply of energy for any premises, by notice in writing require the owner or occupier within seven days after the date of the service of the notice, to give him security for the payment of all money which may become due to him in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and, if the owner or occupier fails to comply with the terms of the notice, the licensee may discontinue to supply energy for such premises so long as such failure continues:

Provided, thirdly, that, if the owner or occupier of any such premises as aforesaid adopts any form of
lamp

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

lamp or burner, or uses the energy supplied to him by the licensee for any purposes, or deals with it in any manner, so as to interfere unduly or improperly with the efficient supply of energy to any other person by the licensee, or fails to keep his meter in proper order, the licensee may discontinue the supply of energy for such premises so long as such lamp or burner is so adopted, or the energy is so used or dealt with, or the meter is not kept in proper order, as the case may be:

Provided, fourthly, that the licensee shall not be bound to furnish a supply of energy to any premises if an Electric Inspector or other competent person appointed by the Local Government is satisfied that the electric line, fittings, works and apparatus therein are not in good order and condition, and are likely to affect injuriously the use of energy by the licensee, or by other persons:

Provided, fifthly, that in the event of any alterations of, or additions to, any electric wires, fittings, works or apparatus within such premises as aforesaid, all such alterations or additions shall be notified to the licensee by the owner or occupier before being connected to the source of supply, with a view to their being examined and tested; and

Provided, sixthly, 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 officer appointed by the Local Government in this behalf,—

- (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

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

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

(2) Where any difference or dispute arises as to the sufficiency of the security offered by such 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 any alleged excess or defect in the pressure or quantity of the energy supplied, the matter shall be referred to the Local Government and either decided by it or, if the Local Government 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, 1903; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

Supply for
public lamps.

X. (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 one year energy for any public lamps within the distance of one hundred yards from any distributing main in which the licensee is required to maintain a supply of energy for the purposes of general supply, 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 as the Local Government or the local authority, as the case may be, may require.

(2) The provisions contained in the first, fourth,
fifth

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

fifth and sixth provisos to sub-clause (1) and in sub-clause (2) of clause IX 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 those provisions.

Charges.

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

Methods of charging.

- (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 for the purposes of general supply, 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

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

consumer of energy who is supplied by him from such distributing main:

Provided, thirdly, that, if the consumer is provided with a duly certified meter for the purposes of ascertaining the value of the supply 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 duly certified meter if such is necessary for the purpose of ascertaining the value of the supply according to the new method of charging.

Maximum charges.

XII. The price charged by the licensee for energy supplied by him shall not exceed the maximum fixed by his license, or, in the case of a method of charge approved by the Local Government, such maximum as the Local Government shall fix on approving the method :

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 maximum 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 maximum fixed thereby shall be made until the expiration of another period of seven years.

Charge for supply for public lamps.

XIII. 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

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

or dispute arises, the matter shall be determined by arbitration.

Testing and inspection.

XIV. The licensee shall, at any place within reasonable distance from any main, establish at his own cost and keep in proper condition such number of testing stations as the Local Government may direct for the purpose of testing the supply of energy in the main, and shall supply and keep in proper condition thereat, and on all premises from which he supplies energy, such instruments for testing as the Local Government may approve, and shall connect all such testing stations, by means of proper and sufficient electric supply-lines, with the distributing mains, and shall supply energy to each testing station for the purpose of testing.

Licensee to establish testing stations and keep instruments for testing.

XV. The licensee shall afford all facilities for inspection and testing of his generating, converting and testing stations and all other parts of his electric system and for the reading, testing and inspection of instruments.

Licensee to give facilities for testing.

XVI. The licensee may, on each occasion of the testing of any distributing main or electric supply-line or the testing or inspection of any instruments, be represented by an agent who may be present but shall not interfere with the testing or inspection.

Representation of licensee at testings.

XVII. On the occasion of the testing of any main 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

Testing of mains.

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

entitled to have access to, or interfere with, the mains of the licensee at any points other than those at which the licensee has reserved for himself access to the same :

Provided that the licensee shall not be held responsible for any interruption 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 a main 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.

XVIII. (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 line and the height above or the depth below the surface of all his then existing mains, 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 mains, electric supply-lines, street distributing boxes and other works for the time being in existence. The licensee shall also, if so required by the Local Government, cause to be made sections showing the level of all his existing distributing mains and underground works other than service-lines.

(2) Every such plan shall be drawn to a scale which shall not be smaller than eighty-eight feet to the inch or to such other scale as may be approved by the Local Government.

(3) Every such section shall be drawn to a horizontal scale which shall not be smaller than eighty-eight feet to the inch and to a vertical scale which shall

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

shall not be smaller than eleven feet to an inch, or to such other horizontal and vertical scales as may be approved by the Local Government.

(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, 1903.

(5) The licensee shall, if required by the Local Government, or, where the licensee is not a local authority, by the local authority (if any) concerned, supply to the Local Government or local authority, as the case may be, 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.

XIX. On the day next preceding the commencement of any such works as are referred to in section 13 of the Indian Electricity Act, 1903, 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. IV OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th March, 1903.)

An Act further to amend the Provident Funds Act, 1897.

WHEREAS it is expedient further to amend the Provident Funds Act, 1897; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Provident Funds (Amendment) Act, 1903.

Substitution of new section for section 4, Act IX, 1897.

2. For section 4 of the Provident Funds Act, 1897, the following section shall be substituted, namely :—

Protection to deposits and other sums in certain cases.

“4. (1) Compulsory deposits in any Government or Railway Provident Fund shall not be liable to any attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund, and neither the Official Assignee nor a Receiver appointed under Chapter XX of the Code of Civil Procedure shall be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Act to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorized by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children, as the case may be, free from any debt or other

1903.]

Provident Funds.

123

other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

(3) Nothing in sub-section (2) shall apply in the case of any such subscriber or depositor as aforesaid dying before the thirteenth day of March, 1903."

1903

ACT NO. V OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 13th
March, 1903.)

An Act further to amend the Indian Ports
Act, 1889.

WHEREAS it is expedient further to amend the
Indian Ports Act, 1889; It is hereby enacted as X of 1889.
follows:—

Short title.

1. This Act may be called the Indian Ports
(Amendment) Act, 1903.

Amendment
of section 47
and substi-
tution of new
section for
section 48,
Act X, 1889.
Port-dues
not to be
chargeable
in certain
cases.

2. In section 47 of the Indian Ports Act, 1889, X of 1889.
the proviso shall be omitted; and for section 48 of
the said Act the following section shall be substi-
tuted, namely:—

“48. No port-due shall be chargeable in respect
of—

- (a) any pleasure-yacht, or
- (b) any vessel which, having left any port, is
compelled to re-enter it by stress of weather
or in consequence of having sustained any
damage, or
- (c) any vessel which, having entered any port
within the territories administered by the
Governor of Fort Saint George in Council,
leaves it within forty-eight hours without
discharging or taking in any passengers
or cargo.”

Substitution
of new entry
for entry in
column 4,
Part I, First
Schedule,
Act X, 1889.

3. For the first entry in the fourth column of
Part I of the First Schedule to the said Act, the fol-
lowing entry shall be substituted, namely:—

“Whenever the vessel enters the port, except in
the case of mail-steamers and coasting-vessels, which
shall not be chargeable more than once in sixty days.”

4. To

4. To *explanation* I of Part II of the said Schedule to the said Act, the following proviso shall be added, namely :—

“Provided that, for the purpose of the levy of port-dues, a vessel shall not be deemed, during one and the same voyage, to be both a coasting ship or steamer and a foreign ship or steamer, but port-dues shall, in respect of such voyage, be leviable on such vessel either as a coasting or as a foreign ship or steamer, whichever rate is the higher.”

Addition
of proviso
to *explanation*
I, Part
II, First
Schedule,
Act X, 1889.

ACT NO. VI OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th March, 1903.)

An Act further to amend the Indian Paper Currency Act, 1882.

WHEREAS it is expedient further to amend the Indian Paper Currency Act, 1882, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Paper Currency (Amendment) Act, 1903.

Amendment of Act XX of 1882, sections 16 and 17.

2. For sections 16 and 17 of the Indian Paper Currency Act, 1882, the following shall be substituted, namely:—

Notes where legal tender.

“16. A currency note for five rupees, issued from any town not situate in Burma, shall be a legal tender at any place in British India except Burma,

a currency note for five rupees, issued from any town in Burma, shall be a legal tender at any place in Burma, and

a currency note for any amount exceeding five rupees 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 and upwards, due to the Government of India, and

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

Provided

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

"17. (1) A currency note for five rupees, issued from any town not situate in Burma, shall be payable at any office of issue not situate in Burma. Notes where payable.

(2) A currency note for five rupees, issued from any town in Burma, shall be payable only at an office of issue in such town.

(3) A currency note for any amount exceeding five rupees shall be payable only—

(a) at an office of issue of the town from which it was issued, and

(b) in the case of notes issued from any town not situate in Burma, also at the Presidency-town of the Presidency within which that town is situate."

THE INDIAN WORKS OF DEFENCE ACT (VII OF 1903).

CONTENTS.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title and extent.
2. Definitions.

PART II.

IMPOSITION OF RESTRICTIONS.

3. Declaration and notice that the restrictions will be imposed.
4. Power to do preliminary acts after publication of notice under section 3, sub-section (2).
5. Payment for damage.
6. Further powers exercisable after publication of notice under section 3, sub-section (2).
7. Restrictions.
8. Land to be marked out, measured, registered and planned.
9. Notice to persons interested.
10. Power to require and enforce the making of statements as to names and interests.
11. Application of certain sections of the Indian Penal Code.
12. Inquiry and award by Collector.
13. Award of Collector when to be final.
14. Adjournment of inquiry.
15. Power to summon and enforce attendance of witnesses and production of documents.
16. Matters to be considered and neglected.
17. Supplementary proceedings.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

18. Reference to Court.
19. Collector's

SECTIONS.

19. Collector's statement to the Court.
20. Service of notice.
21. Restriction on scope of proceedings.
22. Proceedings to be in open Court.
23. Matters to be considered in determining compensation.
24. Matters not to be considered in determining compensation.
25. Rules as to amount of compensation.
26. Form of awards.
27. Costs.
28. Collector may be directed to pay interest on excess compensation.

PART IV.

APPORTIONMENT OF COMPENSATION.

29. Particulars of apportionment to be specified.
30. Dispute as to apportionment.

PART V.

PAYMENT.

31. Payment of compensation or deposit of same in Court.
32. Investment of money deposited in respect of lands belonging to persons incompetent to alienate.
33. Investment of money deposited in other cases.
34. Payment of interest.

PART VI.

MISCELLANEOUS.

35. Service of notices.
36. Penalties.
37. Magistrate to enforce the terms of the Act.
38. Completion of imposition of restrictions not compulsory, but compensation to be awarded when not completed.
39. Demolition of part of house or building and imposition of restrictions on part of land.
40. Exemption from stamp-duty and fees.
41. Notice in case of suits for anything done in pursuance of Act.
42. Code of Civil Procedure to apply to proceedings before Court.
43. Appeals in proceedings before Court.
44. Power to make rules.

ACT No. VII OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th March, 1903.)

An Act to provide for imposing restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions, and for determining the amount of compensation to be made on account of such imposition.

WHEREAS it is expedient to provide for imposing restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions and for determining the amount of compensation to be made on account of such imposition; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title
and extent

1. (1) This Act may be called the Indian Works of Defence Act, 1903; and

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

Definitions.

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

(a) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

(b) the

(Part I.—Preliminary.—Section 2.)

- (b) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the imposition of restrictions upon the use and enjoyment of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land :
- (c) the expression "Command" means one of the principal portions into which the Army of India is, for the time being, divided :
- (d) the expression "General Officer of the Command" means the General Officer Commanding the Forces in a Command :
- (e) the expression "Commanding Officer" means the officer for the time being in command of a work of defence :
- (f) the expression "Collector" includes any officer specially appointed by the Local Government to perform the functions of a Collector under this Act :
- (g) the expression "Court" means a principal Civil Court of original jurisdiction, unless the Local Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act :
- (h) "maintain", with its grammatical variations and cognate expressions, does not, when used in relation to a house or other construction, include the doing of any act necessary for keeping such house or construction, until the making of the award referred to in section 12 or until the exercise, prior to the making of the award, of the powers of demolition conferred, in case of emergency, by section 6, sub-sections (1) and (3), in the state in which it was at the time
of

(Part I.—Preliminary.—Section 2.)

of the publication of the notice referred to in section 3, sub-section (2) :

- (i) the following persons shall be deemed "entitled to act" as and to the extent hereinafter provided, that is to say,—

trustees for other persons beneficially interested, shall be deemed the persons entitled to act with reference to any case, and that to the same extent as the persons beneficially interested could have acted if free from disability :

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age :
and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted :

Provided that—

- (i) no person shall be deemed "entitled to act" whose interest in the subject-matter is shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act ;
- (ii) in every case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof ;
- (iii) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing

(Part II.—Imposition of Restrictions.—Section 3.)

appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

- (iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land upon the use and enjoyment of which restrictions are to be imposed and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

IMPOSITION OF RESTRICTIONS.

3. (1) Whenever it appears to the Local Government that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of any work of defence or of any site intended to be used or to be acquired for any such work, in order that such land may be kept free from buildings and other obstructions, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders.

Declaration and notice that the restrictions will be imposed.

(2) The said declaration shall be published in the local official Gazette and shall state the district or other territorial division in which the land is situate and the place where a sketch plan of the land, which shall be prepared on a scale not smaller than six inches to the mile and shall distinguish the boundaries referred to in section 7, may be inspected; and the Collector shall cause public notice of the substance of the said declaration to be given at convenient places in the locality.

(3) The said declaration shall be conclusive proof that it is necessary to keep the land free from buildings and other obstructions.

(Part II.—Imposition of Restrictions.—Sections 4-6.)

Power to do preliminary acts after publication of notice under section 3, sub-section (2).

4. It shall be lawful for such officer as the Local Government may, by general or special order, authorize in this behalf, and for his servants and workmen, at any time after publication of the notice mentioned in section 3, sub-section (2), to enter upon and survey and take levels of any land in such locality, to dig or bore into the sub-soil, to do all other acts necessary to ascertain whether any and, if so, what restrictions should be imposed on the use and enjoyment of the land, to set out the boundaries of the land upon the use and enjoyment of which restrictions are to be imposed, or of any part of such land, to mark such levels, boundaries and line by placing marks and cutting trenches, and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle :

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for damage.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final.

Further powers exercisable after publication of notice under section 3, sub-section (2).

6. (1) Whenever a declaration has been made and public notice thereof has been given under section 3, it shall, subject to the provisions of sub-sections (2) to (4), be lawful for such officer as the Local Government may, by general or special order, authorize in this behalf, and for his servants and workmen, to enter and demolish any buildings or other constructions on the surface, to cut down or grub up all or any

(Part II.—Imposition of Restrictions.—Section 6.)

any of the trees, to remove or alter all or any of the banks, fences, hedges and ditches, to make underground and other drains, to fill up all excavations, and demolish all buildings and other constructions below the surface, and generally to level and clear the said land and do all such acts for levelling and clearing the same as he may deem necessary or proper, but in such manner nevertheless that evidence of the boundaries of the lands held by different owners may be preserved.

(2) The powers conferred by sub-section (1) shall not be exercised,—

(a) save as otherwise provided by sub-section (3), before the making of the award hereinafter referred to in section 12, nor

(b) save as otherwise provided by sub-section (4), after the expiration of six months from the making of the said award, or any shorter period on the expiration of which the officer exercising such powers gives notice to the Collector that there will be no further exercise of them.

(3) In case of emergency, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare that all or any powers conferred by sub-section (1) may be exercised at any time within six months after the publication of the notice referred to in section 3, sub-section (2), and such powers may be exercised accordingly and the said notification shall be conclusive proof of emergency.

(4) Nothing in sub-section (2) shall be deemed to preclude any such officer or his servants or workmen from exercising at any time the said powers for the purpose of removing, wholly or in part, any building or other obstruction maintained, created, added to, altered, planted, stacked, stored or otherwise accumulated in contravention of this Act or of any rule

or

(Part II.—Imposition of Restrictions.—Section 7.)

or order made thereunder or of any condition prescribed in accordance therewith.

Restrictions.

7. From and after the publication of the notice mentioned in section 3, sub-section (2), such of the following restrictions as the Local Government may in its discretion declare therein shall attach with reference to such land, namely :—

(a) Within an outer boundary which, except so far as is otherwise provided in section 39, sub-section (4), may extend to a distance of two thousand yards from the crest of the outer parapet of the work,—

(i) no variation shall be made in the ground-level, and no building, wall, bank or other construction above the ground shall be maintained, erected, added to or altered otherwise than with the written approval of the General Officer of the Command, and on such conditions as he may prescribe ;

(ii) no wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored or otherwise accumulated :

Provided that, with the written approval of the General Officer Commanding the District and on such conditions as he may prescribe, road-ballast, manure and agricultural produce may be exempted from the prohibition :

Provided, also, that any person having control of the land as owner, lessee or occupier shall be bound forthwith to remove such road-ballast, manure or agricultural produce, without compensation, on the requisition of the Commanding Officer ;

(iii) no surveying operation shall be conducted otherwise than by or under the personal supervision of a public servant duly authorized in this behalf, in the case of land

under

(Part II.—Imposition of Restrictions.—Section 7.)

under the control of military authority, by the Commanding Officer and, in other cases, by the Collector with the concurrence of the Commanding Officer; and

- (iv) where any building, wall, bank or other construction above the ground has been permitted under clause (i) of this sub-section to be maintained, erected, added to or altered, repairs shall not, without the written approval of the General Officer of the Command, be made with materials different in kind from those employed in the original building, wall, bank or other construction.

(b) Within a second boundary which may extend to a distance of one thousand yards from the crest of the outer parapet of the work, the restrictions enumerated in clause (a) shall apply with the following additional limitations, namely:—

- (i) no building, wall, bank or other construction of permanent materials above the ground shall be maintained or erected:

Provided that, with the written approval of the General Officer of the Command and on such conditions as he may prescribe, huts, fences or other constructions of wood or other materials, easily destroyed or removed, may be maintained, erected, added to or altered:

Provided, also, that any person having control of the land as owner, lessee or occupier shall be bound forthwith to destroy or remove such huts, fences or other constructions, without compensation, upon an order in writing signed by the General Officer Commanding the District; and

- (ii) live hedges, rows or clumps of trees or orchards shall not be maintained, planted, added to or altered otherwise than with the written

(Part II.—Imposition of Restrictions.—Sections 8-9.)

written approval of the General Officer of the Command and on such conditions as he may prescribe.

(c) Within a third boundary which may extend to a distance of five hundred yards from the crest of the outer parapet of the work, the restrictions enumerated in clauses (a) and (b) shall apply with the following additional limitation, namely:—

no building or other construction on the surface, and no excavation, building or other construction below the surface, shall be maintained or erected:

Provided that, with the written approval of the Commanding Officer and on such conditions as he may prescribe, open railings and dry brushwood fences may be exempted from this prohibition.

8. As soon as may be, after the publication of the declaration aforesaid, the Collector shall cause the land to be marked out and measured, and shall also prepare a register and a detailed plan, which shall be on a scale not smaller than six inches to the mile, showing accurately every building, tree and other obstruction.

9. (1) At any time before the expiration of—

(a) the period of eighteen months from the publication of the declaration referred to in section 3, or

(b) such other period not exceeding three years from the said publication as the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, direct in this behalf,

the Collector shall cause public notice to be given at convenient places on or near the land, stating the effect of the said declaration and that claims to compensation for all interests in such land affected by anything

Land to be marked out, measured, registered and planned.

Notice to persons interested.

(Part II.—Imposition of Restrictions.—Section 10.)

anything done or ordered in pursuance of such declaration may be made to him :

Provided that, where anything has been done in exercise of the powers conferred, in case of emergency, by section 6, sub-section (3), the notice prescribed by this section shall be given as soon as may be thereafter.

(2) Such notice shall state the particulars of any damage ordered to be done or, in the case referred to in section 6, sub-section (3), done in exercise of any of the powers conferred by the said section, and the particulars of any restrictions attaching to the land under section 7, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for damage to such interests and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue-district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business.

10. The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing,

Power to require and enforce the making of statements as to names and interests.

(Part II.—Imposition of Restrictions.—Sections 11-13.)

containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

Application of certain sections of the Indian Penal Code.

11. Every person required to make or deliver a statement under section 9 or section 10 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

XLV of 1860.

Inquiry and award by Collector.

12. On the day fixed under section 9 or on any other day to which the inquiry has been adjourned, the Collector shall proceed to inquire into the objections (if any) which any person interested has stated pursuant to a notice given under the said section to the measurements made under section 8, and into the decrease in the value of the land, and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

- (a) the true area of the land and the nature of the obstructions from which the land is to be kept free;
- (b) the compensation which in his opinion should be allowed for any damage caused or to be caused under section 6 and for any restrictions imposed under section 7; and
- (c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom or of whose claims he has information, whether they have respectively appeared before him or not.

Award of Collector when to be final.

13. (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively

(Part II.—Imposition of Restrictions.—Sections 14-17.)

respectively appeared before the Collector or not, of the true area of the land, the nature of the said obstructions from which the land is to be kept free, the damage caused or to be caused under section 6, the value of the rights restricted under section 7, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

14. The Collector may, for any cause he thinks fit, from time to time adjourn the inquiry to a day to be fixed by him. Adjournment of inquiry.

15. For the purpose of inquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents, by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure. Power to summon and enforce attendance of witnesses and production of documents.

XIV of 1882.

16. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24. Matters to be considered and neglected.

17. Whenever the officer exercising powers conferred by section 6 considers it necessary that anything in respect of which any person is or may be entitled to compensation but of which no notice has been given or compensation awarded, under sections 9 and 12, respectively, should be done in pursuance of the said powers, the Collector shall cause supplementary notice to be given, as nearly as may be, in the manner prescribed by section 9 and subject to the limit of time imposed by sub-section (1) of that section, and the provisions of sections 10 to 16 shall, so far as they are applicable, be deemed to apply to any further inquiry Supplementary proceedings.

(Part III.—Reference to Court and Procedure thereon.—Sections 18-19.)

inquiry and award which may be held or made in consequence of such supplementary notice.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Reference to Court.

18. (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested :

Provided that every such application shall be made,—

- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award ;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 13, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

(2) The application shall state the grounds on which objection to the award is taken.

Collector's statement to the Court.

19. (1) In making the reference the Collector shall state, for the information of the Court, in writing under his hand,—

- (a) the situation and extent of the land with particulars of any damage caused under section 6 or of restrictions imposed under section 7 ;
- (b) the names of the persons whom he has reason to think interested in such land ;

(c) the

(Part III.—Reference to Court and Procedure thereon.—Sections 20-23.)

(c) the amount of compensation awarded under section 12 ; and,

(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

20. The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely :—

Service of notice.

(a) the applicant ;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded ; and,

(c) if the objection is in regard to the area of the land, the nature of the obstructions or the amount of the compensation, the Collector.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Restriction on scope of proceedings.

22. Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the Province shall be entitled to appear, plead and act, as the case may be, in such proceeding.

Proceedings to be in open Court.

23. (1) In determining the amount of compensation to be awarded for damage caused, or to be caused, or for restrictions imposed under this Act, the Court shall take into consideration—

Matters to be considered in determining compensation.

(a) the actual decrease in market-value of the land owing to the publication of the declaration relating thereto under section 3

and

(Part III.—Reference to Court and Procedure thereon.—Section 24.)

and any damage caused or to be caused under section 6 ;

- (b) the damage sustained by the person interested, by reason of the removal of any standing crops in the exercise of any power conferred by section 6 ;
- (c) the damage (if any) sustained by the person interested, by reason of ceasing to be able to use such land conjointly with his other land ;
- (d) the damage (if any) sustained by the person interested by anything done or ordered under sections 6 and 7 injuriously affecting his other property, moveable or immovable, in any other manner, or his earnings ; and,
- (e) if, in consequence of the imposition of restrictions, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.

(2) In addition to the amount representing the actual decrease in the market-value of the land as above provided, the Court shall in every case award a further sum of fifteen per centum on such amount.

Matters not to be considered in determining compensation.

24. In determining the amount of compensation to be awarded for damage caused, or to be caused, or for restrictions imposed under this Act, the Court shall not take into consideration—

- (a) the degree of urgency which has led to the damage or the imposition of restrictions ;
- (b) any disinclination of the person interested to submit to damage or restrictions ;
- (c) any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit ;
- (d) any

(Part III.—Reference to Court and Procedure thereon.—Sections 25-27.)

- (d) any increase to the value of the other land of the person interested, accruing or likely to accrue from anything done under this Act; or
- (e) any outlay or improvements on, or disposal of, the land commenced, made or effected without the sanction of the Collector after the date of the publication of the declaration under section 3.

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 12.

Rules as to amount of compensation.

(2) When the applicant has refused to make such claim or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(3) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector.

26. Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under section 23, sub-section (1), clause (a), and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

Form of awards.

27. (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportion they are to be paid.

Costs.

(2) When the award of the Collector is not upheld,

(Part III.—Reference to Court and Procedure thereon.—Section 28. Part IV.—Apportionment of Compensation.—Sections 29-30. Part V.—Payment.—Section 31.)

upheld, the costs shall ordinarily be paid by the Collector, unless the Court is of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

Collector may be directed to pay interest on excess compensation.

28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the Court may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date of his award to the date of payment of such excess into Court.

PART IV.

APPORTIONMENT OF COMPENSATION.

Particulars of apportionment to be specified.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

30. When the amount of compensation has been settled under section 12, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

PART V.

PAYMENT.

Payment of compensation or deposit of same in Court.

31. (1) On making an award under section 12, the Collector shall tender payment of the compensation

tion

(Part V.—Payment.—Section 31.)

tion awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2).

(2) If they do not consent to receive it, or if there is no person competent to alienate the land, or if there is any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted :

Provided, first, that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount :

Provided, secondly, that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18 :

Provided, thirdly, that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Collector may, with the sanction of the Local Government, instead of awarding a money-compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, or by the remission of land-revenue on the same or on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in sub-section (3) shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

32. (1) If

(Part V.—Payment.—Section 32.)

Investment
of money
deposited in
respect of
lands
belonging to
persons
incompetent
to alienate.

32. (1) If any money is deposited in Court under section 31, sub-section (2), and it appears that the land in respect of which the same was awarded belonged to any person who had no power to alienate the same, the Court shall order the money to be invested—

- (a) in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money was deposited is held, or,
- (b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as it thinks fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same are applied—

- (i) in the purchase of such other lands as aforesaid; or
- (ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of moneys deposited to which this section applies, the Court shall order the cost of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely :—

- (a) the costs of such investments as aforesaid;
- (b) the costs of the orders for the payment of the interest or other proceeds of the securities in which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys and the costs of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. If

(Part V.—*Payment.*—Sections 33-34. Part VI.—*Miscellaneous.*—Section 35.)

33. If any money is deposited in Court under this Act for any cause other than that mentioned in section 32, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it thinks fit, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same benefit therefrom as they might have had from the land in respect of which such money was deposited or as near thereto as may be.

Investment
of money
deposited in
other cases.

34. When the amount of any compensation awarded under this Act is not paid or deposited within fifteen days of making the award, the Collector shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the date of the award until it is so paid or deposited.

Payment of
interest.

PART VI.

MISCELLANEOUS.

35. (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 3, subsection (2), by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

Service of
notices.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells

or

(Part VI.—Miscellaneous.—Sections 36-37.)

or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house and also in some conspicuous part of the land upon which restrictions are to be imposed :

Provided that, if the Collector or Judge so directs, a notice may be sent by post in a letter addressed to the person named therein at his last known residence, address or place of business, and service of it may be proved by the production of the addressee's receipt.

Penalties.

36. Whoever wilfully—

- (a) obstructs any person in doing any of the acts authorized by section 4, section 6 or section 8, or
- (b) destroys, damages, alters or otherwise interferes with the ground-level or any work done under section 6, or
- (c) contravenes any of the provisions of section 7 or any condition prescribed thereunder,

shall be punishable with imprisonment for a term which may extend to one month; or with fine which may extend to fifty rupees, or with both, and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first in regard to which he is convicted of having persisted in the offence; and any expenses incurred in removing the effects of his offence may be recovered from him in the manner provided by the law for the time being in force for the recovery of fines.

Magistrate
to enforce
the terms of
the Act.

37. If the Collector or officer authorized under section 6 is opposed or impeded in doing anything directed or permitted by this Act, he shall, if a Magistrate, enforce compliance, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras, Bombay and Rangoon) to the Commissioner of Police, and such Magistrate or

Commissioner

(Part VI.—Miscellaneous.—Sections 38-39.)

Commissioner (as the case may be) shall enforce compliance.

38. (1) The Local Government shall be at liberty to withdraw from the imposition of any declared restrictions before any of the measures authorized by section 6 have been taken.

Completion of imposition of restrictions not compulsory, but compensation to be awarded when not completed.

(2) Whenever the Local Government withdraws the imposition of any declared restrictions, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said restrictions.

(3) The provisions of Part III shall apply, so far as may be, to the determination of the compensation payable under this section.

39. (1) The provisions of this Act shall not be put in force for the purpose of demolishing or acquiring the right to demolish a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be demolished or that the right to demolish the whole of it shall be acquired :

Demolition of part of house or building and imposition of restrictions on part of land.

Provided that the owner may at any time before the Collector has made his award under section 12, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be demolished, or that the right to demolish the whole of it shall be acquired :

Provided, also, that, if any question shall arise as to whether any building or other construction proposed to be demolished under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and such building or other construction shall

not

(Part VI.—Miscellaneous.—Sections 40-41.)

not be demolished until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the building or other construction proposed to be demolished is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim of the kind referred to in section 23, sub-section (1), clause (c), by a person interested, on account of ceasing to be able to use the land, upon the use and enjoyment of which restrictions are to be imposed, conjointly with his other land, the Local Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the imposition of restrictions upon the whole of the land of which the land upon the use and enjoyment of which it was first sought to impose restrictions forms a part.

(3) In the case provided for by sub-section (2) no fresh declaration or other proceeding under sections 3 to 10 shall be necessary; but the Collector shall without delay furnish a copy of the order of the Local Government to the person interested, and shall thereafter proceed to make his award under section 12.

(4) Notwithstanding anything contained in section 7, clause (a), any land, upon the use and enjoyment of which restrictions are imposed under this section, may be included in the outer boundary, even though its distance from the crest of the outer parapet of the work exceeds two thousand yards.

Exemption
from stamp-
duty and
fees.

40. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Notice in
case of suits
for anything
done in pur-
suance of
Act.

41. No suit or other proceeding shall be commenced or prosecuted against any person, for anything done in pursuance of this Act, without giving
to

(Part VI.—Miscellaneous.—Sections 42-44.)

to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

XIV of 1882. 42. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act.

Code of Civil Procedure to apply to proceedings before Court.

XIV of 1882. 43. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the High Court from the award or from any part of the award of the Court in any proceeding under this Act.

Appeals in proceedings before Court.

44. (1) The Governor General in Council and the Local Government, with the previous sanction of the Governor General in Council, may make rules for the guidance of officers in all matters connected with the enforcement of this Act.

Power to make rules.

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

(3) All rules made under sub-section (1) shall be published in the local official Gazette, and shall thereupon have effect as if enacted in this Act.

ACT No. VIII OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th March, 1903.)

An Act to extend to all High Courts the power to grant Probates of Wills and Letters of Administration having effect throughout British India, and to confer upon District Judges the power to grant such probates in certain cases.

WHEREAS it is expedient to extend to all High Courts the power to grant probates of wills and letters of administration having effect throughout British India, and to confer upon District Judges the power to grant such probates in certain cases; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Probate and Administration Act, 1903.

The Indian Succession Act, 1865.

Amendment
of sections
187, 242,
242A, 244,
246 and 250,
Act X, 1865.

2. In the Indian Succession Act, 1865, the following amendments shall be made, namely:— X of 1865.

(1) In section 187, for the words "within the Province" the words "in British India," and for the words "under the one hundred and eightieth section" the words "with the will, or with a copy of an authenticated copy of the will, annexed," shall respectively be substituted.

(2) To section 242 the following proviso shall be added, namely:—

"Provided that probates and letters of administration granted—

(a) by a High Court, or

(b) by

- (b) by a District Judge, where the deceased at the time of his death had his fixed place of abode situate within the jurisdiction of such Judge, and such Judge certifies that the value of the property and estate affected beyond the limits of the Province does not exceed ten thousand rupees,

shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

(3) After the said proviso the following section shall be inserted, namely:—

"242A. (1) Where probate or letters of administration has or have been granted by a High Court or District Judge with the effect referred to in the proviso to section 242, the High Court or District Judge shall send a certificate thereof to the following Courts, namely:—

Transmission to High Courts of certificate of grants under proviso to section 242.

- (a) when the grant has been made by a High Court, to each of the other High Courts,
- (b) when the grant has been made by a District Judge, to the High Court to which such District Judge is subordinate and to each of the other High Courts.

(2) Every certificate referred to in sub-section (1) shall be to the following effect, namely:—

'I, A. B., Registrar [or as the case may be] of the High Court of Judicature at [or as the case may be], hereby certify that on the day of , the High Court of Judicature at [or as the case may be] granted probate of the will [or letters of administration of the estate] of C. D., late of , deceased, to E. F. of and G. H. of and that such probate [or letters] has [or have], effect over all the property of the deceased throughout the whole of British India ;'

and such certificate shall be filed by the High Court receiving the same.

(3) Where any portion of the assets has been stated

stated by the petitioner, as hereinafter provided in sections 244 and 246, to be situate within the jurisdiction of a District Judge in another Province, the Court required to send the certificate referred to in sub-section (1) shall send a copy thereof to such District Judge, and such copy shall be filed by the District Judge receiving the same."

(4) To sections 244 and 246, respectively, the following paragraph shall be added, namely :—

" Where the application is to the District Judge and any portion of the assets likely to come to the petitioner's hands is situate in another Province, the petition shall further state the amount of such assets in each Province and the District Judges within whose jurisdiction such assets are situate."

(5) After section 246 the following section shall be inserted, namely :—

"246A. (1) Every person applying to any of the Courts mentioned in the proviso to section 242 for probate of a will or letters of administration of an estate intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the Court to which it was made, the person or persons by whom it was made and the proceedings (if any) had thereon.

(2) The Court to which any such application is made under the proviso to section 242, may, if it thinks fit, reject the same."

(6) To section 250 the following paragraph shall be added, namely :—

" Where any portion of the assets has been stated by the petitioner to be situate within the jurisdiction
of

Addition to statement in petition, etc., probate or letters of administration in certain cases.

of a District Judge in another Province, the District Judge issuing the same shall cause a copy of the citation to be sent to such other District Judge, who shall publish the same in the same manner as if it were a citation issued by himself and shall certify such publication to the District Judge who issued the citation."

(7) After section 277 the following section shall be inserted, namely:—

"277A. In all cases where a grant has been made of probate or letters of administration intended to have effect throughout the whole of British India, the executor or administrator shall include in the inventory of the effects of the deceased all his moveable or immoveable property situate in British India,

Inventory to include property in any part of British India in certain cases.

and the value of such property situate in each Province shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India."

The Probate and Administration Act, 1881.

V of 1881.

3. In the Probate and Administration Act, 1881, the following amendments shall be made, namely:—

Amendment of sections 59, 60, 62, 64 and 69, Act V, 1881.

(1) In section 59, for the proviso the following proviso shall be substituted, namely:—

"Provided that probates and letters of administration granted—

(a) by a High Court, or

(b) by a District Judge, where the deceased at the time of his death had his fixed place of abode situate within the jurisdiction of such Judge, and such Judge certifies that the value of the property affected beyond the limits of the Province does not exceed ten thousand rupees,

shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

(2) For

(2) For section 60 the following section shall be substituted, namely :—

Transmission to High Courts of certificates of grants under proviso to section 59.

“ 60. (1) Where probate or letters of administration has or have been granted by a Court with the effect referred to in the proviso to section 59, the High Court or District Judge shall send a certificate thereof to the following Courts, namely :—

- (a) when the grant has been made by a High Court, to each of the other High Courts,
- (b) when the grant has been made by a District Judge, to the High Court to which such District Judge is subordinate and to each of the other High Courts.

(2) Every certificate referred to in sub-section (1) shall be to the following effect, namely :—

‘ I, A. B., Registrar [or as the case may be] of the High Court of Judicature at [or as the case may be], hereby certify that on the day of the High Court of Judicature at [or as the case may be] granted probate of the will [or letters of administration of the estate] of C. D., late of , deceased, to E. F. of and G. H. of , and that such probate [or letters] has [or have] effect over all the property of the deceased throughout the whole of British India ;’

and such certificate shall be filed by the High Court receiving the same.

(3) Where any portion of the assets has been stated by the petitioner, as hereinafter provided in sections 62 and 64, to be situate within the jurisdiction of a District Judge in another Province, the Court required to send the certificate referred to in sub-section (1) shall send a copy thereof to such District Judge, and such copy shall be filed by the District Judge receiving the same.”

(3) To sections 62 and 64, respectively, the following paragraph shall be added, namely :—

“ When the application is to the District Judge and any portion of the assets likely to come to the petitioner’s

petitioner's hands is situate in another Province, the petition shall further state the amount of such assets in each Province and the District Judges within whose jurisdiction such assets are situate."

(4) To section 69 the following paragraph shall be added, namely :—

"Where any portion of the assets has been stated by the petitioner to be situate within the jurisdiction of a District Judge in another Province, the District Judge issuing the same shall cause a copy of the citation to be sent to such other District Judge, who shall publish the same in the same manner as if it were a citation issued by himself and shall certify such publication to the District Judge who issued the citation."

Repeals.

XIII of 1875 4. The Probate and Administration Act, 1875, Repeals.
sections 2, 3, 4 and 5, and the Probate and Adminis-
II of 187. tration Act, 1877, are hereby repealed.

ACT NO. IX OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th March, 1903.)

An Act to provide for the levy of customs-duty on Indian tea exported from British India, and to amend section 5 of the Indian Tariff Act, 1894.

WHEREAS it is expedient to provide for the creation of a fund to be expended for the promotion of the interests of the tea industry in India by a Committee specially constituted in this behalf;

and whereas for this purpose it is expedient to levy customs-duty on tea produced in India and exported from British India, and to amend section 5 of the Indian Tariff Act, 1894;

It is hereby enacted as follows:—

Short title
and extent.

1. (1) This Act may be called the Indian Tea Cess Act, 1903; and

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

Definitions.

2. In this Act,—

(a) "Collector" means, in reference to tea exported by sea, a Customs-collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878, and, in reference to tea passing out of British India by land, the Collector of the district;

(b) "tea cess" means the customs-duty imposed by section 3 of this Act and by section 5 of the Indian Tariff Act, 1894, as amended by this Act; and

(c) "Tea

VIII of
1894.

VIII of
1878.

VIII of
1894.

(c) "Tea Cess Committee" means the Committee constituted under section 4.

3. On and from the first day of April, 1903, a customs-duty shall be levied and collected on all tea produced in India and exported from any customs-port to any port beyond the limits of British India or to Aden at the rate of one-quarter of a pie per pound, or at such lower rate as the Governor General in Council may, on the recommendation of the Tea Cess Committee, prescribe by notification in the Gazette of India.

Imposition of duty on exports of Indian tea.

4. (1) The Governor General in Council shall constitute a Committee to receive and expend the proceeds of the tea cess.

Constitution of Tea Cess Committee.

(2) The Committee shall in the first instance consist of twenty members, who shall be appointed by the Governor General in Council on the recommendation of the following bodies and authorities namely:—

- (a) three on the recommendation of the Bengal Chamber of Commerce, and one on the recommendation of the Madras Chamber of Commerce;
- (b) seven on the recommendation of the Indian Tea Association, Calcutta; and
- (c) nine on the recommendation of such respective bodies or authorities interested in the production of tea in India, and established in British India, as the Governor General in Council may appoint in this behalf:

Provided that if, within the period prescribed in this behalf by rules made under this Act, any of the said bodies or authorities fails to make any recommendation, or to make the full number of recommendations which it is entitled to make, the Governor General in Council may appoint the required number of members of the Committee of his own motion without such recommendation.

(3) Whenever any member appointed either on the

the recommendation of any body or authority referred to in sub-section (2), or in default of such recommendation, dies, resigns, ceases to reside in British India or becomes incapable of acting as a member of the Committee, the Governor General in Council may, in his discretion, on the recommendation of such body or authority, or in default of such recommendation, appoint another person to be a member in his stead.

(4) No act done by the Tea Cess Committee shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Committee.

Application
of proceeds
of tea cess.

5. (1) At the close of each month, or as soon thereafter as may be convenient, the Collector shall pay the proceeds of the tea cess, after deducting the expenses of collection (if any), to the Tea Cess Committee.

(2) The said proceeds and any other moneys received by the Committee in this behalf shall be applied by the Committee towards meeting the cost of such measures as the Committee may consider it advisable to take for promoting the sale and increasing the consumption in India and elsewhere of teas produced in India.

Keeping and
auditing of
accounts.

6. (1) The Tea Cess Committee shall keep accounts of all money received and expended under section 5.

(2) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Governor General in Council; and such auditors may disallow any item which has, in their opinion, been expended out of any money so received otherwise than as directed by or under this Act.

(3) If any item is disallowed, an appeal shall lie to the Governor General in Council, whose decision shall be final.

Power to
make rules.

7. (1) The Governor General in Council, after consulting the Tea Cess Committee and after previous publication, may make rules to carry out the purposes of this Act.

(2) In

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

- (a) the nomination and appointment of members of the Committee, and the procedure of the Committee,
- (b) the levy and payment of the cess, and
- (c) the form of accounts to be kept and the publication of an abstract of such accounts with the report of the auditors thereon.

(3) All such rules shall be published in the Gazette of India.

VIII of
1894.

8. In section 5 of the Indian Tariff Act, 1894, for the words "shall be levied at the rates respectively prescribed in the second, third and fourth schedules on goods passing by land out of, and in the fifth schedule on goods passing by land into" the words "at such rates as may be prescribed by or under this Act or by or under any law for the time being in force relating to customs-duties on imports and exports, respectively, into and from ports, shall be levied on goods passing by land out of or into" shall be substituted.

Amendment
of Act VIII
of 1894,
section 5.

9. Sections 2 to 7 shall remain in force only until the thirty-first day of March, 1908 :

Provided that the Governor General in Council may, on the recommendation of the Tea Cess Committee, declare, by notification in the Gazette of India, that the said sections shall continue in force for any further period specified in such notification.

Time during
which
sections 2 to
7 are to
remain in
force.

10. If any proceeds of the tea cess or any moneys so received as aforesaid remain unexpended when sections 2 to 7 cease to be in force, they shall vest in His Majesty.

Disposal of
surplus
proceeds of
tea cess.

ACT No. X OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th March 1903.)

An Act to provide for the erection and management of the Victoria Memorial at Calcutta.

WHEREAS it is intended to erect at Calcutta a building as a Memorial of the Life and Reign of Her late Majesty Victoria of the United Kingdom of Great Britain and Ireland Queen, Empress of India, and for this purpose large sums of money have been subscribed by the Princes and People of India ;

And whereas at a meeting of subscribers held in Calcutta certain persons were appointed a Provisional Executive Committee to take the custody of the said moneys ;

And whereas it is expedient to make provision for the erection, maintenance and management of the Memorial and for the appointment of a permanent body of Trustees ;

It is hereby enacted as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Victoria Memorial Act, 1903 ; and

(2) It shall come into force at once.

Trustees.

2. (1) The Trustees of the Victoria Memorial (hereinafter called the Trustees) shall be the following, namely :—

- (a) the Governor General of India,
- (b) the Lieutenant-Governor of Bengal,
- (c) the Chief Justice of Bengal,
- (d) two persons of high rank nominated by the Governor General to represent the Chiefs and Nobles of India,
- (e) the Secretary to the Government of India in the Foreign Department,

(f) the

- (f) the President of the Bengal Chamber of Commerce,
- (g) the Chairman of the Corporation of Calcutta, and
- (h) such and so many persons as shall from time to time be nominated by the trustees with the approval of the Governor General to represent the general body of subscribers.

(2) The Trustees shall be a body corporate, with perpetual succession by the name of "The Trustees of the Victoria Memorial" 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) All acts done by a majority of those present and voting at a meeting of the Trustees shall be deemed to be acts of the Trustees.

(4) No act of the Trustees shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the body of the Trustees.

(5) In the case of *ex officio* Trustees the person for the time being performing the duties of any of the offices mentioned in sub-section (1) shall act as a Trustee.

(6) The Trustees may appoint a person to act as their Secretary.

(7) Orders for the payment of money on behalf of the Trustees shall be deemed to be sufficiently authenticated if signed by two Trustees and countersigned by the Secretary.

3. All sums of money now in the custody of the said Provisional Executive Committee and all other property, whether moveable or immoveable, which have been or may hereafter be given, bequeathed or otherwise transferred for the purposes of the said Memorial or acquired for the said purposes by the Trustees shall vest in the Trustees.

Property
vested in
Trustees.

4. All

Officers and
servants to be
public
servants.

4. All officers and servants employed by the Trustees shall be deemed to be public servants within the meaning of the Indian Penal Code :

XLV of 1860

Provided that this section shall not apply to persons in the service of any contractor employed by the Trustees.

Rules.

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

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

- (a) for the manner in which Trustees, other than *ex officio* Trustees, shall be appointed, and for the periods of time for which such Trustees shall hold office ;
- (b) for the manner in which meetings of the Trustees shall be convened, the quorum necessary for the transaction of business, and the procedure at such meetings ;
- (c) for the appointment of Committees of the Trustees, and the powers of expenditure and control which may be delegated to such Committees ;
- (d) for the erection, maintenance and management of the Memorial, the care and custody of the objects deposited therein, and the conditions under which the public shall have access thereto ;
- (e) for the form of accounts to be kept by the Trustees, and for the audit and publication of such accounts ; and
- (f) for the application to the officers and servants employed by the Trustees of the rules which apply to the civil servants of the Crown, or to any class of such civil servants.

ACT NO. XI OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 25th March,
1903.)

An Act further to amend the Indian Income-tax Act, 1886.

II of 1886.

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1886; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Income-tax (Amendment) Act, 1903; and

Short title and commencement.

(2) It shall come into force on the first day of April, 1903.

II of 1886.

2. (1) In section 5, sub-section (1), clause (j), of the Indian Income-tax Act, 1886, for the words "five hundred" the words "one thousand" shall be substituted.

Amendments in Act II of 1886.

(2) In section 41 of the said Act, for the words "forty-one rupees ten annas and eight pies" and "five hundred", the words "eighty-three rupees five annas and four pies" and "one thousand", respectively, shall be substituted.

(3) In the second column of Part III of the Second Schedule to the said Act, for the figures "500" the figures "1,000" shall be substituted.

(4) For sub-head (a) in the second column of Part IV of the said Schedule the following sub-head shall be substituted, namely:—

"(a) If the annual income is assessed at—

not less than Rs.	1,000 but less than Rs.	1,250	the tax shall be Rs.	20
"	"	1,250	"	" 28
"	"	1,500	"	" 35
"	"	1,750	"	" 42

ACT No. XII OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th August, 1903.)

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

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

Short title
and duration.

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1903.

(2) Section 3 shall remain in force until the thirty-first day of March, 1904.

Amendment
of section 8A,
Act VII,
1894.

2. In section 8A, sub-section (1), of the Indian Tariff Act, 1894, as amended by section 2 of the Indian Tariff Amendment Act, 1899, before the words "the exportation therefrom" the words "the production therein or" shall be inserted.

Addition of
new sec-
tion, 8C, to
Act VIII,
1894.

3. After section 8B of the Indian Tariff Act, 1894, as amended by section 2 of the Indian Tariff (Amendment) Act, 1902, the following section shall be added, namely :—

Continua-
tion of
duties charge-
able under
section 8A or
8B on 31st
August,
1903.

" 8C. Notwithstanding that the condition precedent to the imposition of a duty under section 8A may have ceased to exist, and notwithstanding anything in section 1, sub-section (2), of the Indian Tariff (Amendment) Act, 1902, any duties which may have been imposed and are chargeable under section 8A or section 8B on the thirty-first day of August, 1903, shall continue to be chargeable in accordance with any rules in force on the said date :

Provided that the Governor General in Council may, by notification in the Gazette of India, reduce the rate at which any such duty is levied, and amend or vary any such rules as aforesaid."

ACT NO. XIII OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 18th
September, 1903.)*

An Act further to amend the Lepers Act, 1898.

III of 1898.

WHEREAS it is expedient further to amend the Lepers Act, 1898, by providing for the segregation and medical treatment in British India of lepers belonging to Native States; It is hereby enacted as follows:

1. This Act may be called the Lepers (Amendment) Act, 1903.

Short title.

III of 1898.

2. After section 18 of the Lepers Act, 1898, the following section shall be added, namely:

Addition of new section after section 18, Act III, 1898.

“19. The Governor General in Council may, by notification in the Gazette of India, direct that any leper or class of lepers, with respect to whom an order for segregation and medical treatment has been made by a Magistrate having jurisdiction within the territories of any Native Prince or State in India, may be sent to any leper-asylum specified in such order; and thereupon the provisions of this Act and of any rules made thereunder shall, with such modifications not affecting the substance as may be reasonable and necessary to adapt them to the subject-matter, apply to any leper sent to a leper-asylum in pursuance of such notification as though he had been sent by the order of a Magistrate having jurisdiction under this Act.”

Lepers from Native States.

ACT No. XIV OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 23rd
October, 1903.)*An Act to give effect to the Foreign Marriages
Order in Council, 1903.**WHEREAS** it is expedient to give effect to the
Foreign Marriages Order in Council, 1903; It is
hereby enacted as follows:—Short title,
extent and
application.1. (1) This Act may be called the Indian Foreign
Marriage Act, 1903;(2) It extends to the whole of British India,
inclusive of British Baluchistan, the Santhal Par-
ganas, the Shan States and the Pargana of Spiti;
and(3) It applies also to all British subjects and to
all servants of the King, whether British subjects or
not, in the territories of any Native Prince or State
in India.Notice of
marriage
intended to
be solemnized
under
55 & 56
Vict., c. 23.2. (1) Notice in writing of a marriage which it is
intended to solemnize under the Foreign Marriage 55 & 56
Act, 1892, may be given by one of the parties intend- Vict., c. 23.
ing such marriage, to—(a) a Marriage Registrar appointed under the XV of 1872.
Indian Christian Marriage Act, 1872, where
either of such parties is a person professing
the Christian religion;(b) a District Magistrate, Chief Presidency Magis-
trate or Political Agent, where neither of
such parties is a person professing the
Christian religion:Provided that the party giving such notice as
aforesaid shall have had his usual place of abode for
not

(Section 2.)

not less than three consecutive weeks immediately preceding the giving of notice within the local limits of the area for which the Marriage Registrar, Magistrate or Political Agent to whom the notice is given, is appointed.

(2) Every notice given under this section shall state—

- (a) the name, surname, age and profession of condition of each of the parties intending marriage;
- (b) the residence of each of them;
- (c) the time during which each of them has dwelt there; and
- (d) the place in which the intended marriage is to be solemnized;

and it shall contain a declaration by the party giving the notice to the effect that he believes that there is no impediment of kindred or affinity or other lawful hindrance to the solemnization of the said intended marriage.

(3) A copy of every notice given under this section shall be published by being affixed in some conspicuous place in the office of the officer to whom the notice is given.

(4) On the expiration of four clear days after such notice as aforesaid has been published in the manner prescribed by sub-section (3), the officer to whom the notice is given, unless he is aware of any impediment of kindred or affinity or other lawful hindrance to the solemnization of the said intended marriage, shall, on payment of such fee (if any) as the Governor General in Council may fix in this behalf, furnish the party by whom the notice was given, with a certificate, under his hand and seal, to the effect that the notice has been so given and published.

THE INDIAN EXTRADITION ACT, 1903
(XV OF 1903).

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF FOREIGN STATES.

3. (1) Requisition for surrender.
(2) Summons or warrant for arrest.
(3) Inquiry by Magistrate.
(4) Committal.
(5) Bail.
(6) Magistrate's report.
(7) Reference to High Court if Government thinks necessary.
(8) Warrant for surrender.
(9) Lawfulness of custody and re-taking under warrant for surrender.
(10) Discharge of fugitive criminals committed to prison after two months.
4. (1) Power to Magistrate to issue warrant of arrest in certain cases.
(2) Issue of warrant to be reported forthwith.
(3) Person arrested not to be detained unless order received.
(4) Bail.
5. (1) Power of Government to refuse to issue order under section 3 when crime of political character.
(2) Power of Government to discharge any person in custody at any time.
6. References to "Police Magistrate" and "Secretary of State" in section 3 of Extradition Act, 1870.

CHAPTER III.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF STATES OTHER THAN FOREIGN STATES.

7. (1) Issue of warrant by Political Agents in certain cases.
(2) Execution of such warrant.
(3) Proclamation

SECTIONS.

- (3) Proclamation and attachment in case of persons absconding.
8. (1) Release on giving security.
 (2) Magistrate to retain bond.
 (3) Re-arrest in case of default.
 (4) Deposit in lieu of bond, and forfeiture of bonds.
9. Requisitions by States not being Foreign States.
10. (1) Power to Magistrates to issue warrants of arrest in certain cases.
 (2) Issue of warrant to be reported forthwith.
 (3) Limit of time of detention of person arrested.
 (4) Bail.
11. (1) Surrender of person accused of, or undergoing sentence for, offence in British India.
 (2) Suspensior of sentence on surrender.
12. Application of Chapter to convicted persons.
13. Abetment and attempt.
14. Lawfulness of custody and re-taking under warrant issued under Chapter.
15. Power of Government to stay proceedings and discharge persons in custody.
16. Application of Chapter to offences committed before its commencement.
17. (1) Receipt in evidence of exhibits, depositions and other documents.
 (2) Authentication of the same.
 (3) Definition of "warrant".
18. Chapter not to derogate from treaties.

CHAPTER IV.

RENDITION OF FUGITIVE OFFENDERS IN HIS MAJESTY'S
DOMINIONS.

19. Application of Fugitive Offenders Act, 1881.

CHAPTER V.

OFFENCES COMMITTED AT SEA.

20. Requisition for surrender in case of offence committed at sea.

CHAPTER VI.

EXECUTION OF COMMISSIONS ISSUED BY CRIMINAL COURTS OUT-
SIDE BRITISH INDIA.

21. Execution of commissions issued by Criminal Courts outside British India.

CHAPTER VII.

CHAPTER VII.

SUPPLEMENTAL.

SECTIONS.

22. Power to make rules.
23. Detention of persons arrested under section 54, clause *seventhly*, Act V, 1898.
24. Repeals.

THE FIRST SCHEDULE.—EXTRADITION OFFENCES.

THE SECOND SCHEDULE.—ENACTMENTS REPEALED.

ACT No. XV OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 4th
November, 1903.)*

An Act to consolidate and amend the law
relating to the Extradition and Rendition
of Criminals.

WHEREAS it is expedient to provide for the more
convenient administration in British India of the
Extradition Acts, 1870 and 1873, and of the Fugitive
Offenders Act, 1881;

33 & 34
Vict., c. 52;
36 & 37
Vict., c. 60;
44 & 45
Vict., c. 69.

and whereas it is also expedient to amend the
law relating to the extradition of criminals in cases
to which the Extradition Acts, 1870 and 1873, do
not apply;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Indian Extradition Act, 1903.

Short title,
extent and
commence-
ment.

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

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

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

Definitions.

(a) "European British subject" means a European British subject as defined by the Code of Criminal Procedure for the time being in force:

(b) "extradition

(Chapter II.—Surrender of Fugitive Criminals in case of Foreign States.—Section 3.)

- (b) "extradition offence" means any such offence as is described in the first schedule :
- (c) "Foreign State" means a State to which, for the time being, the Extradition Acts, 1870 and 1873, apply :
- (d) "High Court" means the High Court as defined by the Code of Criminal Procedure for the time being in force :
- (e) "offence" includes any act wheresoever committed which would, if committed in British India, constitute an offence : and
- (f) "rules" include prescribed forms.

33 & 34
Vict., c. 52 ;
36 & 37
Vict., c. 60.

CHAPTER II.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF FOREIGN STATES.

Requisition
for surrender.

3. (1) Where a requisition is made to the Government of India or to any Local Government by the Government of any Foreign State for the surrender of a fugitive criminal of that State, who is in or who is suspected of being in British India, the Government of India or the Local Government, as the case may be, may, if it thinks fit, issue an order to any Magistrate who would have had jurisdiction to inquire into the crime if it had been an offence committed within the local limits of his jurisdiction, directing him to inquire into the case.

Summons or
warrant for
arrest.

(2) The Magistrate so directed shall issue a summons or warrant for the arrest of the fugitive criminal according as the case appears to be one in which a summons or warrant would ordinarily issue.

Inquiry by
Magistrate.

(3) When such criminal appears or is brought before the Magistrate, the Magistrate shall inquire into the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by the Court of Session or High Court,

(Chapter II.—Surrender of Fugitive Criminals in case of Foreign States.—Section 3.)

Court, and shall take such evidence as may be produced in support of the requisition and on behalf of the fugitive criminal, including any evidence to show that the crime of which such criminal is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

(4) If the Magistrate is of opinion that a *prima facie* case is made out in support of the requisition, he may commit the fugitive criminal to prison to await the orders of the Government of India or the Local Government, as the case may be. Committal.

(5) If the Magistrate is of opinion that a *prima facie* case is not made out in support of the requisition, or if the case is one which is bailable under the provisions of the Code of Criminal Procedure for the time being in force, the Magistrate may release the fugitive criminal on bail. Bail.

(6) The Magistrate shall report the result of his inquiry to the Government of India, or the Local Government, as the case may be, and shall forward, together with such report, any written statement which the fugitive criminal may desire to submit for the consideration of the Government. Magistrate's report.

(7) If the Government of India or the Local Government, as the case may be, is of opinion that such report or written statement raises an important question of law, it may make an order referring such question of law to such High Court as may be named in the order, and the fugitive criminal shall not be surrendered until such question has been decided. Reference to High Court if Government thinks necessary.

(8) If, upon receipt of such report and statement or upon the decision of any such question, the Government of India or the Local Government, as the case may be, is of opinion that the fugitive criminal ought to be surrendered, it may issue a warrant for the custody and removal of such criminal and for his delivery at a place and to a person to be named in the warrant. Warrant for surrender.

(9) It

(Chapter II.—Surrender of Fugitive Criminals in case of Foreign States.—Section 4.)

Lawfulness of custody and re-taking under warrant for surrender.

(9) It shall be lawful for any person to whom a warrant is directed in pursuance of sub-section (8), to receive, hold in custody and convey the person mentioned in the warrant, to the place named in the warrant, and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of British India may be re-taken upon an escape.

Discharge of fugitive criminals committed to prison after two months.

(10) If such a warrant as is prescribed by sub-section (8) is not issued and executed in the case of any fugitive criminal, who has been committed to prison under sub-section (4), within two months after such committal, the High Court may, upon application made to it on behalf of such fugitive criminal, and upon proof that reasonable notice of the intention to make such application has been given to the Government of India or the Local Government, as the case may be, order such criminal to be discharged, unless sufficient cause is shown to the contrary.

Power to Magistrate to issue warrant of arrest in certain cases.

4. (1) Where it appears to any Magistrate of the first class or any Magistrate specially empowered by the Local Government in this behalf that a person within the local limits of his jurisdiction is a fugitive criminal of a Foreign State, he may, if he thinks fit, issue a warrant for the arrest of such person, on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the crime of which he is accused or has been convicted had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported forthwith.

(2) The Magistrate shall forthwith report the issue of a warrant under this section to the Local Government.

Person arrested not to be detained unless order received.

(3) A person arrested on a warrant issued under this section shall not be detained more than two months unless within that period the Magistrate receives an order made with reference to such person under section 3, sub-section (1).

(4) In

(Chapter II.—Surrender of Fugitive Criminals in case of Foreign States.—Sections 5-6. Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Section 7.)

(4) In the case of a person arrested or detained under this section the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in British India the crime of which he is accused or has been convicted.

Bail.

5. (1) If the Government of India or any Local Government is of opinion that the crime of which any fugitive criminal of a Foreign State is accused or alleged to have been convicted is of a political character, it may, if it think fit, refuse to issue any order under section 3, sub-section (1).

Power of Government to refuse to issue order under section 3 when crime of political character.

(2) The Government of India or the Local Government may also at any time stay any proceedings taken under this Chapter and direct any warrant issued under this Chapter to be cancelled and the person for whose arrest such warrant has been issued to be discharged.

Power of Government to discharge any person in custody at any time.

6. The expressions "the Police Magistrate" and "the Secretary of State" in section 3 of the Extradition Act, 1870, shall be read as referring respectively to the Magistrate directed to inquire into a case under section 3 of this Act, and to the Government of India or the Local Government, as the case may be.

References to "Police Magistrate" and "Secretary of State" in section 3 of Extradition Act, 1870.

33 & 34
Vict., c. 52.

CHAPTER III.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF STATES OTHER THAN FOREIGN STATES.

7. (1) Where an extradition offence has been committed or is supposed to have been committed by a person not being a European British subject, in the territories of any State not being a Foreign State, and such person escapes into or is in British India, and the

Issue of warrant by Political Agents in certain cases.

Political

(Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Section 8.)

Political Agent in or for such State issues a warrant, addressed to the District Magistrate of any district in which such person is believed to be, for his arrest and delivery at a place and to a person or authority indicated in the warrant, such Magistrate shall act in pursuance of such warrant and may give directions accordingly.

Execution of such warrant.

(2) A warrant issued as mentioned in sub-section (1) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants, and the accused person, when arrested, shall, unless released in accordance with the provisions of this Act, be forwarded to the place and delivered to the person or authority indicated in the warrant.

Proclamation and attachment in case of persons absconding.

(3) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a District Magistrate under this section as if the warrant had been issued by himself.

Release on giving security.

8. (1) Where a Political Agent has directed by endorsement on any such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before a person or authority indicated in this behalf in the warrant at a specified time and place, the Magistrate to whom the warrant is addressed shall on such security being given release such person from custody.

Magistrate to retain bond.

(2) Where security is taken under this section, the Magistrate shall certify the fact to the Political Agent who issued the warrant, and shall retain the bond.

Re-arrest in case of default.

(3) If the person bound by any such bond does not appear at the time and place specified, the
Magistrate

(Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Sections 9-10.)

Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and handed over to any person authorized by the Political Agent to take him into custody.

(4) In the case of any bond executed under this section, the Magistrate may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

Deposit in lieu of bond, and forfeiture of bonds.

9. Where a requisition is made to the Government of India or to any Local Government by or on behalf of any State not being a Foreign State, for the surrender of any person accused of having committed an offence in the territories of such State, such requisition shall (except in so far as relates to the taking of evidence to show that the offence is of a political character or is not an extradition crime) be dealt with in accordance with the procedure prescribed by section 3 for requisitions made by the Government of any Foreign State as if it were a requisition made by any such Government under that section :

Requisitions by States not being Foreign States.

Provided that, if there is a Political Agent in or for any such State, the requisition shall be made through such Political Agent.

10. (1) If it appears to any Magistrate of the first class or any Magistrate empowered by the Local Government in this behalf that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in any State not being a Foreign State and that such person may lawfully be surrendered to such State, or that a warrant may be issued for his arrest under section 7, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would, in his opinion,

Power to Magistrate to issue warrants of arrest in certain cases.

(Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Section 11.)

opinion, justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported forthwith.

(2) The Magistrate shall forthwith report the issue of a warrant under this section, if the offence appears or is alleged to have been committed in the territories of a State for which there is a Political Agent, to such Political Agent and in other cases to the Local Government.

Limit of time of detention of person arrested.

(3) A person arrested on a warrant issued under this section shall not, without the special sanction of the Local Government, be detained more than two months, unless within such period the Magistrate receives an order made with reference to such person in accordance with the procedure prescribed by section 9, or a warrant for the arrest of such person under section 7.

Bail.

(4) In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in British India the offence with which he is charged.

Surrender of person accused of, or undergoing sentence for, offence in British India.

11. (1) A person accused of an offence committed in British India, not being the offence for which his surrender is asked, or undergoing sentence under any conviction in British India, shall not be surrendered in compliance with a warrant issued by a Political Agent under section 7 or a requisition made by or on behalf of any State not being a Foreign State under section 9, except on the condition that such person be re-surrendered to the Government of India or the Local Government, as the case may be, on the termination of his trial for the offence for which his surrender has been asked :

Provided that no such condition shall be deemed to

(Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Sections 12-16.)

to prevent or postpone the execution of a sentence of death lawfully passed.

(2) On the surrender of a person undergoing sentence under a conviction in British India, his sentence shall be deemed to be suspended until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

Suspension of sentence on surrender.

12. The provisions of this Chapter with reference to accused persons shall, with any necessary modifications, apply to the case of a person who, having been convicted of an offence in the territories of any State not being a Foreign State, has escaped into or is in British India before his sentence has expired.

Application of Chapter to convicted persons.

13. Every person who is accused or convicted of abetting or attempting to commit any offence shall be deemed, for the purposes of this Chapter, to be accused or convicted of having committed such offence, and shall be liable to be arrested and surrendered accordingly.

Abetment and attempt.

14. It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this Chapter, to receive, hold in custody and convey the person mentioned in the warrant, to the place named in the warrant, and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of British India may be re-taken upon an escape.

Lawfulness of custody and re-taking under warrant issued under Chapter.

15. The Government of India or the Local Government may, by order, stay any proceedings taken under this Chapter, and may direct any warrant issued under this Chapter to be cancelled, and the person for whose arrest such warrant has been issued to be discharged.

Power of Government to stay proceedings and discharge persons in custody.

16. The provisions of this Chapter shall apply to an offence or to an extradition offence, as the case may be, committed before the passing of this Act, and

Application of Chapter to offences committed

to

(Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Section 17.)

before its commencement.

Receipt in evidence of exhibits, depositions and other documents.

Authentication of the same.

to an offence in respect of which a Court of British India has concurrent jurisdiction.

17. (1) In any proceedings under this Chapter, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) and copies thereof, and official certificates of facts and judicial documents stating facts, may, if duly authenticated, be received as evidence.

(2) Warrants, depositions or statements on oath which purport to have been issued, received or taken by any Court of Justice outside British India, or copies thereof, and certificates of, or judicial documents stating the fact of, conviction before any such Court, shall be deemed duly authenticated,—

- (a) if the warrant purports to be signed by a Judge, Magistrate or officer of the State where the same was issued or acting in or for such State :
- (b) if the depositions or statements or copies thereof purport to be certified, under the hand of a Judge, Magistrate or officer of the State where the same were taken, or acting in or for such State, to be the original depositions or statements or to be true copies thereof, as the case may require :
- (c) if the certificate of, or judicial document stating the fact of, a conviction purports to be certified by a Judge, Magistrate or officer of the State where the conviction took place or acting in or for such State :
- (d) if the warrants, depositions, statements, copies, certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or by the official seal of a minister of the State where the same were respectively issued, taken or given.

(3) For

(Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Section 18. Chapter IV.—Rendition of Fugitive Offenders in His Majesty's Dominions.—Section 19.)

(3) For the purposes of this section, "warrant" includes any judicial document authorizing the arrest of any person accused or convicted of an offence.

Definition of "warrant".

18. Nothing in this Chapter shall derogate from the provisions of any treaty for the extradition of offenders, and the procedure provided by any such treaty shall be followed in any case to which it applies, and the provisions of this Act shall be modified accordingly.

Chapter not to derogate from treaties.

CHAPTER IV.

RENDITION OF FUGITIVE OFFENDERS IN HIS MAJESTY'S DOMINIONS.

19. For the purpose of applying and carrying into effect in British India the provisions of the Fugitive Offenders Act, 1881, the following provisions are hereby made:—

Application of Fugitive Offenders Act, 1881.

44 & 45
Vict., c. 69.

- (a) the powers conferred on "Governors" of British possessions may be exercised by any Local Government:
- (b) the powers conferred on a "Superior Court" may be exercised by any Judge of a High Court:
- (c) the powers conferred on a "Magistrate" may be exercised by any Magistrate of the first class or by any Magistrate empowered by the Local Government in that behalf: and
- (d) the offences committed in British India to which the Act applies, are piracy, treason and any offence punishable under the Indian Penal Code with rigorous imprisonment for a term of twelve months or more or with any greater punishment.

XLV of
1860.

CHAPTER V.

(Chapter V.—Offences committed at Sea.—Section 20.
Chapter VI.—Execution of Commissions issued
by Criminal Courts outside British India.—Sec-
tion 21. Chapter VII.—Supplemental.—Sec-
tion 22.)

CHAPTER V.

OFFENCES COMMITTED AT SEA.

Requisition
for surrender
in case of
offence
committed at
sea.

20. Where the Government of any State outside India makes a requisition for the surrender of a person accused of an offence committed on board any vessel on the high seas which comes into any port of British India, the Local Government and any Magistrate having jurisdiction in such port and authorized by the Local Government in this behalf may exercise the powers conferred by this Act.

CHAPTER VI.

EXECUTION OF COMMISSIONS ISSUED BY CRIMINAL
COURTS OUTSIDE BRITISH INDIA.

Execution of
commissions
issued by
Criminal
Courts
outside
British India.

21. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or tribunal in any country or place outside British India in like manner as it may be obtained in any civil matter under the provisions of the Code of Civil Procedure for the time being in force with respect to commissions, and the provisions of that Code relating thereto shall be construed as if the term "suit" included a criminal proceeding:

Provided that this section shall not apply when the evidence is required for a Court or tribunal in any State outside India other than a British Court and the offence is of a political character.

CHAPTER VII.

SUPPLEMENTAL.

Power to
make rules.

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

(2) In particular and without prejudice to the generality

(Chapter VII.—Supplemental.—Sections 23-24. The First Schedule.—Extradition Offences.)

generality of the foregoing power, such rules may provide for—

- (a) the removal of prisoners accused or in custody under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them ;
 - (b) the seizure and disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Act applies ;
 - (c) the pursuit and arrest in British India, by officers of the Government or other persons authorized in this behalf, of persons accused of offences committed elsewhere ; and
 - (d) the procedure and practice to be observed in extradition proceedings.
- (3) Rules made under this section shall be published in the Gazette of India and shall thereupon have effect as if enacted by this Act.

V of 1898.

23. Notwithstanding anything in the Code of Criminal Procedure, 1898, any person arrested without an order from a Magistrate and without a warrant, in pursuance of the provisions of section 54, clause *seventhly*, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made, be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under section 10.

Detention of persons arrested under section 54, clause *seventhly*, Act V, 1898.

24. The Acts mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

Repeals.

THE FIRST SCHEDULE.

EXTRADITION OFFENCES.

[See section 2, clause (b), and Chapter III (*Surrender of Fugitive Criminals in case of States other than Foreign States*).]

[The sections referred to are the sections of the Indian Penal Code.]

Frauds upon creditors (section 206).

Resistance

(The Second Schedule—Enactments repealed.)

- Resistance to arrest (section 224).
 Offences relating to coin and stamps (sections 230 to 263A).
 Culpable homicide (sections 299 to 304).
 Attempt to murder (section 307).
 Thagi (sections 310, 311).
 Causing miscarriage, and abandonment of child (sections 312 to 317).
 Causing hurt (sections 323 to 333).
 Wrongful confinement (sections 347, 348).
 Kidnapping and slavery (sections 360 to 373).
 Rape and unnatural offences (sections 375 to 377).
 Theft, extortion, robbery, etc. (sections 378 to 414).
 Cheating (sections 415 to 420).
 Fraudulent deeds, etc. (sections 421 to 424).
 Mischief (sections 425 to 440).
 Lurking house-trespass (sections 443, 446).
 Forgery, using forged documents, etc. (sections 463 to 477A).
 Desertion from any body of Imperial Service Troops.
 Piracy by law of nations.
 Sinking or destroying a vessel at sea or attempting or conspiring to do so.
 Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
 Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.
 Any offence against any section of the Indian Penal Code or against any other law which may, from time to time, be specified by the Governor General in Council by notification in the Gazette of India either generally for all States or specially for any one or more States.

XLV of 1860.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 2A.)

Year.	No.	Short title.	Extent of repeal.
1879	XXI	The Foreign Jurisdiction and Extradition Act, 1879.	So much as is unrepealed.
1895	IX	The Extradition (India) Act, 1895.	The whole Act.
1896	V	The Foreign Jurisdiction and Extradition Act (1879) Amendment Act, 1896.	The whole Act.

THE CENTRAL PROVINCES MUNICIPAL ACT,
1903 (XVI OF 1903).

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title and extent.
2. Definitions.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

3. Proposal to create, alter the limits of, or abolish, municipality.
4. Contents of notification under section 3.
5. Creation, alteration of limits, or abolition, of municipality.
6. Effect of including local area in municipality.
7. Effect of excluding local area from municipality or withdrawing whole area of municipality from Act.

CHAPTER III.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

8. Number and appointment of members of committee.
9. Term of office of members.
10. Incorporation of committee.
11. Member of committee to be municipal commissioner.
12. Appointment of president and vice-president.
13. Removal of president, vice-president and members of committee.
14. Delegation of powers.

Conduct of Business.

15. Ordinary and special meetings.
16. Time and place for holding meetings.
17. Chairman

190 *Municipalities (Central Provinces).* [ACT XVI

SECTIONS.

17. Chairman of meeting.
18. Quorum.
19. Vote of majority decisive.
20. Record and publication of proceedings.
21. By-laws for conduct of business.
22. Extraordinary powers of president and vice-president in case of emergency.

Joint Committees.

23. Joint committees.

Defects in Constitution and Irregularities.

24. Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

25. Appointment of secretary.
26. Employment of other officers and servants.
27. Power to call for reduction of establishment or of cost of establishment and dismissal of unfit persons.
28. Pensions, gratuities and leave-allowances of Government officials serving committees.
29. Leave-allowances, pensions, gratuities and annuities of officers or servants other than Government officials.

Contracts.

30. Authority to contract.
31. Mode of entering into contracts.
32. Penalty on member, officer or servant of committee being interested in contract made with committee.

Privileges and Liabilities.

33. Bar of suit in absence of notice.
34. Liability of members for loss, waste or misapplication.

CHAPTER IV.

TAXATION AND MUNICIPAL FUND.

Taxation.

35. Taxes which may be imposed.
36. Determination of gross annual letting value in certain cases.
37. Assessment

SECTIONS.

37. Assessment of Government houses or buildings in certain cases.
38. Limitation upon taxes in certain cases.
39. Procedure in imposing taxes.
40. Tax not invalid for defect of form.
41. Power of committee to abolish or reduce or exempt from tax.
42. Power of Local Government to abolish or reduce tax.
43. Duty of furnishing true information regarding liability to taxation.
44. Recovery of taxes.
45. Power to charge fees.
46. Appeals against taxation.
47. Limitation of appeal.
48. Taxation not to be questioned except under this Act.

Municipal Fund and Property.

49. Constitution of municipal fund.
50. Application of fund.
51. Custody and investment of municipal fund.
52. Property vested in committee.
53. Acquisition of land under Act I of 1894.

CHAPTER V.

MUNICIPAL POLICE.

54. Police-establishment.
55. Relief of committee from police-charges.
56. Appointment, liabilities and duties of municipal watchmen.
57. Duties of municipal police enrolled under Act V of 1861.
58. Police-protection at fairs, etc.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

59. Power to acquire land for building sites adjoining new streets.
60. Power to close streets.
61. Power to permit temporary occupation of streets or land.

62. Power

SECTIONS.

62. Power to attach brackets for lamps.
63. Names of streets and numbers of buildings.
64. Roofs and external walls not to be made of inflammable materials.
65. Power to regulate line of buildings.
66. Power to regulate new building.
67. Removal of projections and overhanging structures.
68. Exemption of Government buildings or lands from the operation of sections 59 to 67.

Bathing and Washing Places.

69. Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

70. Removal and deposit of offensive matter.
71. Places for slaughter of animals.
72. Slaughter of animals for other purposes.
73. Special provisions with respect to disposal of dead bodies of animals.
74. Definition of "animal".

Burial and Burning Places.

75. Powers in respect of burial and burning places.
76. Removal of corpses.

Inflammable Materials.

77. Inflammable materials.

Powers of Entry and Inspection.

78. Powers in respect of drains, privies and cess-pools.
79. Powers of entry on buildings or land.
80. Power to enter for discovery of animals or vehicles liable to taxation.
81. Power in respect of places used for sale or storage of articles for human consumption, as slaughter-houses, or for sale of drugs.
82. Power of entry in certain cases for purposes connected with scavenging.
83. Power in respect of inflammable or explosive material when stored in excess of authorized quantity.
84. Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

85. Troughs and pipes for rain-water.
86. Provision of privies or cess-pools.
87. Repair

SECTIONS.

- 87. Repair and closing of privies, drains or cess-pools.
- 88. Unauthorized building over drains.
- 89. Removal of drains, latrines or cess-pools near any source of water-supply.
- 90. Power to require drainage of unwholesome tanks.

Dangerous Buildings and Places.

- 91. Power to require buildings, wells, tanks or excavations to be secured.
- 92. Power to require building, wall or structure in ruinous or dangerous state to be removed or repaired.

Buildings and Grounds in Insanitary Condition.

- 93. Power to require owner to clear away noxious vegetation.
- 94. Power to require owner to trim hedges and trees bordering on street.
- 95. Power to require filthy buildings or land to be cleaned.
- 96. Power to prohibit use for human habitation of buildings unfit for such use.
- 97. Power to require untenanted buildings becoming a nuisance to be secured or enclosed.
- 98. Power to Local Government to prohibit cultivation, use of manure or irrigation injurious to health.

Offensive and Dangerous Trades.

- 99. Regulation of offensive and dangerous trades.
- 100. Power to prohibit such trades.
- 101. Milkmen and others not to keep animals or cattle without license.

Sale of Food, Drink and Drugs.

- 102. Power to make by-laws as to sale of articles intended for human consumption and drugs.

Disposal of Dogs.

- 103. Disposal of mad and stray dogs.

Restraint of Infection.

- 104. Prohibition by committee of use of unwholesome water.

By-laws-generally.

- 105. General power to make by-laws.
- 106. Power to prohibit commission of public nuisances.
- 107. Powers

194 *Municipalities (Central Provinces)*. [ACT XVI

SECTIONS.

107. Powers as to conditional orders in respect of certain acts and omissions.
108. Delegation of powers to sub-committees.

CHAPTER VII.

OFFENCES AND PENALTIES.

109. Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.
110. Discharging sewage.
111. Failure to remove offensive matter.
112. Making or altering drains without authority.
113. Making or keeping latrines near any source of water-supply.
114. Feeding animals on deleterious substances.
115. Neglect of the rule of the road.
116. Driving vehicles without proper means of control or without lights.
117. Discharging fire-arms, etc.
118. Control of elephants and camels.
119. Taking animals or vehicles along public roads.
120. Beating drum or sounding musical instrument.
121. Suffering animals to be at large.
122. Altering, obstructing or encroaching upon streets.
123. Quarrying, blasting, cutting timber or building.
124. Making or selling food when suffering from disease.
125. Disturbing direction-posts or lamps.
126. Destroying or defacing names or numbers.
127. Slaughtering animal contrary to section 71.
128. Slaughtering animal or conveying meat contrary to notification under section 72.
129. Improper disposal of dead bodies of animals.
130. Burying or burning corpse contrary to section 75.
131. Carrying corpses by prohibited routes or so as to cause annoyance.
132. Selling article for human consumption of a nature different from the article demanded.
133. Possession of article or animal unfit for human consumption or adulterated drug.
134. Refusing to sell food or drink.
135. Cultivating, manuring or irrigating contrary to section 98.
136. Using places for certain trades without license.
137. Using places for offensive or dangerous trades after prohibitory notice.
138. Soliciting for purposes of prostitution.
139. Disobedience

SECTIONS.

- 139. Disobedience to orders not punishable under any other section.
- 140. Prosecution to be suspended in certain cases.

CHAPTER VIII.

EXTINCTION AND PREVENTION OF FIRE.

- 141. Establishment and maintenance of fire-brigade.
- 142. Power of fire-brigade and other persons for suppression of fires.
- 143. Powers subject to prescribed regulations, etc.
- 144. Operation of Chapter.

CHAPTER IX.

CONTROL.

- 145. Control by Commissioner or Deputy Commissioner.
- 146. Power to suspend action under Act.
- 147. Extraordinary powers of Deputy Commissioner in cases of emergency.
- 148. Powers of Local Government in case of default of committee.
- 149. Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.
- 150. Power of Local Government to frame forms and make rules.
- 151. General powers of Local Government and Commissioner.

CHAPTER X.

SUPPLEMENTAL.

Notices.

- 152. Authentication, service and validity of notices.
- 153. Execution of acts required to be done by any notice.
- 154. Mode of giving notice to owner or occupier of property.
- 155. Publication of public notices.

Miscellaneous.

- 156. Recovery of costs of execution.
- 157. Compensation out of municipal fund.

158. Powers
o 2

196 *Municipalities (Central Provinces)*. [ACT XVI

SECTIONS.

158. Powers and duties of police in respect of offences against Act, and assistance to municipal authorities.
159. Initiation of prosecutions.
160. Power to compound offences.
161. Appeals against certain orders of committee.
162. No appeal to lie against any order unless expressly provided for in the Act and all orders made in appeal to be final.
163. Suspension of proceedings and prosecutions when appeals from certain orders preferred.
164. Procedure for making rules or by-laws.
165. Power to make rules regulating conservancy of reservoir and catchment area.
166. Saving of Act XI of 1879.
167. Brothels.
168. Power to except municipality from provisions of Act unsuited thereto.

CHAPTER XI.

SMALL TOWNS.

169. Constitution of notified areas.
170. Power for Local Government to impose taxation and regulate expenditure of proceeds thereof.
171. Application of Act to notified areas.
172. Effect of cancellation of notification issued under section 169.

CHAPTER XII.

REPEALS.

173. Repeals.

ACT No. XVI OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 4th
November, 1903.)*

An Act to make better provision for the organization and administration of municipalities in the Central Provinces.

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Central Provinces Municipal Act, 1903; and Short title and extent.

(2) It extends to the territories for the time being administered by the Chief Commissioner of the Central Provinces.

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

(a) "municipality" means a local area declared by or under this Act to be a municipality:

(b) "committee" means a municipal committee established by or under this Act:

(c) "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:

(d) "owner," used with reference to any building or land, includes the person who is receiving the

198 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter II.—*Constitution of Municipalities*.—*Sections 3-4.*)

the rent of the building or land, whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant :

- (e) "prescribed" means prescribed by rules made by the Local Government under this Act :
- (f) "tax" includes any toll, rate, cess, fee or other impost leviable under this Act ; and
- (g) "explosive" and "petroleum" have the meanings assigned to them in the Indian Explosives Act, 1884, and the Indian Petroleum Act, 1899, respectively.

IV of 1884
VIII of
1899.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create, alter the limits of, or abolish, municipality.

3. The Local Government may, by notification in the local official Gazette and by such other means as it may determine, signify its intention—

- (a) to declare any town, or any group of towns, in the immediate neighbourhood of one another, a municipality under this Act ;
- (b) to include within a municipality any local area in the vicinity of the same ;
- (c) to exclude from a municipality any local area comprised therein ; or
- (d) to withdraw the whole area comprised in any municipality from the operation of this Act :

Provided that, where any part of a local area affected by any such notification is a military cantonment or part of a military cantonment, such notification shall not be published without the previous consent of the Governor General in Council.

Contents of notification under section 3.

4. Every notification published under section 3 shall define the limits of the local area to which it refers.

5. (1) Any

(Chapter II.—*Constitution of Municipalities.*—*Sections 5-7.*)

5. (1) Any inhabitant of any part of a local area defined in a notification published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the date of the publication of the notification, and the Local Government shall take his objection into consideration.

Creation, alteration of limits, or abolition, of municipality.

(2) When six weeks from the date of the publication of the notification have expired, the Local Government may, by a further notification in the local official Gazette,—

(a) declare the local area or any specified part thereof to be a municipality under this Act, or

(b) include the local area or any part thereof in the municipality or exclude it therefrom, or

(c) withdraw the whole area comprised in the municipality from the operation of this Act,

as the case may be.

6. When a local area is included in a municipality by a notification published under section 5, sub-section (2), all rules and by-laws made, orders, directions and notices issued, and powers conferred and in force throughout the municipality at the time when the local area is so included, shall apply thereto unless the Local Government, in and by the notification, otherwise directs.

Effect of including local area in municipality.

7. (1) When a local area is excluded from a municipality by a notification published under section 5, sub-section (2),—

(a) this Act and all rules and by-laws made, orders, directions and notices issued, and powers conferred thereunder shall cease to apply thereto;

Effect of excluding local area from municipality or withdrawing whole area of municipality from Act.

(b) the Local Government shall, after consulting the

the

200 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter III.—Organization of Committees.—Section 8.)

the committee, frame a scheme determining what portion of the balance of the municipal school and hospital funds and other property vested in the committee shall vest in His Majesty for the benefit of the inhabitants of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of such scheme in the local official Gazette, such property and liabilities shall vest and be apportioned accordingly.

(2) When the whole area comprised in any municipality is withdrawn from the operation of this Act by a notification published under section 5, sub-section (2), this Act and all rules and by-laws made, orders, directions and notices issued, and powers conferred thereunder, shall cease to apply thereto; and the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in His Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in His Majesty under this section shall be applied, under the orders of the Local Government, to the discharge of the liabilities imposed on the Secretary of State for India in Council thereby or for the promotion of the safety, health, welfare or convenience of the inhabitants of the area affected.

CHAPTER III.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

Number and
appointment

8. (1) There shall be established for each municipality a committee having authority over that municipality

1903.] *Municipalities (Central Provinces).* 201
(Chapter III.—Organization of Committees.—Sections 9-10.)

municipality and consisting of such number of members, not less than five, as may be prescribed. of members of committee.

(2) Such members may be appointed, in the prescribed manner, by nomination or by election, or some by nomination and some by election.

(3) Not less than two-fifths of the members of a committee shall be persons other than salaried officers of the Government.

(4) Every appointment of a member shall be notified in the local official Gazette.

9. (1) Where a member of a committee is appointed by virtue of office, the person for the time being holding the office shall be a member until the Local Government otherwise directs. Term of office of members.

(2) Every member of a committee appointed otherwise than by virtue of office shall be a member for the prescribed term, which may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member shall, if otherwise qualified, be eligible for re-appointment.

(4) Any member of a committee wishing to resign shall forward his written resignation through the president of the committee to the Deputy Commissioner, and he shall be deemed to have vacated his seat when the acceptance of his resignation by the Local Government has been communicated to the committee.

10. Every committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name: Incorporation of committee.

Provided that no committee shall transfer any immoveable

202 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter III.—Organization of Committees.—Sec-
tions 11-13.)

immovable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

Member of
committee to
be municipal
commis-
sioner.
Appointment
of president
and vice-
president.

11. Every member of a committee shall be deemed to be a municipal commissioner within the meaning of any enactment for the time being in force.

12. (1) There shall be a president and vice-president of every committee.

(2) The Local Government may appoint any person, whether a member of the committee or not, to be president or vice-president, or may authorize any committee to elect, in the prescribed manner, its president or vice-president, or both.

(3) The election of a president or vice-president shall not be valid until it has been confirmed by the Local Government and has been notified in the local official Gazette.

(4) A president and vice-president shall hold office for the prescribed term.

(5) Where a person not already a member of the committee is appointed or elected president or vice-president, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his appointment or election, and shall continue to be a member so long as he holds office as president or vice-president.

Removal of
president,
vice-presi-
dent and
members of
committee.

13. The Local Government may, at any time, remove the president, vice-president or any member of a committee—

(a) if he refuses to act or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be the president or vice-president or a member of the committee;

(b) if

1903.] *Municipalities (Central Provinces).* 203
(Chapter III.—*Organization of Committees.*—*Sections 14-17.*)

- (b) if he, without an excuse sufficient in the opinion of the Local Government, absents himself for more than three consecutive months from the meetings of the committee or of a sub-committee of which he is a member ; or
- (c) if his continuance in office is, in the opinion of the Local Government, undesirable in the interests of the public or of the municipality.

14. The Local Government may, by notification in the local official Gazette, delegate to the Commissioner in respect of any specified municipality or municipalities in his division all or any of the powers and functions of the Local Government in respect of the appointment or resignation of a president, vice-president or any member of a committee.

Delegation of powers.

Conduct of Business.

15. (1) A meeting of a committee shall be either ordinary or special.

Ordinary and special meetings.

(2) Any business may be transacted at an ordinary meeting unless it is required by or under this Act to be transacted at a special meeting.

16. (1) Every committee shall meet for the transaction of business at least once in every month at such time and place as may, from time to time, be fixed by by-laws made under section 21.

Time and place for holding meetings.

(2) The president or, in his absence or during the vacancy of his office, the vice-president may, whenever he thinks fit, and shall on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

17. (1) At every meeting of a committee the president, if present, shall preside as chairman.

Chairman of meeting.

(2) If, when any meeting is held, the office of president is vacant or the president is absent from the

the

204 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter III.—Organization of Committees.—Sec-
tions 18-20.)

the meeting and the vice-president is present, the vice-president shall preside as chairman.

(3) In any case not provided for by sub-section (1) or sub-section (2), the members present shall elect one of their number to be chairman of the meeting.

Quorum.

18. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the members of the committee.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by by-laws made under section 21, but shall be not less than three :

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Vote of
majority
decisive.

19. Save as otherwise provided by or under this Act, all questions brought before any meeting of a committee shall be decided by a majority of the votes of the members present, and, in the case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

Record and
publication of
proceedings.

20. (1) Minutes of the proceedings at each meeting of a committee shall be recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in the manner prescribed, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant of the municipality.

(2) A

(2) A copy of every resolution passed by a committee at a meeting shall, within six days from the date of the meeting, be forwarded to the Deputy Commissioner.

21. (1) A committee may, from time to time, at a special meeting make by-laws, consistent with this Act and the rules thereunder, for regulating—

By-laws for conduct of business.

- (a) the time and place of its meeting;
- (b) the conduct of its business;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the division of duties among its members, the formation of sub-committees, and the powers to be exercised by sub-committees or by such members as are primarily responsible for the current executive administration, whether presidents, vice-presidents, members of sub-committees or individual members;
- (e) the duties and salaries of its officers and servants;
- (f) the persons by whom receipts may be granted on its behalf for money received under this Act; and
- (g) other similar matters.

(2) No by-laws made under this section shall take effect until it has been confirmed by the Local Government.

22. In cases of emergency the president, or in his absence or during the vacancy of his office, a vice-president, may direct the execution of any work or the doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work

Extraordinary powers of president and vice-president in case of emergency.

or

206 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter III.—Organization of Committees.—Sections 23-24.)

or doing such act shall be paid from the municipal fund :

Provided that—

- (a) he shall not act under this section in contravention of any order of the committee; and
- (b) every direction given under this section shall be reported to the next following meeting of committee.

Joint Committees.

Joint committees.

23. (1) A committee may, from time to time, concur with any other committee, or with a district council, or with an independent local board, or with a cantonment authority, or with more than one such committee, council, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee and in delegating to any such joint committee any power which might be exercised by either or any of the committees, councils, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(2) Where any difference of opinion arises between committees, councils, boards or authorities acting under this section, the decision thereon of the Commissioner if the areas under the committees, councils, boards or authorities are in the same division or of the Local Government if those areas are in different divisions, shall be final.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

24. Anything done or any proceedings taken under this Act shall not be questioned on account of any vacancy in a committee or joint committee, or on

on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

25. (1) Every committee shall, from time to time, at a special meeting and subject to the approval of the Local Government, appoint one or more of its members, or, with the sanction of the Local Government, any other person or persons, to be its secretary or secretaries, and may, at a like meeting and subject to the like approval, remove any person so appointed.

Appointment of secretary.

(2) A committee may, with the previous sanction of the Local Government, assign to a secretary such salary as the committee thinks fit :

Provided that, where a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services.

26. Subject to the other provisions of this Act and to the qualifications prescribed in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such salaries as it thinks fit.

Employment of other officers and servants.

27. (1) If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the salaries assigned by the committee to those persons or any of them, are excessive, the committee shall, on the requisition of the Commissioner, within such time as may be fixed by the Commissioner in this behalf, reduce the number of those persons or their salaries, as the case may be.

Power to call for reduction of establishment or of cost of establishment and dismissal of unfit persons.

(2) If, in the opinion of the Commissioner, any person employed by a committee as an officer or servant is by reason of bad character, incompetence or idleness, or for any other sufficient reason, not fit to

208 *Municipalities (Central Provinces).* [ACT XVI
(Chapter III.—Organization of Committees.—Sec-
tions 28-29.)

to be retained in the service of the committee, the committee shall, on the requisition of the Commissioner, within one month from the date of receipt of such requisition, dispense with the services of such person :

Provided that, before making any such requisition, the Commissioner shall call upon the officer or servant concerned to show cause why such requisition should not be made.

(3) The committee to whom a requisition is made under sub-section (1), and any person whose services are dispensed with in compliance with a requisition under sub-section (2), may appeal to the Local Government, whose decision shall be final :

Provided that no person removed in compliance with a requisition made under sub-section (1) shall have any right of appeal.

28. In the case of a Government official a committee may,—

Pensions, gratuities and leave-allowances of Government officials serving committees.

(i) where his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the Civil Service Regulations for the time being in force ; and

(ii) where he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

29. In the case of an officer or servant not being a Government official, a committee may—

Leave-allowances, pensions, gratuities and annuities of officers or servants other than Government officials.

(a) grant him leave-allowances, and, where his monthly pay is less than ten rupees, a gratuity ; and,

(b) with

(b) with the general or special sanction of the Local Government,—

(i) subscribe on his behalf for pension or gratuity under the Civil Service Regulations for the time being in force; or

(ii) purchase for him from the Government or otherwise an annuity on his retirement :

Provided that no leave-allowance, pension, gratuity or annuity shall exceed the sum to which, under the Civil Service Regulations for the time being in force, the officer or servant would be entitled if the service had been service under Government.

Contracts.

30. (1) A committee may delegate to one or more of its members or to a secretary the power of entering on its behalf into any particular contract whereof the value or amount does not exceed two hundred rupees or into any class of such contracts. Authority to contract.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be entered into until it has been sanctioned by the committee at a meeting.

31. (1) Every contract made by or on behalf of a committee whereof the value or amount exceeds fifty rupees shall be in writing. Mode of entering into contracts.

(2) Every such contract shall be signed by the president or vice-president and a secretary :

Provided that the committee may delegate to one or more of its members or to a secretary the power of signing any contracts which he or they is or are empowered to enter into under section 30, sub-section (1).

(3) If a contract to which this section applies is entered

210 *Municipalities (Central Provinces)*. [ACT XVII
(Chapter III.—Organization of Committees.—Sec-
tions 32-33.)

entered into otherwise than in conformity therewith, it shall not be binding on the committee.

Penalty on member, officer or servant of committee being interested in contract made with committee.

32. (1) If any member, officer or servant of a committee is, otherwise than with the written permission of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be deemed to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Privileges and Liabilities.

Bar of suit in absence of notice.

33. (1) No suit shall be instituted against a committee or any of its officers or servants or any person acting under its direction for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of a committee, delivered or left at its office, and, in the case of any such officer, servant or person as aforesaid, delivered to him or left at his office or usual place of abode.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action and service of such notice as aforesaid is admitted or proved.

(3) Where it is proved to the satisfaction of the Court that before the suit was instituted tender of sufficient amends had been made to the plaintiff, the plaintiff shall not recover his costs nor any relief not included in such tender, and shall defray the costs of the defendant in the suit.

(4) Nothing in this section shall be deemed to apply

(Chapter III.—*Organization of Committees.*—Section 34. Chapter IV.—*Taxation and Municipal Fund.*—Section 35.)

I of 1877. apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

34. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to, or under the control of, the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation for the same may be instituted against him by the committee, with the previous sanction of the Commissioner, or by the Secretary of State for India in Council.

Liability of members for loss, waste or misapplication.

CHAPTER IV.

TAXATION AND MUNICIPAL FUND.

Taxation.

35. Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case and in the manner required by section 39, any of the following taxes, namely :—

Taxes which may be imposed.

(a) with the previous sanction of the Local Government,—

(i) a tax on houses, buildings or lands situate within the limits of the municipality, not exceeding seven and a half per centum of the gross annual letting value of the houses, buildings or lands;

(ii) a tax on persons occupying houses, buildings or lands within the limits of the municipality according to their circumstances and property within those limits;

(iii) a

- (iii) a tax on persons exercising any profession or art, or carrying on any trade or calling, within the limits of the municipality;
 - (iv) a tax on all or any vehicles or animals used for riding, driving, draught or burden, or on dogs, where such vehicles, animals or dogs are kept within the limits of the municipality;
 - (v) a tax on vehicles and animals used as aforesaid entering the limits of the municipality, and on boats moored within those limits;
 - (vi) an octroi on goods or animals brought within the limits of the municipality for consumption or use within those limits;
 - (vii) market-dues on persons using any building, structure, market, bazar or ganj belonging to or under the control of the committee, or exposing goods for sale in any place belonging to or under the control of the Government or the committee;
 - (viii) fees on the registration of cattle sold within the limits of the municipality;
 - (ix) a latrine or conservancy tax upon private latrines or cess-pools or upon premises or compounds cleansed by municipal servants, or a tax for the maintenance of public latrines; and
 - (x) a water-rate where water is supplied by the committee; and
- (b) with the previous sanction of the Local Government and of the Governor General in Council,

Council, any tax not authorized under clause (a).

36. For the purposes of any tax imposed under section 35, clause (a), sub-head (i), or under clause (b), the annual letting value of any house or building, not erected for letting purposes and not ordinarily let, shall be deemed to be five per centum on the aggregate sum resulting from the addition of—

Determina-
tion of
gross annual
letting
value in
certain
cases.

(a) the estimated present cost of erecting the house or building after deduction of a reasonable amount on account of depreciation (if any), and

(b) the estimated present value of the land valued with the house or building as part of the same premises:

Provided, that, in the determination of the annual value, no account shall be taken of any machinery:

Provided also that, where any house or building is occupied in such circumstances as to render a valuation of five per centum unreasonable, the committee may, in its discretion, reduce the percentage accordingly.

37. (1) In any municipality in which any tax is imposed under section 35, clause (a), sub-head (ii), no tax shall be assessed on any person in respect of his occupation of any houses, buildings or lands, the property of His Majesty; but a rate not exceeding seven and a half per centum may be assessed on the annual value of such houses, buildings or lands, and such rate shall be payable by the Government.

Assessment
of Govern-
ment houses
or buildings
in certain
cases.

(2) For the purposes of sub-section (1), the annual value shall be deemed to be the gross annual rental at which the houses, buildings or lands may be reasonably expected to let:

Provided that, where the actual cost of erecting any such house or building can be ascertained or estimated, the annual value of such house or building shall, in no case, be deemed to exceed an amount which

which would be equal to seven and a half per centum on such cost, in addition to a reasonable ground-rent for the land on which such house or building has been erected.

Limitation upon taxes in certain cases.

38. In assessing the amount of any latrine or conservancy tax upon private latrines or cess-pools or upon premises or compounds cleansed by municipal servants or a water-rate, under section 35, clause (a), sub-head (ix) or sub-head (x), regard shall be had to what is actually expended on the service rendered, or on the water supplied, as the case may be.

Procedure in imposing taxes.

39. (1) A committee may resolve at a special meeting to propose the imposition of any tax for the purposes of this Act.

(2) Where a resolution has been passed under sub-section (1), the committee shall publish, in the prescribed manner, a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any inhabitant of the municipality objecting to the proposed tax may, within one month from the publication of the notice, submit his objection in writing to the committee, and the committee shall, at a special meeting, take his objection into consideration.

(4) Where no objection is submitted as aforesaid, or where the objections so submitted, having been considered by the committee, are deemed insufficient, the committee may forward its proposals to the Local Government with the objections (if any) so submitted.

(5) The Local Government may, on receiving the proposals of the committee, sanction the same, or refuse to sanction them, or sanction them subject to such modifications as it may think fit, or return them to the committee for further consideration.

(6) Where

(6) Where the Local Government sanctions any proposals which, under section 35, clause (b), require the further sanction of the Governor General in Council, it shall submit them to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction them, or refuse to sanction them, or sanction them subject to such modifications as he may think fit, or return them to the Local Government for further consideration.

(7) No modification affecting the substance shall be made under sub-section (5) or sub-section (6) unless and until the modification has been accepted by the committee at a special meeting.

(8) Where any proposals for taxation have been sanctioned under sub-section (5) or sub-section (6) by the Local Government or by the Local Government and the Governor General in Council, as the case may be, the Local Government may, by notification in the local official Gazette, direct the imposition of the tax as sanctioned from such date as may be specified in the notification, and thereupon the tax shall come into effect as from the date so specified.

40. A tax imposed under this Act shall not be invalid for defect of form; and, where any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier.

Tax not invalid for defect of form.

41. A committee, by a resolution passed at a special meeting and confirmed by the Local Government, may abolish or reduce any tax imposed under this Act, or suspend the operation of any tax within any part of the municipality for any specified period, or exempt in whole or in part from the payment of any tax any person or class of persons or any property or description of property.

Power of committee to abolish or reduce or exempt from tax.

42. The

216 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter IV.—Taxation and Municipal Fund.—Sec-
tions 42-44.)

Power of
Local Gov-
ernment to
abolish or
reduce tax.

Duty of
furnishing
true informa-
tion regard-
ing liability
to taxation.

42. The Local Government may, for reasons to be recorded, exercise the powers conferred on a committee by section 41.

43. (1) A committee may, by notice, call upon any inhabitant of the municipality to furnish within a reasonable time such information as may be necessary in order to ascertain—

- (a) whether such inhabitant is liable to pay any tax imposed under this Act; and
- (b) the amount at which he should be assessed.

(2) Where any inhabitant called upon to furnish information in pursuance of sub-section (1) omits to furnish it, or furnishes information which is untrue, and which he knows or believes to be untrue or which he does not believe to be true, he shall be punishable with fine which may extend to one hundred rupees.

Recovery of
taxes.

44. (1) Arrears of any tax may, on the application of the committee or of some person authorized generally or specially by the committee in this behalf to a Magistrate having jurisdiction within the limits of the municipality, be recovered, with any sum leviable on account of court-fees or the prescribed process-fees, and with interest at the rate of twelve and a half per centum per annum, by distress and sale of any moveable property belonging to the defaulter within the limits of such Magistrate's jurisdiction :

Provided that no interest shall be so recovered in any case in which the Magistrate, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

(2) Where the arrears are due in respect of immoveable property, they shall, subject to any claim on behalf of His Majesty, be a first charge on the property, and shall be recoverable, on the application of the committee or of some person authorized generally or specially by the committee in this behalf to
the

the Deputy Commissioner, as if the property were land assessed to land-revenue and the arrear were an arrear of such revenue due thereon :

Provided that nothing in this sub-section shall be deemed to authorize the arrest of a defaulter.

(3) Where there is no sufficient moveable property belonging to the person from whom any money is claimable on account of any arrears of any tax within the jurisdiction of any Magistrate having jurisdiction within the limits of the municipality, any such Magistrate may, on the application of the committee or of some person authorized generally or specially by the committee in this behalf, grant a certificate of the amount due on account of arrears, with court-fees, process-fees and interest (if any), by the person from whom the money is claimable, and shall forward the certificate so granted to the Magistrate within whose jurisdiction any such property belonging to such person is or is believed to be ; and the Magistrate receiving such certificate shall proceed to recover, by distress and sale of any moveable property belonging to the defaulter within the limits of his jurisdiction, the amount certified, with any further sum leviable on account of court-fees or process-fees, and shall remit the amount recovered under such certificate to the Magistrate by whom the certificate was granted.

45. (1) Where any license is granted by a committee under this Act, or where permission is given by a committee for making any temporary erection or for putting up any projection or for the temporary occupation of any street, the committee may charge a fee for such license or permission.

Power to
charge fees.

(2) The committee may also charge such fees as may be fixed by by-laws made under section 105 for the use of any places belonging to, or under the control of, the committee.

46. (1) An appeal from the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner

Appeals
against
taxation.

Commissioner or to such other officer as may be empowered by the Local Government in this behalf:

Provided that, where the Deputy Commissioner or such other officer as aforesaid is a member of the committee, the appeal shall lie to the Commissioner.

(2) Where, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains a reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which the doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Judicial Commissioner.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure.

XIV of 1882.

(4) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to the committee shall be recoverable by a committee as though they were arrears of a tax due from the appellant.

(6) Where a committee fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

1882 No. V
1882 No. III

Limitation
of appeal.

47. (1) No appeal shall lie in respect of any assessed tax unless it is preferred—

(a) within one month after the publication of an assessment-list or notice, where such publication is provided for in the system of assessment framed under section 39, sub-section (2); or

(b) within

(b) within one month after the final decision of the committee on any objection received, where an opportunity for submitting objections to the committee is allowed and any objection has been duly submitted.

(2) Except as provided in sub-section (1), no appeal shall lie in respect of any tax, unless the appeal is preferred within one month from the time when the demand for the tax is made.

48. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

Taxation not to be questioned except under this Act.

Municipal Fund and Property.

49. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

Constitution of municipal fund.

V of 1861.
III of 1867.

(a) all sums received by or on behalf of the committee;

(b) all fines recovered from persons convicted of offences committed within the municipality against this Act or any rules or by-laws made thereunder or against section 34 of the Police Act, 1861, or against the Public Gambling Act, 1867;

(c) the balance (if any) standing at the commencement of this Act at the credit of the municipal fund under the control of the committee.

50. (1) The committee shall set apart and apply annually out of the municipal fund—

Application of fund.

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly,

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 28 and 29, and such sum as may be required for the maintenance of a police-establishment under Chapter V ;

(c) thirdly, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these departments ; and

(d) fourthly, the cost of the construction and maintenance of buildings for the offices of the committee.

(2) Subject to the charges specified in sub-section (1) and to such priority in respect of the several duties of the committee as may be prescribed, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the limits of the municipality, and, with the sanction of the Commissioner, to the payment of the like charges and expenses without those limits where such an application of the fund is for the benefit of the inhabitants of the municipality, namely :—

(a) the construction, maintenance, improvement, cleansing and repair of streets and public bridges, embankments, drains, latrines, cess-pools, tanks and water-courses ;

(b) the watering and lighting of the streets or any of them ;

(c) the

- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, including veterinary dispensaries, and of other institutions for the promotion of education or for the benefit of the public, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, recreation-grounds, gardens, parks, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;
- (d) grants-in-aid to schools, hospitals, dispensaries, including veterinary dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;
- (e) the training of teachers and the establishment of scholarships;
- (f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals;
- (h) the planting and preservation of trees;
- (i) the taking of a census, and the registration of births, marriages and deaths;
- (j) public vaccination and any other sanitary measure;
- (k) the holding of fairs and industrial exhibitions;
- (l) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants; and
- (m) any other matter expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund.

Custody and
investment
of municipal
fund.

51. (1) In places where there is a Government treasury or sub-treasury, or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

(2) In places where there is no such treasury or sub-treasury or bank, the municipal fund may be deposited with any banker or person acting as a banker, who has given such security, if any, for the safe custody and repayment on demand of the fund so deposited as the Local Government may in each case think sufficient.

(3) A committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or in such other securities as the Governor General in Council may approve in this behalf, and may vary such investments for others of the like nature; and the income resulting from the securities and proceeds of the sale of the same shall be credited to the municipal fund.

Property
vested in
committee.

52. (1) Subject to any special reservation which may be made by the Local Government, all property of the nature hereinafter in this section specified and situated within the limits of the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say :—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of the municipal fund;

(b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges
buildings

buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

- (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cess-pools or elsewhere or deposited in places fixed by the committee under section 70;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
- (f) all land or other property transferred to the committee by His Majesty or by gift, purchase or otherwise for local public purposes; and
- (g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(2) The Local Government may, by notification in the local official Gazette, direct that any property which has vested under sub-section (1) in the committee, shall cease to be so vested, and thereupon the property specified in the notification shall cease to be so vested, and the Local Government may pass such orders as it thinks fit regarding the disposal and management of such property.

53. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the

request

Acquisition
of land
under Act
I of 1894.

request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee. I of 1894.

CHAPTER V.

MUNICIPAL POLICE.

Police-
establish-
ment.

54. (1) Every committee shall, unless it is relieved of the obligation by the Local Government, maintain a sufficient police-establishment for police-requirements within the limits of the municipality and for the performance of the duties imposed on the committee by this Act.

(2) Subject to the provisions of the Cantonments Act, 1889, the establishment maintained under subsection (1) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of the Police Act, 1861, or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the District Magistrate and the Inspector General of Police, and subject to the final decision of the Local Government, direct. XIII of 1889.
V of 1861.

Relief of
committee
from police-
charges.

55. (1) The Local Government may relieve any committee of the cost of the whole or a part of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the estimated cost of such relief or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than such relief.

(2) When

XIII of 1889. V of 1861. (2) When a committee is relieved under this section of the cost of the whole or a part of the police-establishment, the Local Government shall maintain such police-establishment as it considers necessary, and, subject to the provisions of the Cantonments Act, 1889, the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of the Police Act, 1861, or partly one and partly the other.

56. (1) Where the establishment maintained under this Chapter is wholly or in part a body of watchmen, the watchmen shall—

Appointment, liabilities and duties of municipal watchmen.

(a) be, under the orders of the District Superintendent of Police, subject to the general control of the District Magistrate;

(b) be, in respect of their appointment, promotion, dismissal, suspension or punishment and in respect to their duties generally, subject to such rules as may be made in this behalf under this Act; and

(c) possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities, and be liable to the same penalties as if they were police-officers enrolled under the Police Act, 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

V of 1861. 57. If the establishment maintained under this Chapter or any portion of such establishment is part of the general police-force, the Local Government may, notwithstanding anything in the Police Act, 1861, or in any other enactment for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

Duties of municipal police enrolled under Act V of 1861.

58. Where

Police-protection at fairs, etc.

58. Where special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, or any religious ceremony or festival held within the municipality, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

59. Where any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

60. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose, and may divert, discontinue or permanently close any street vested in the committee and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets or land.

61. The committee may, by order in writing, permit the temporary occupation of any street or land vested in it for the purpose of depositing any building-materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission,

permission, and may at its discretion withdraw the permission.

62. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury to the building or inconvenience to the owner or occupier or to the public.

Power to attach brackets for lamps.

63. The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Names of streets and numbers of buildings.

64. The committee at a meeting may direct that, within certain limits to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other inflammable materials unless with the written permission of the committee; and the committee may, by notice, require any person to remove or alter as it may think fit the roofs or walls so made or renewed.

Roofs and external walls not to be made of inflammable materials.

65. (1) Where any building or part of a building projects beyond the front of the building which is on either side thereof, or beyond the regular line of a street, either existing or determined on for the future, the committee may, if the building or part has been either entirely or in greater part taken down or burnt down or has fallen down, require by notice that the building or part, when being re-built, shall be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Power to regulate line of buildings.

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it

thinks

thinks fit, allow any building to be set forward for the improvement of the line of the street.

Power to regulate new building.

66. (1) Every person who intends to erect or re-erect—

- (a) any building abutting on or adjoining any street, or any public place or property vested in His Majesty or in the committee;
- (b) any building, if so required by any by-law made under section 105,

shall give notice in writing of his intention to the committee, and the committee may either refuse to sanction the said building or may sanction the said building absolutely or subject to any written directions which the committee may deem fit to issue in respect of all or any of the matters following, namely:—

- (i) the free passage or way in front of the building;
- (ii) the space to be left about the building to secure the free circulation of air and facilitate scavenging and for the prevention of fire;
- (iii) the ventilation of the building, and the provision and position, materials, and method of construction of drains, privies or cess-pools;
- (iv) the level and width of foundation, the level of lowest floor and stability of structure;
- (v) the line of frontage with neighbouring buildings, if the building abuts on a street; and
- (vi) the means to be provided for egress from the building in case of fire;

and the person erecting or re-erecting any such building as aforesaid shall obey all such written directions:

Provided that the committee shall not refuse to sanction the erection or re-erection of such building except on the ground that its erection or re-erection would

would be prejudicial to the health, safety or convenience of the public, or of persons who dwell or occupy property in the vicinity, or that, having regard to the locality, it is unsuitable in plan or design, or for other reasonable cause assigned : and

Provided, also, that the committee shall make full compensation to the owner for any loss or damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) The committee may require any person, who has given such notice, to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site plan of the land, with such reasonable details as the committee may prescribe in the requisition; and in such case the notice shall not be valid until such plans and specification have been supplied.

(3) Where the committee neglects or omits for one month after the receipt of a valid notice under subsection (1) to make and deliver to the person who has given such notice any order in respect thereof, and such person has by written communication called the attention of the committee to the omission or neglect, and, where such omission or neglect continues for a further period of fifteen days, the committee shall be deemed to have sanctioned the proposed building absolutely.

(4) Where the building so sanctioned is not begun by the person who has obtained such sanction, or by some one lawfully claiming under him, within six months from the date when such sanction is given, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the committee in the manner aforesaid, and thereupon the provisions of this section shall apply to such fresh notice.

(5) Where

(5) Where any such building is begun or erected without sanction or in contravention of any written directions of the committee issued under sub-section (1), or after the sanction has lapsed, the committee may, by notice given within a reasonable time, require the building to be altered or demolished as it may deem necessary.

Explanation.—The expression “erect any building” includes the erection of any wall and all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of
projections
and over-
hanging
structures.

67. (1) No person shall, without the written permission of the committee, add to or place against or in front of any building, any projection or structure overhanging, projecting into, or encroaching on any street or into, on or over any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any such projection or structure :

Provided that, in the case of any such projection or structure lawfully in existence at the commencement of this Act, the committee shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The committee may, by order in writing, permit the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall, and at a height from the level of the ground or street, to be specified in the written permission.

Exemption of
Government

68. Nothing in sections 59 to 67 shall apply to any building

building or land within the limits of a municipality which is the property of His Majesty.

buildings or lands from the operation of sections 59 to 67.

Bathing and Washing Places.

69. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants of the municipality, and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts not so permitted which may render water in public places foul or unfit for use or may cause inconvenience or annoyance to persons using the bathing or washing places.

Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

70. The committee may fix places within or, with the approval of the Deputy Commissioner, without the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

71. (1) The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to, or are under the control

Places for slaughter of animals.

232. *Municipalities (Central Provinces)*. [ACT XVI
(Chapter VI.—Powers for Sanitary and other Pur-
poses.—Sections 72-73.)

control of, the committee, charge rent or fees for the use of the same.

(2) Where such places are fixed by the committee without the limits of the municipality, it shall have the same power to make rules for the inspection and proper regulation of the same, as if they were within those limits.

(3) Where any such place has been fixed, no person shall slaughter for sale any such animal at any other place within the municipality.

Slaughter of animals for other purposes.

72. Where it appears to the Deputy Commissioner to be necessary for the preservation of the public peace or order, he may, with the previous sanction of the Commissioner and by notification published in the manner prescribed, prohibit or regulate the slaughter within the limits of a municipality of animals, or of any specified description of animals, for purposes other than sale, and specify the mode and route in and by which meat shall be conveyed from the place where such animals are slaughtered.

Special provisions with respect to disposal of dead bodies of animals.

73. (1) Where any animal in the charge of any person dies otherwise than by being slaughtered either for sale or consumption or for some religious purpose, the person in charge thereof shall within twenty-four hours, either—

(a) convey the carcass to a place (if any) fixed by the committee under section 70 for the disposal of the dead bodies of animals, or, where no such place has been fixed, to a place without the limits of the municipality not being within one mile of those limits where such bodies may lawfully be deposited;

(b) give notice of the death to the committee, whereupon the committee shall cause the carcass to be disposed of.

(2) In respect of the disposal of a carcass under sub-section (1), clause (b), the committee may charge such

such fee as may from time to time be fixed by resolution of the committee in this behalf.

74. For the purposes of sections 70, 71, 72 and 73, all cattle, elephants, camels, horses, asses, mules, deer, sheep, goats, swine and other large animals shall be deemed to be "animals".

Definition of "animal."

Burial and Burning Places.

75. (1) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Act, without the permission in writing of the committee.

76. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Removal of corpses.

Inflammable Materials.

77. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting grass, straw, cotton, wood or other inflammable materials, or placing mats or thatched huts or lighting fires, in any place or within any limits specified in the notice.

Inflammable materials.

Powers of Entry and Inspection.

Powers in
respect of
drains,
privies and
cess-pools.

78. (1) The committee, by any person authorized by it in this behalf, may, between sunrise and sunset, enter into any building or upon any land, and inspect any drains, privies or cess-pools therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cess-pools.

(2) Where, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but where it is found that no nuisance exists, or but for such opening would have existed, the ground or portion of any building, drain or other work (if any) opened, injured or removed for the purposes of such inspection shall be filled in, restored and made good by the committee.

(3) No building other than a latrine directly accessible from any street or public place shall be entered under this section unless six hours' notice has been given to the occupier of the building by the committee or by the person authorized by the committee to make the entry.

Powers of
entry on
buildings or
land.

79. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier or, where there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

(a) enter upon and survey and take levels of any land;

(b) enter and inspect any building and by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons;

(c) enter

- (c) enter and measure any building for the purpose of valuation;
- (d) enter any building or upon any land for the purpose of examining works under construction, of ascertaining the course of sewers, or drains or of executing or repairing any work which the committee is by this Act empowered to execute or maintain.

80. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any animal or vehicle which is liable to taxation under this Act and for which the tax has not been duly paid.

Power to enter for discovery of animals or vehicles liable to taxation.

81. (1) The committee, by any person authorized by it in this behalf, may, at all reasonable times, enter and inspect any market, building, shop, stall or place used for the sale or storage of articles intended for human consumption or as a slaughter-house, or for the sale of drugs, and inspect and examine any article, animal or drug which may be therein; and, where any such article or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same; or, where the owner or the person in whose possession the same is found consents, may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption; and, in case any drug is reasonably suspected of being adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause any such article, animal or drug to be brought before a Magistrate.

Power in respect of places used for sale or storage of articles for human consumption as slaughter-houses or for sale of drugs.

(2) Where the committee, or any person authorized by it in this behalf, applies to purchase any article intended for human consumption or any drug exposed for sale, and tenders the price for a quantity such

236 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter VI.—Powers for Sanitary and other Pur-
poses.—Sections 82-83.)

such as may be reasonably requisite for the purpose of analysis, the person exposing the same for sale shall be bound to sell such quantity.

Power of entry in certain cases for purposes connected with scavenging.

82. (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cess-pool or other receptacle for offensive matter pertaining to any building or land with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(2) Where the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter upon the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter upon the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Power in respect of inflammable or explosive material when stored in excess of authorized quantity.

83. (1) The committee may, at any reasonable time, by any person authorized by it in this behalf, enter and inspect any house or building which is suspected to contain petroleum or any other explosive or inflammable material in excess of the quantity permitted to be kept in such house or building by or under this Act.

(2) Where any such excess quantity of such material is discovered, it may be seized and held subject to such orders as the District Magistrate may make with respect thereto.

(3) Where the District Magistrate decides that the material seized was stored in the house or building, in contravention of this Act or of any rule or public notice

notice made or published thereunder, he may pass an order confiscating the same.

(4) Subject to any rules for the time being applicable thereto, the material so confiscated may be sold by order of the District Magistrate, and the proceeds, after defraying the expenses of the sale, shall be credited to the municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceeding to which the persons storing the material in excessive quantity may be liable.

84. Where any building used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and, before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

85. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to cause injury to the street or inconvenience to persons passing along the street.

Troughs and pipes for rain-water.

86. (1) The committee may, by notice, require the owner of any building to provide, in such manner as the committee directs, any privy or cess-pool, or additional privies or cess-pools, which should in the opinion of the committee be provided for the building or the land appurtenant thereto.

Provision of privies or cess-pools.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think

think fit and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trap-door of a privy opening on to any street or drain.

Repair and closing of privies, drains or cess-pools.

87. (1) The committee may, by notice, require the owner or occupier of any building or land to repair or alter or put in good order any privy, drain or cess-pool, or to close any cess-pool belonging thereto, or to connect any drain on such building or land with any public drain :

Provided that no owner or occupier shall be bound under this sub-section, in order to establish such connection, to carry out any work on land or premises not owned or occupied by him to a greater distance than twenty-five feet.

(2) The committee may, by notice, require any person who constructs any new privy, drain or cess-pool without its written permission or in contravention of its directions or of the provisions of this Act, or who constructs, re-builds or opens any privy, drain or cess-pool which the committee has ordered to be removed or stopped up or not to be made, to remove the privy, drain or cess-pool, or to make such alteration therein as the committee thinks fit.

Unauthorized building over drains.

88. The committee may, by notice, require any person who without its written permission erects or re-builds any building over any public sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the building as it thinks fit.

Removal of drains, latrines or cess-

89. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal,

urinal, cess-pool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use to remove or close the same within one week from the service of the notice.

pools near any source of water-supply.

90. The committee may, by notice, require the owner or occupier of any building or land to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive to the neighbourhood :

Power to require drainage of unwholesome tanks.

Provided that, if for the purpose of effecting under this section any drainage it is necessary to acquire any land not belonging to such owner or occupier or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

91. Where any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or the occupier thereof to repair, protect or enclose the same; and, where it appears to the committee to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks or excavations to be secured.

92. Where any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, the committee may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure or thing affixed thereto as it considers necessary for the public safety; and, where it appears to the committee to be necessary in order to prevent

Power to require building, wall or structure in ruinous or dangerous state to be removed or repaired.

imminent

imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in Insanitary Condition.

Power to
require owner
to clear away
noxious
vegetation.

93. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to the neighbourhood.

Power to
require owner
to trim hedges
and trees
bordering on
street.

94. The committee may, by notice, require the owner or occupier of any land to cut or trim, within three days, the hedges standing on the land and bordering on any street, or the branches of trees growing on the land and overhanging any street and obstructing the same or causing danger thereto, or so overhanging any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to
require filthy
buildings or
land to be
cleaned.

95. Where the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him to cleanse the same or otherwise put it in a proper state within twenty-four hours.

Power to
prohibit use
for human
habitation of
buildings
unfit for such
use.

96. Where any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or for other sufficient reason, the committee may, by notice, prohibit the owner or occupier of the building from using it for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to
require un-
tenanted
buildings
becoming a
nuisance to
be secured or
enclosed.

97. The committee may, by notice, require the owner, or any person claiming to be the owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or
enclose

enclose the same within a reasonable time specified in the notice.

98. Where the civil surgeon or health officer certifies that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner,—

Power to Local Government to prohibit cultivation, use of manure or irrigation injurious to health.

(a) in any place within the limits of the municipality, is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood; or

(b) in any place within or without the limits of the municipality, is likely to contaminate the water-supply of the municipality or otherwise render it unfit for drinking purposes;

the Local Government may prohibit the cultivation of such crop, the use of such manure, or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury:

Provided that, if the act prohibited has been practised in the ordinary course of husbandry at any time during the five years next preceding the date of the prohibition, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by such prohibition.

Offensive and Dangerous Trades.

99. (1) No place within the limits of the municipality shall be used—

Regulation of offensive and dangerous trades.

(a) for melting tallow; or

(b) for boiling bones, offal or blood; or

(c) as a soap-house, oil-boiling-house, dyeing house or tannery; or

(d) as a brick-kiln, pottery or lime-kiln; or

(e) as any other manufactory or place of business from which offensive or unwholesome smells arise; or

(f) as
R

242 *Municipalities (Central Provinces).* [ACT XVI
(Chapter VI.—Powers for Sanitary and other Pur-
poses.—Sections 100-102.)

(f) as a yard or depôt for trade in hay, straw, cotton, thatching grass, wood or coal, or petroleum or any other explosive or inflammable material,

except under a license obtained by the owner or occupier from the committee and renewable annually.

(2) No such license shall be withheld unless the committee considers that the business which it is intended to establish or maintain, would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

(3) The committee may charge fees for the issue and renewal of such licenses, and may impose such conditions in respect thereof as it thinks fit.

Power to prohibit such trades.

100. Where it is shown to the satisfaction of the committee at a meeting that any place licensed under section 99 is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, by notice, require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Milkmen and others not to keep animals or cattle without license.

101. (1) Within such limits as the committee may determine, no milkman, cartman or keeper of hackney-carriages shall keep horses, ponies or cattle for the purpose of trade or business, except under a license obtained by such person from the committee and renewable annually.

(2) The committee may charge a fee not exceeding one rupee for the issue or renewal of any such license, and may impose such conditions in respect thereof as it thinks fit.

Sale of Food, Drink and Drugs.

Power to make by-laws as to sale of articles intended for

102. (1) The committee may, from time to time, make by-laws, consistent with this Act,—

(a) to regulate the sale or exposure for sale of any specified

1903.] *Municipalities (Central Provinces).* 243
(Chapter VI.—Powers for Sanitary and other Pur-
poses.—Section 102.)

specified articles intended for human con- human con-
sumption or drugs, either by rendering sumption and
licenses necessary or otherwise; drugs.

- (b) to fix fees for the grant of such licenses and prescribe the conditions subject to which they may be granted and revoked;
- (c) to regulate the hours and manner of transport within the municipality of such specified articles or drugs;
- (d) to fix the places in which such specified articles or drugs may or may not be sold or exposed for sale;
- (e) to prohibit the sale of the flesh of animals not slaughtered at a place fixed, or in accordance with a license granted, under section 71;
- (f) to require sellers of meat to procure from, and on requisition to produce to, the person or persons empowered in this behalf by the committee, passes showing that their meat has been slaughtered in a place fixed or licensed under section 71 and in accordance with any by-laws made under section 105, sub-section (1), clause (b) : and
- (g) to regulate the sanitary condition of bakeries, dairies and places where milch animals are kept for profit :

Provided that no person shall be punishable for the breach of any by-law made under clause (a) or clause (d) by reason of the continuance of such sale or exposure for sale upon any premises which are at the time of the making of such by-law used for such purpose and have been so used for a period of not less than one year, until he has received from the committee six months' notice to discontinue such sale or exposure for sale in such premises.

(2) In making any by-law under this section, the committee may direct that a breach of it shall be

be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

(3) No by-law made under this section shall come into force until it has been confirmed by the Local Government and published for the prescribed time and in the prescribed manner.

Disposal of Dogs.

Disposal of
mad and
stray dogs.

103. (1) The committee, by any person authorized by it in this behalf, may—

- (a) destroy or cause to be destroyed, or confine or cause to be confined, for such period as the committee may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies;
- (b) confine, or cause to be confined, any dogs found wandering about streets or public places without collars or other marks distinguishing them as private property, and charge a fee for such detention, and destroy or otherwise dispose of any such dog if it is not claimed within one week and the fee paid;
- (c) appoint from time to time, by public notice, certain periods within which any dogs without collars or other marks distinguishing them as private property, found straying on the streets or beyond the enclosures of houses of the owners of such dogs, may be destroyed and destroy or cause them to be destroyed accordingly.

(2) No compensation shall be payable in respect of any dog destroyed or otherwise disposed of under this section.

Restraint

Restraint of Infection.

104. Where the committee, on the report of the civil surgeon or health officer, considers that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, it may,—

Prohibition by committee of use of unwholesome water.

- (a) by public notice, prohibit the removal or use of such water for drinking ;
- (b) by notice, require the owner or person having control of such well, tank or place either to keep the water disinfected to the satisfaction of the civil surgeon or health officer, or to take such steps as may be specified in the notice to prevent the public from having access to or using such water.

By-laws generally.

105. (1) The committee may, from time to time, make by-laws, consistent with this Act,—

General power to make by-laws.

- (a) for protecting from injury or interference anything within the limits of the municipality being the property of His Majesty or of the committee ;
- (b) for inspecting and regulating the use of encamping grounds, halting-places, pounds, sarais, markets, dhobis' ghats, slaughter-houses, places for the disposal of dead animals, and any places of public entertainment and resort, and for the charge of fees for the use of such buildings and places when vested in the committee ;
- (c) for licensing brokers, measurers and weighmen practising their calling in public places within the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked ;

(d) for

246 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter VI.—Powers for Sanitary and other Pur-
poses.—Section 105.)

- (d) for prescribing the standard weights and measures to be used within the municipality ;
- (e) for controlling and regulating the use and management of burial and burning grounds, and fixing the fees to be charged where such grounds have been provided by the committee ;
- (f) for prescribing the means by which the owner or occupier of any place which is a factory within the meaning of the Indian Factories Act, 1881, is to provide for the consumption of the smoke of any chimney or furnace so as to prevent the smoke from being a nuisance to any person in the neighbourhood ;
- (g) for licensing proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked ;
- (h) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance or of animals hired to carry loads, or for the services of persons hired to carry loads where those conveyances, animals or persons are hired within the municipality for a period not exceeding twenty-four hours ; or for a service which would ordinarily be performed within twenty-four hours ;
- (i) for securing a proper registration of births, marriages and deaths ;
- (j) for the proper regulation of buildings let in lodgings or occupied by coolies or by more than one family ;

XV of 1881.

(k) for

- (k) for the supervision and regulation of public cisterns, water-standards, wells, tanks, springs or other sources of public water-supply; and, where water is supplied from a public source to any private premises, for regulating and controlling such supply;
- (l) for controlling and regulating the duties of sweepers and other persons employed by the committee for the clearing of drains and the removal and disposal of sewage and filth, and prescribing the conditions on which they may withdraw from employment;
- (m) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purposes of that tax;
- (n) for the regulation of building within the municipality;
- (o) for regulating the storage of any petroleum or other explosive material;
- (p) for regulating or prohibiting the keeping of animals of any specified description;
- (q) for regulating and prohibiting the stationing of carts or picketing of animals on any ground under the control of the committee or the using such ground as a halting-place for vehicles or animals or as a place for encampment or the causing or permitting any animal to stray;
- (r) for regulating traffic in the streets; and
- (s) generally, for carrying out the purposes of this Act.

(2) In making any by-law under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing breach, with further fine which may extend to five rupees for every

every day after the first during which the breach is proved to have been persisted in.

(3) No by-law made under this section shall come into force until it has been confirmed by the Local Government and published for the prescribed time and in the prescribed manner.

(4) Notwithstanding anything in this section, the committee of a municipality in which the Hackney-carriage Act, 1879, is in force, shall not make by-laws under sub-section (1), clauses (g) and (h), in respect of any vehicles to which that Act applies. XIV of 1879.

Power to prohibit commission of public nuisances.

106. Subject to any orders which the Local Government may make in this behalf, the committee may order any person not to do, or not to omit to do, within the limits of the municipality, anything the doing of, or the omission to do, which is a public nuisance under the Indian Penal Code. XLV of 1860.

Powers as to conditional orders in respect of certain acts and omissions.

107. (1) The Local Government may invest, within the limits of a municipality, the committee with the powers of the District Magistrate as described in section 133 of the Code of Criminal Procedure, 1898, and with power to make conditional orders of the nature referred to in that section, in respect of all or any acts or omissions punishable under by-laws made in exercise of the powers conferred by section 105, sub-section (1), clauses (a), (b), (e), (j) and (k). V of 1898.

(2) Sections 133 to 142 of the Code of Criminal Procedure, 1898, shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers: V of 1898.

Provided that, for the purposes of such proceedings, section 133 of the Code shall be read as if for the words "before himself or some other Magistrate of the first or second class" the words "before the District Magistrate or some Magistrate of the first or second class appointed by him in this behalf" were substituted.

108. (1) The committee may, at a special meeting,

meeting, delegate to one or more sub-committees of its members any of the powers which are vested in the committee by section 106, or with which the committee may have been invested under section 107. to sub-committees.

(2) Any notice, which under this Chapter may be given by a committee, may be given by a sub-committee, if the by-laws so provide.

CHAPTER VII.

OFFENCES AND PENALTIES.

109. Whoever, without the written permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees. Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

110. Whoever, without the written permission of the committee, causes or allows the water of any sink, sewer or cess-pool, or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees. Discharging sewage.

111. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees. Failure to remove offensive matter.

112. Whoever,

Making or
altering
drains
without
authority.

112. Whoever, without the written permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the channels, sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Making or
keeping
latrines near
any source
of water-
supply.

113. Whoever makes, without the written permission of the committee, or keeps for a longer time than one week after a notice to remove or close issued under section 89, any drain, latrine, urinal, cess-pool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, where a notice has issued, with further fine which may extend to five rupees for each day during which the offence is proved to have been persisted in after the lapse of the period allowed for removal or closure.

Feeding
animals on
deleterious
substances.

114. Whoever feeds or allows to be fed on any deleterious substance, filth or refuse of any kind any animal which is kept for dairy purposes or is intended for human consumption shall be punishable with fine which may extend to fifty rupees.

Neglect of
the rule of
the road.

115. Whoever, in driving a vehicle in any street, fails, except in case of actual necessity, to keep to the left when passing a vehicle coming from the opposite direction and to the right when passing a vehicle going in the same direction, shall be punishable with fine which may extend to ten rupees.

Driving
vehicles
without
proper means
of control or
lights.

116. Whoever drives any vehicle without having proper means of controlling any animal harnessed therein, or drives any vehicle of any kind after dark in any street unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging
fire-arms, etc.

117. Whoever discharges fire-arms or lets off fireworks

fireworks or fire-balloons, or flies kites, or engages in any game, in such a manner as to cause or be likely to cause danger or annoyance to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

118. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, or of any vehicle drawn by bullocks, shall be punishable with fine which may extend to twenty rupees.

Control of elephants and camels.

119. Whoever, in disregard of any orders of the committee, takes any animal or vehicle along a street shall be punishable with fine which may extend to twenty rupees.

Taking animals or vehicles along public roads.

120. Whoever, in disregard of any orders made by the committee with the sanction of the Deputy Commissioner, beats any drum or sounds any musical instrument so as to cause annoyance to the public, shall be punishable with fine which may extend to twenty rupees.

Beating drum or sounding musical instrument.

121. Whoever wilfully or negligently lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause, injury, danger, alarm or annoyance to any person, or suffers any ferocious dog to be at large without a muzzle, shall be punishable with fine which may extend to fifty rupees.

Suffering animals to be at large.

122. Whoever, without the written permission of the committee, alters, obstructs or encroaches upon any street, public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall be punishable with fine which may extend to fifty rupees.

Altering, obstructing or encroaching upon streets.

123. Whoever

252 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter VII.—Offences and Penalties.—Sections
123-130.)

Quarrying,
blasting,
cutting
timber or
building.

123. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Making or
selling food
when suffer-
ing from
disease.

124. Whoever, when suffering from any infectious or contagious disease, makes or offers for sale any article intended for human consumption, shall be punishable with fine which may extend to two hundred rupees.

Disturbing
direction-
posts or
lamps.

125. Whoever, without the authority of the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light maintained by the committee in any street or public place, shall be punishable with fine which may extend to twenty rupees.

Destroying
or defacing
names or
numbers.

126. Whoever destroys, pulls down or defaces any name or number put up under section 63 by order of the committee, or puts up any different name or number, shall be punishable with fine which may extend to twenty rupees.

Slaughtering
animals
contrary to
section 71.

127. Whoever, in contravention of the provisions of section 71, slaughters for sale any animal at any place within the municipality other than the place fixed under that section, shall be punishable with fine which may extend to twenty rupees.

Slaughtering
animal or
conveying
meat con-
trary to
notification
under section
72.

128. Whoever slaughters any animal or conveys meat from the place of slaughter in contravention of any notification under section 72, shall be punishable with fine which may extend to two hundred rupees.

Improper
disposal of
dead bodies
of animals.

129. Whoever fails to comply with the provisions of section 73 in regard to the disposal of dead bodies of animals, shall be punishable with fine which may extend to ten rupees.

Burying or
burning
corpse con-

130. Whoever buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or

or burning ground made or formed in contravention of the provisions of section 75, or after the date fixed thereunder for closing the same, shall be punishable with fine which may extend to fifty rupees.

trary to section 75.

131. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to twenty rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

132. (1) Whoever sells to the prejudice of any purchaser any article intended for human consumption which is not of the nature, substance or quality of the article demanded by such purchaser, shall be punishable with fine which may extend to one hundred rupees.

Selling article for human consumption of a nature different from the article demanded.

(2) The provisions of sub-section (1) shall not apply in the following cases, namely:—

(a) where any matter or ingredient not injurious to health has been added to the article in order to make it fit, as an article of commerce, for carriage or consumption, and not with intent fraudulently to increase its bulk, weight or measure or to conceal its inferior quality;

(b) where the article is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(3) The provisions of sub-section (1) shall apply to the purchase under section 81 of any article for the purpose of analysis.

133. Where any animal, article or drug is brought before a Magistrate under section 81, sub-section (1), the Magistrate, if it is proved that the article or animal was intended for the consumption of man and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent

Possession of article or animal unfit for human consumption or adulterated drug.

254 *Municipalities (Central Provinces)*. [ACT XVI
(Chapter VII.—Offences and Penalties.—Sections
134-138.)

prevent its being exposed for sale or used for human consumption, and the drug to be dealt with as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees :

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, shall not be liable to fine under this section.

Refusing to
sell food or
drink.

134. Whoever, in contravention of the provisions of section 81, sub-section (2), refuses to sell any article intended for human consumption, shall be punishable with fine which may extend to fifty rupees.

Cultivating,
manuring or
irrigating
contrary to
section 98.

135. Whoever cultivates, uses manure or irrigates in disregard of the prohibition or conditions imposed under section 98, shall be punishable with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day after the first during which the offence is proved to have been persisted in.

Using places
for certain
trades with-
out license.

136. Whoever, in contravention of the provisions of section 99 or of section 101, uses without a license any place for any purpose mentioned in either of those sections, shall be punishable with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day after the first during which the offence is proved to have been persisted in.

Using
places for
offensive or
dangerous
trades after
prohibitory
notice.

137. Whoever, after notice has been given under section 100, uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day after the first during which the offence is proved to have been persisted in.

Soliciting for
purposes of
prostitution.

138. Whoever, in any street or public place within the limits of the municipality, loiters for the purpose
of

of prostitution, or importunes any person to the commission of sexual immorality, shall be punishable with fine which may extend to fifty rupees :

Provided that no Court shall take cognizance of an offence under this section except on the complaint of the person importuned, or of a police-officer not below the rank of a Sub-Inspector and specially authorized in this behalf in writing by the Deputy Commissioner or by the committee, or of an officer of the committee specially authorized in this behalf in writing by the Deputy Commissioner.

139. Whoever disobeys any lawful direction given by public notice under the powers conferred by Chapter VI, or any written notice lawfully issued under the powers so conferred, or fails to comply with the conditions subject to which any permission was given to him under those powers, shall, where the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in :

Disobedience to orders not punishable under any other section.

Provided that, where the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

140. Any prosecution for an offence punishable under section 130 or section 137 or section 139, where the order which has been disobeyed is appealable, shall, when the Magistrate learns that an appeal has been instituted from the order which has been disobeyed, be suspended pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against the section.

Prosecution to be suspended in certain cases.

CHAPTER VIII.

CHAPTER VIII.

EXTINCTION AND PREVENTION OF FIRE.

Establishment and maintenance of fire-brigade.

141. For the prevention and extinction of fire the committee may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the committee may think necessary for the efficient discharge of their duties by the brigade.

Power of fire-brigade and other persons for suppression of fires.

142. (1) On the occasion of a fire within the limits of a municipality, any Magistrate, the secretary of the committee, any member of the committee, any member of a fire-brigade maintained by the committee then and there directing the operations of men belonging to the brigade, and, if directed so to do by a Magistrate or the secretary or a member of committee, any police-officer above the rank of constable, may—

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property ;
- (b) close any street or passage in or near which any fire is burning ;
- (c) for the purpose of extinguishing the fire, break into or through or pull down or cause to be broken into or through or pulled down, or used for the passage of hoses or other appliances, any premises ;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred ;
- (e) call on the persons in charge of any fire-engine to render such assistance as may be possible ; and
- (f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) No

(Chapter VIII.—*Extinction and Prevention of Fire.*
—Sections 143-144. Chapter IX.—*Control.*—
Section 145.)

(2) No person shall be liable to pay compensation for any act done by him in good faith under sub-section (1).

(3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

143. The powers conferred by section 142 shall be subject to such regulations, conditions and restrictions as may be prescribed.

Powers subject to prescribed regulations, etc.

144. This Chapter shall not take effect in any municipality until it has been specially applied thereto by the Local Government at the request of the committee.

Operation of Chapter.

CHAPTER IX.

CONTROL.

145. The Commissioner or the Deputy Commissioner, not being a member of the committee, may—

Control by Commissioner or Deputy Commissioner.

(a) enter upon and inspect, or cause to be entered upon and inspected, any immoveable property situate within the limits of his division or district and occupied by any committee or joint committee, or any work in progress within those limits under the direction of a committee or joint committee;

(b) by order in writing, call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within those limits;

(c) by order in writing, require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties

duties of the committee or joint committee as he may think fit to call for; and

- (d) record, for the consideration of any such committee or joint committee, any observations which he may think proper in regard to the proceedings or duties of the committee.

Power to suspend action under Act.

146. (1) The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of the division or district, as the case may be, the execution of any resolution or order of a committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order or the doing of the act is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(2) Where a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order, or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

147. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) Where the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal

municipal fund to pay the expense, or as much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred on him by this section.

148. (1) Where at any time it appears to the Local Government that a committee has made default in performing any duty imposed on it by or under this or any other Act, the Local Government may, by order in writing, fix a period for the performance of that duty.

Powers of Local Government in case of default of committee.

(2) Where that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as the Local Government may fix, to the Deputy Commissioner by the committee.

(3) Where the expense is not so paid, the Deputy Commissioner, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible from the balance, in priority to any or all other charges against the same.

149. (1) Where at any time it appears to the Local Government that a committee is not competent to perform, or persistently makes default in the performance of, its duties under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous sanction of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

(2) Where

(2) Where a committee is so superseded, the following consequences shall ensue, namely:—

- (a) all members of the committee shall, as from the date of the order, vacate their offices as such members;
- (b) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf;
- (c) all property vested in the committee shall, during the period of supersession, vest in His Majesty.

(3) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted and the persons who vacated their offices under sub-section (2), clause (a), shall not be deemed disqualified for being members.

Power of
Local Gov-
ernment to
frame forms
and make
rules.

150. (1) The Local Government may frame forms for any proceedings of a committee for which it considers that forms should be provided, and may make rules, consistent with this Act, to carry out the purposes and objects thereof for the guidance of committees and public officers generally.

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

- (a) for the collection of taxes imposed under this Act;
- (b) as to the election or appointment and the term of office of presidents, vice-presidents and members of committees;
- (c) as to the division of municipalities into wards or of the inhabitants into classes, or both, the number of representatives to be appointed for each ward or class and the manner of their appointment; and as to the qualification

(Chapter IX.—Control.—Section 150.)

qualification of electors and of candidates for election ;

- (d) as to the registration of electors, the nomination of candidates, the time of election, the mode of recording votes and generally for regulating all matters connected with the system of representation and election ;
- (e) as to the appointment, promotion, suspension, reduction, punishment and dismissal of the servants of committees ;
- (f) as to the intermediate office or offices (if any) through which correspondence between committees and the Local Government or its officers and representations addressed under this Act to the Local Government, are to pass ;
- (g) as to the accounts to be kept by committees, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;
- (h) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned, and as to the sanction (if any) to be required before committees incur any expenditure ;
- (i) as to the fees to be levied on processes issued by Magistrates under section 44 ;
- (j) as to the language in which the proceedings and correspondence of committees are to be conducted and recorded and as to the returns, statements and reports to be submitted by committees ;
- (k) as to the powers to be exercised by members of a fire-brigade and others on the occasion of a fire in a municipality ; and
- (l) for

(1) for the regulation of proceedings of persons empowered to accept composition for offences committed or alleged to have been committed against this Act or any rules or by-laws made thereunder.

General powers of Local Government and Commissioner.

151. In all matters connected with this Act the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER X.

SUPPLEMENTAL.

Notices.

Authentication, service and validity of notices.

152. (1) Every notice issued by a committee under this Act shall be in writing and shall be sufficiently authenticated by the signature of the president, vice-president or secretary, and may be served by being delivered to the person to whom it is addressed, or by being left at his usual place of abode or business with some adult male member or servant of his family, or, where it cannot be so served, may be posted on some conspicuous part of his usual place of abode or business.

(2) Where the usual place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) Where the usual place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) Where the usual place of abode or business of the

the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act shall be invalid for defect of form.

153. (1) Where any notice issued by a committee under this Act requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

Execution of acts required to be done by any notice.

(2) Where it is provided that any such notice should be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them :

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

(3) Where the terms of any such notice have not been complied with, the committee may, after not less than six hours' notice, cause the act to be done by its officers.

154. Where any notice is under this Act to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

Mode of giving notice to owner or occupier of property.

- (a) by delivering a written notice to some person on the property, or, where there is no person on the property to whom the notice can be delivered, by fixing it on some conspicuous part of the property; or
- (b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

155. Every

Publication
of public
notices.

155. Every public notice given by a committee under this Act shall be published by proclamation or in the prescribed manner.

Miscellaneous.

Recovery
of costs of
execution.

156. (1) Where the owner or occupier of property is required under this Act by the committee to execute any work and makes default in complying with the requisition, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) Where the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent due or from time to time accruing due from him to the owner of the property in respect of which the payment is made, or may otherwise recover such sum from the owner.

(3) An occupier shall not be required to pay under sub-section (2) any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application duly made to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent which was due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or, on application to a Magistrate having jurisdiction within the limits of the municipality, by distress and sale
of

(Chapter X.—Supplemental.—Sections 157-158.)

of the moveable property of the person from whom the money is recoverable, and, where it is payable by the owner of property, it shall, until it is paid, be a charge on the property.

(5) Nothing in any contract between an owner and occupier shall affect any right conferred on an occupier by this section.

157. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any power vested in the committee, its officers or servants, under this Act, and shall, subject to the other provisions of this Act, make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

Compensation out of municipal fund.

(2) Where any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, sections 3, 8 to 34, 45 to 47, and 50 to 52, so far as they can be made applicable.

1 of 1894.

158. (1) Every police-officer employed within the limits of the municipality shall give immediate information to the committee of any offence committed against this Act or the rules or by-laws thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

Powers and duties of police in respect of offences against Act, and assistance to municipal authorities.

(2) Any such police-officer, and, in the absence of a police-officer, any officer of the committee empowered in this behalf by the general or special order of the Local Government, may arrest any person committing in his view any offence punishable under sections 115 to 120—

(a) where the name and address of the person are unknown to him, and

(b) where

(b) where the person declines to give his name and address or there is reason to doubt the accuracy of the name and address given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained :

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless an order of a Magistrate for his detention is obtained.

Initiation of prosecutions.

159. (1) No Court shall take cognizance of an offence punishable only under this Act or a rule or by-law made thereunder except on the complaint of the Deputy Commissioner or of the committee or of some sub-committee or person authorized either generally or specially by the Deputy Commissioner or the committee in this behalf.

(2) For the purposes of this section, the committee may, except where otherwise expressly provided, authorize any sub-committee or person to prosecute either generally in regard to all offences against this Act and the rules or by-laws thereunder or specially in regard only to specified offences or offences of a specified class.

(3) Where the person authorized is president, vice-president, *ex-officio* member, secretary, engineer or health officer of the committee, the authority may be given by virtue of office ; but in the case of other persons the authority shall be personal. . .

(4) The authority shall in all cases be in writing and may at any time by resolution be cancelled by the committee.

Power to compound offences.

160. The Local Government may empower any committee or its president, vice-president, secretary, health officer or engineer, or any member appointed by office, or any sub-committee, to accept from any person, against whom a reasonable suspicion exists that he has committed an offence against this Act

or

or any rule or by-law made thereunder, a sum of money by way of composition for such offence.

(2) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

(4) Power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all offences under this Act and the rules and by-laws thereunder, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Local Government.

161. (1) Any person aggrieved by any order made by a committee under the powers vested in it by section 75, 86, 87, 88, 90, 96 or 100 may appeal within thirty days from the date thereof to the Deputy Commissioner; and no such order shall be liable to be called in question otherwise than by such appeal:

Appeals against certain orders of committee.

Provided that, where the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or to such other officer as may be empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order appealed from shall not be confirmed, set aside or modified until the appellant and the committee have had a reasonable opportunity of being heard.

162. An appeal shall not lie against any order made under this Act except where express provision has been made in the Act for appeal from such order; and every order made in appeal under this Act shall be final.

No appeal to lie against any order unless expressly provided for in the Act and all orders made in appeal to be final.

163. Where

Suspension of proceedings and prosecutions when appeals from certain orders preferred.

163. Where any such order as is specified in section 75, 86, 87, 88, 90, 96 or 100 is subject to appeal, and an appeal from such order has been preferred, all proceedings to enforce such order and all prosecutions for any breach thereof may, by order of the appellate authority, be suspended pending the decision of the appeal, and, where such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Procedure for making rules or by-laws.

164. The power to make rules or by-laws under section 102, 105 or 150 is subject to the condition of the rules or by-laws being made after previous publication.

Power to make rules regulating conservancy of reservoir and catchment area.

165. (1) Where the supply of water in a municipality is derived from a reservoir situate beyond the limits of the municipality, the Local Government may make rules—

- (a) prohibiting the doing in the reservoir, or in its vicinity or in or upon the catchment area thereof, any act by which the quantity or purity of the water or the safety of the reservoir may be impaired;
- (b) regulating generally the conservancy of the reservoir and of the catchment area; and
- (c) determining the compensation, if any, to be paid by the committee to any person affected by a rule made under clause (a) or clause (b).

(2) The Local Government may direct that the breach of any rule under sub-section (1) shall be punishable with fine which may extend to two hundred rupees.

Saving of Act XI of 1879. Brothels.

166. Nothing in this Act shall affect the Local Authorities Loan Act, 1879.

XI of 1879.

167. On receiving information that a house within the limits of a municipality is used as a brothel, or by disorderly persons of any description, in proximity to any school or college, or to the annoyance of the respectable

respectable inhabitants of the vicinity, or that any such house is used as a brothel in the immediate neighbourhood of a cantonment, any Magistrate of the first class, having as such jurisdiction in the place where the house is situated, may summon the owner or tenant of the house and, on being satisfied that the house is so used, and that it is a source of annoyance or offence to the neighbours, or that it is in the immediate neighbourhood of a cantonment, may order the owner or tenant to discontinue such use of it; and, if the owner or tenant fails to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used:

Provided that action under this section shall be taken only—

- (a) with the sanction or by the order of the Deputy Commissioner; or
- (b) on the complaint of three or more inhabitants of the municipality resident in the immediate vicinity of the house to which the complaint refers.

(2) This section shall not take effect in any municipality until it has been specially applied thereto by the Local Government.

168. (1) Where the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the local official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by a like notification.

Power to
except muni-
cipality from
provisions of
Act unsuited
thereto.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

CHAPTER XI.

SMALL TOWNS.

Constitution
of notified
areas.

169. (1) The Local Government may, by notification in the local official Gazette, declare that, with respect to some or all of the matters upon which a municipal fund may be expended under section 50, improved arrangements are required within a specified local area which, nevertheless, it is not expedient to constitute as a municipality.

(2) A local area in regard to which a notification has been issued under sub-section (1) is hereinafter called a "notified area".

(3) No local area shall be made a notified area if—

- (a) it contains more than ten thousand inhabitants according to the returns of the most recent official census, or
- (b) it includes merely an agricultural village or villages, and does not contain a town or bazar.

Power for
Local Gov-
ernment to
impose taxa-
tion and
regulate
expenditure
of proceeds
thereof.

170. (1) The Local Government may—

- (a) impose in any notified area any tax which could be imposed there by the committee if the notified area were a municipality;
 - (b) apply or adapt to the notified area, for the assessment and recovery of any tax imposed under clause (a), any of the provisions of this Act, or of any rules for the time being in force with respect to the assessment and recovery of any tax imposed under this Act;
 - (c) arrange for the due expenditure of the proceeds of taxes imposed under clause (a), and for the preparation and maintenance of proper accounts;
 - (d) appoint a committee of one or more persons for the purposes of clauses (b) and (c); and
- (2) extend

(e) extend to any notified area the provisions of any section of this Act subject to such restrictions and modifications (if any) as the Local Government may think fit.

(2) The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which the municipal fund of such notified area might be expended if the notified area were a municipality.

171. Where any section of this Act is for the time being extended to a notified area, the committee appointed for such notified area under section 170 shall be deemed to be a committee, and the notified area a municipality, within the meaning of the section so extended.

Application of Act to notified areas.

172. Where the Local Government cancels a notification published under section 169, the unexpended proceeds of any taxes levied in the local area to which the notification refers, under section 170, shall be applied for the benefit of the inhabitants of such area in such manner as the Local Government may think fit.

Effect of cancellation of notification issued under section 169.

CHAPTER XII.

REPEALS.

XVIII of 1889.
XII of 1891.

173. (1) The Central Provinces Municipal Act, 1889, and so much of the Repealing and Amending Act, 1891, as relates thereto, are hereby repealed. Repeals.

(2) But all municipalities declared, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into and suits instituted under the said Act, or under any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively declared, established, defined, made, issued, imposed, entered into and instituted under this Act.

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1903.

	ACT.	SECTION.
ACT X OF 1865—		
section 187 amended	VIII	2 (1)
section 242 proviso added	"	2 (2)
new section 242A inserted	"	2 (3)
sections 244 and 245 added to	"	2 (4)
new section 246 A inserted	"	2 (5)
section 250 added to	"	2 (6)
new section 277A inserted	"	2 (7)
ACT XIII OF 1875—		
sections 2 to 5 repealed	VIII	4
ACT II OF 1877—		
repealed	VIII	4
ACT XXI OF 1879—		
repealed	XV	24
ACT V OF 1881—		
substitution of proviso to section 59	VIII	3 (1)
" for section 60	"	3 (2)
sections 62 and 64 new paragraphs added	"	3 (3)
section 69 new paragraph added	"	3 (4)
ACT XX OF 1882—		
substitutions for sections 16 and 17	VI	2
ACT II OF 1886—		
section 5 (i) (j) amended	XI	2 (1)
second schedule, Parts III and IV amended	"	2 (3) & (4)
section 41 amended	"	2 (2)
ACT XIII OF 1887—		
repealed	III	42 (1)
ACT X OF 1889—		
section 47 repealed in part	V	2
new section 48 substituted	"	4
new proviso added to explanation I of Part II of first schedule	"	3
substitution for first entry in column 4 of Part I of first schedule	"	3
ACT XVIII OF 1889—		
repealed	XVI	173

[Price three annas.]

	ACT.	SECTION.
INDIAN ELECTRICITY—		
Acts done in good faith	III	41
Advisory Boards	"	32
Arbitration	"	35
Association of licensee with, or purchase of, other licensed undertakings	"	9
Date of operation	"	1 (3)
Definitions	"	2
extent	"	1 (2)
Governor General in Council to exercise powers of Local Government under Part II in certain cases	"	40
notice of new works	"	13
enquiry into accidents	"	28
opening and breaking up of streets, <i>etc.</i>	"	12
penalties	"	39
power to make rules	"	33
conditions as to exercise of power	"	34
power of telegraph authority when exerciseable	"	35
purchase of undertaking	"	7
railways, canals or docks vested in local authority, not to be interfered with	"	26
recovery of money payable under Act	"	38
reinstatement of broken up streets, <i>etc.</i> , not to be delayed; penalty	"	16
repeals	"	42
restrictions on use of energy not supplied under Pt. II	"	31
saving as to licenses granted under Calcutta Electric Lighting Act, 1895 and other licenses granted by Local Government	"	42
service of notices, <i>etc.</i>	"	37
short title	"	1 (1)
Supply of energy to public—		Pt. II
serial lines	"	17
discontinuance of supply	"	24
maximum electric power	"	22
meters	"	30
to be licensed	"	3 (1).
grant and revocation of licenses	"	4
saving as to Railways Act, 1890	"	4 (Proviso)
licensee may enter premises to ascertain consumption or remove apparatus	"	19
power of Local Government to interfere in case of licensee's default	"	29
provisions to be deemed part of license granted under Pt. II.	"	4 (1) (f) & Sch.
restrictions on licensee's power to control or interfere with use of energy	"	30
supply lines, <i>etc.</i> , near sewers, pipes or other supply lines	"	15
" exempted from attachment in certain cases	"	25
undue preference in charges for supply forbidden	"	23
Telegraphic or telephonic lines under Act XIII of 1885 may only be affected or altered after notice and subject to conditions for preventing injury	"	27

	ACT.	SECTION.
INDIAN EXTRADITION—		
Abetment	XV	13
authenticated exhibits, depositions, etc., and copies, may be received in evidence	"	17 (1)
meaning of when applied to such papers	"	" (2)
Commencement	"	1 (3)
commissions by criminal courts outside British India	"	21
convicted persons, extradition of, on escape into British India	"	12
custody under warrant of fugitive criminals from other than foreign states and re-taking of such on escape declared lawful	"	14
Definitions	"	2
extent	"	1 (2)
extradition offences	"	Sch. I.
Fugitive Offenders Act, 1881, not to be applied and worked in British India	"	19
Government may stay proceedings	"	15
Issue of order in political crimes may be refused	"	5 (1)
persons arrested under s. 54 (7) of Act V of 1898 may be detained as if arrested on warrant under section 10	"	23
person in custody may be discharged at any time	"	{ 5 (2).
Police Magistrate on section 3, Extradition Act, 1870, meaning of	"	15
power to make rules	"	6
repeals	"	22
repeals	"	24
Sea Requisition by state outside India in respect of offences on high seas	"	20
Secretary of State in section 3, Extradition Act, 1870, meaning of	"	6
short title	"	1 (1)
surrender of fugitive criminals from foreign state, procedure	"	3, 4
" " " " other than foreign states, procedure	"	Ch. III.
provisions to apply to offences committed before passing of Act	"	16
" " " " not to derogate from treaties	"	18
surrender of person undergoing sentence in British India on requisitions from other than foreign state to be conditional on re-surrender	"	{ 11
sentences of such persons to be suspended till re-surrender	"	"
treaties not to be affected derogatively by provisions as to surrender of fugitive criminals from other than foreign states	"	18
INDIAN FOREIGN MARRIAGE—		
application	XIV	1 (3)
contents of notice	"	2 (2)
extent	"	1 (2)
furnishing of certificates of notice of marriage	"	2 (4)
persons to whom notice in writing of marriage under Foreign Marriage Act, 1892, is to be given	"	2 (1)
publication of notice	"	2 (3)
short title	"	1 (1)

GENERAL OF INDIA IN COUNCIL IN THE YEAR 1903. V

	ACT.	SECTION.
INDIAN INCOME-TAX—		
Raising of taxable limit of income	XI	2 (1) [II of 1886, s. 5]
Rates of levy of tax	"	2 (3) & (4) [II of 1886, Sch. II, Pts. III & IV.]
Furnishing of information respecting incomes above Rs. 83-5-4 per mensem or Rs. 1,000 per annum	"	2 (2) [II of 1886, s. 41].
INDIAN PAPER CURRENCY—		
Areas within which currency notes are legal tender	VI	2 [XX of 1882, s. 16].
Areas within which notes are payable	"	2 [XX of 1882, s. 17]
INDIAN PORTS—		
exemption from port dues in certain cases	IV	2 [X of 1889, s. 48.]
frequency of chargeability of dues on all vessels except mail steamers and coasting vessels	"	3 [X of 1889, Sch. I first entry.]
vessels not to be deemed both coasting or foreign vessels for same voyage and dues to be levied as either which ever rate is higher	"	4 [X of 1889, Sch. I, Pt. II, Pro. to Exp. I.]
INDIAN POST OFFICE—		
restriction of application of term "inland"	II	2 [VI of 1898, s. 2 (b) Proviso.]
INDIAN SUCCESSION—		
Probates, etc., granted by High Court and by District Judge under certain circumstances to have effect throughout British India	VIII	2 (2) [X of 1865, s. 242 (Pro).]
Courts to which certificates of grants under proviso to section 242 should be transmitted	"	2 (3) [X of 1865, s. 242 A.]
Petition for probate, etc., intended to have effect throughout British India to make additional statement	"	2 (5) [X of 1865, s. 246 A.]
Where grant made of probate, etc., intended to have effect throughout British India, inventory to include all property in British India	"	2 (7) [X of 1865, s. 277.]
INDIAN TEA CESS ACT, 1903—		
Definitions	IX	2
Duration of sections 2 to 7	"	9
Duty on exported tea	"	3
Proceeds of cess how applied and account keeping	"	5-6
Rules	"	7
Tea Cess Committee	"	4
Vestiture of unexpended balance of cess after operation of sections 2 to 7 cense	"	10

	ACT.	SECTION.
INDIAN TARIFF—		
Section 5 amended	IX	8
Section 8A amended temporarily	XII	2
Duties chargeable under section 8A or 8B continued till 31st March, 1904	"	1 (2) and 3 [VIII of 1894, s. 8 C.]
INDIAN WORKS OF DEFENCE ACT, 1903—		
Appeals	VII	43
Collector's award	"	12—14 and 16
Compensation, apportionment	"	29 and 30
" on withdrawal of imposition of restrictions	"	38 (2)
" payment of interest on excess	"	28
" payment or deposit in Court and investment of money deposited	"	31—33
" interest on, when not paid within 15 days	"	34
definitions	"	2
enforcement of Terms of Act	"	37
extent and short title	"	1
part of a house may not be demolished	"	39
penalties	"	36
powers exercisable after publication of notice as to restrictions and payment of damage	"	4—6
power to enforce making of statements	"	10 and 11
" attendance of witnesses and production of documents	"	15
" make rules	"	44
notice as to restrictions on use and enjoyment of land in vicinity of works	"	3
notice to interested persons	"	9
reference to Court and procedure thereon	"	18—28
" form of awards and costs	"	26 and 27
" Code of Civil Procedure to apply	"	42
restrictions which Local Government may declare shall attach to land	"	7
" may be withdrawn	"	38 (1)
" imposed on part of land	"	39
service	"	35
suits not to be commenced without notice	"	41
supplementary proceedings	"	17
stamp duty and fees exemptions	"	40
LEPERS—		
Application of Lepers Act, 1898, to lepers from Native States	XIII	2 [III of 1898, s. 19.]
MADRAS ACTS—		
repealed	I	4 & Sch. III.
MUNICIPALITY (IES) (CENTRAL PROVINCES)—		
appeals against orders of committee	XVI	161—162
bathing and washing places	"	69
brothels	"	167
burial and burning places	"	75

	ACT.	SECTION.
MUNICIPALITY (IES) (CENTRAL PROVINCES)—<i>contd.</i>		
buildings and grounds in insanitary condition	XVI	93—98
bye-laws and powers	"	105—108
committees, constitution	"	8—14
" joint	"	23
compensation from fund	"	157
constitution	"	Ch. II.
" of committees	"	8—14
" defects and irregularities	"	24
contracts	"	30—32
control	"	145—151
corpses	"	76
costs of execution, recovery	"	156
dangerous buildings and places	"	91—92
definitions	"	2
dogs, disposal of	"	103
drains, unauthorized may be required to be pulled down	"	88
entry and inspection, powers of	"	78—84
extent	"	1 (2)
fire, extinction and prevention	"	141—144
food, drink and drugs, sale of	"	102
fund and property	"	49—53
infection, restraint of	"	104
inflammable materials	"	77
notices	"	152—155
officers and servants	"	25—29
offensive matter and slaughter places, deposit of	"	70—74
" and dangerous trades	"	99—101
offences and penalties	"	109—140
" power to compound	"	160
police	"	54—58
" powers and duties of in respect of offences	"	158
power to exempt unsuited municipality	"	168
privileges and liabilities	"	33—34
privies or cesspools, provision and repair of and removal of unauthorized	"	86—87
prosecutions, initiation	"	159
" and proceedings to be suspended when	"	163
" appeals preferred from certain orders	"	173
repeals	"	173
reservoir and catchment area, power to make rules regulating conservancy	"	165
rules and bye-laws, procedure for making	"	164
saving of Act XI of 1879	"	166
savings of things done under Act XVIII of 1889	"	173
short title	"	1 (1)
small towns	"	169—172
streets and buildings	"	59—68
tanks, drainage of unwholesome	"	90
taxation	"	35—48
water-pipes, up-keep of	"	85
water supply, removal of drains, latrines and cesspools near sources of	"	89
PROBATE AND ADMINISTRATION—		
Probate, etc., by High Court and by District Judge in certain circumstances to have effect throughout British India	VIII	3(1) [V of 1881, s. 59 (proviso.)]

	ACT.	SECTION.
PROBATE AND ADMINISTRATION—contd.		
Transmission of certificates of grants under proviso to section 59	VIII	3(2) [V of 1881, s. 60.]
PROVIDENT FUNDS—		
Compulsory deposits in Government of Railway Funds exempted from attachment	IV	2 [IX of 1897, s. 4 (1).]
such deposits to vest in widow and children free of encumbrances	"	2 [IX of 1897, s. 4 (2).]
savings	"	2 [IX of 1897, s. 4 (3).]
REGULATIONS UNDER 33 & 34 VICT., c. 3—		
amended	I	3 & Sch. II.
repealed	"	4 & Sch. III.
REPEALING AND AMENDING ACT, 1903—		
Bengal Acts, amended	"	3 & Sch. II.
" " repealed	"	4 & Sch. III.
" " short titles given	"	2 & Sch. II.
" Regulations amended	"	3 & Sch. II
" " repealed	"	4 & Sch. III.
" " short titles given	"	2 & Sch. IV.
Bombay Acts, repealed	"	4 & Sch. III.
Burma Act, amended	"	3 & Sch. II.
India Acts, amended	"	Ditto.
" " repealed	"	4 & Sch. III
" " short titles given	"	2 & Sch. II.
Madras Acts, repealed	"	4 & Sch. III.
Regulations under 33 & 34 Vict., c. 3 amended	"	3 & Sch. II.
" " " " " repealed	"	4 & Sch. III.
United Provinces Act repealed	"	Ditto.
savings	"	5.
TEA CESS—		
See Indian Tea Cess Act, 1903.		
UNITED PROVINCES ACT—		
Repealed	I	4 & Sch. III.

	ACT.	SECTION.
VICTORIA MEMORIAL—		
officers to be public servants	X	4
power to make rules	"	5
short title and commencement	"	1
Trustees	"	2
Vesting of property	"	3

