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LEGISLATIVE DEPARTMENT NOT.

A COLLECTION

OF

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1904.

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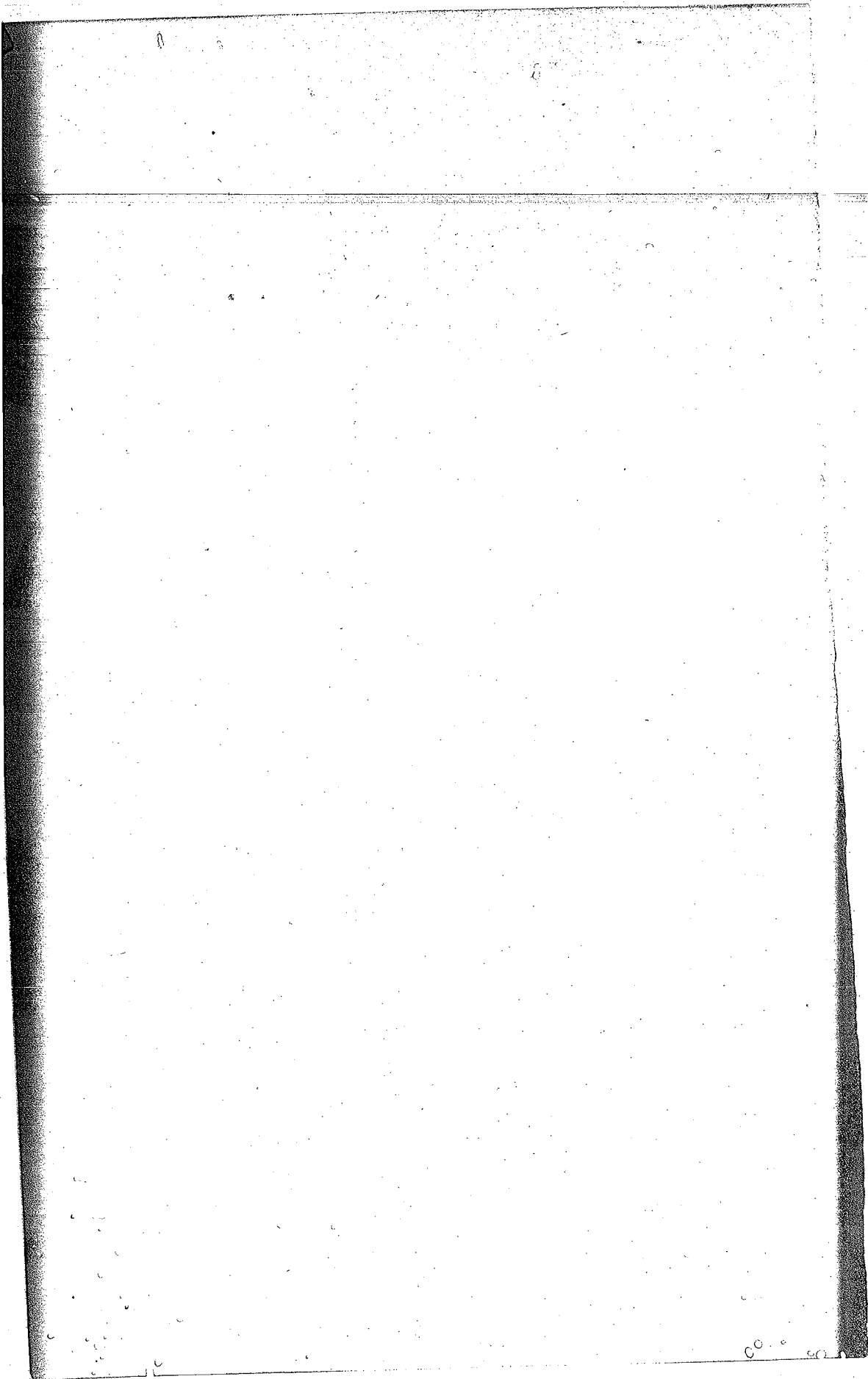
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## TITLES OF ACTS

PASSED BY

### THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1904.

- I. An Act to provide for the regulation of the possession and sale of all poisons in certain local areas, and the importation, possession and sale of white arsenic generally.
- II. „ to consolidate and amend the law relating to the Courts in the Central Provinces.
- III. „ to make further provision regarding the borrowing powers of certain local authorities.
- IV. „ to provide for the Regulation of the Border Military Force in the North-West Frontier Province.
- V. „ to amend the Indian Official Secrets Act, 1889.
- VI. „ further to amend the Transfer of Property Act, 1882.
- VII. „ to provide for the preservation of Ancient Monuments and of objects of archæological, historical or artistic interest.
- VIII. „ to amend the law relating to the Universities of British India.
- IX. „ to authorize the levy of dues on vessels for the provision of lights on the coast of the Presidency of Madras.
- X. „ to provide for the constitution and control of Co-operative Credit Societies.
- XI. „ to revive and continue section 8B of the Indian Tariff Act, 1894.
- XII. „ further to amend the Indian Emigration Act, 1883.
- XIII. „ further to amend the Indian Articles of War.
- XIV. „ to supplement certain provisions of the City of Bombay Improvement Act, 1898.
- XV. „ further to amend the Indian Stamp Act, 1899.
- XVI. „ to repeal certain words in the Sea Customs Act, 1878.



## ACT NO. I OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd  
January, 1904.)

An Act to provide for the regulation of the possession and sale of all poisons in certain local areas, and the importation, possession and sale of white arsenic generally.

WHEREAS it is expedient to make provision for regulating the possession and sale of all poisons in certain local areas, and the importation, possession and sale of white arsenic throughout the whole of British India; It is hereby enacted as follows:—

1. (1) This Act may be called the Poisons Act, 1904; and

Short title  
and extent.

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

### *Poisons generally.*

2. (1) Subject to the control of the Governor General in Council, the Local Government may, by rule, regulate within the limits of any municipality or cantonment the possession for sale and the sale, whether wholesale or by retail, of any specified poison.

Power to  
regulate  
possession  
for sale and  
sale of any  
poison in  
certain areas.

(2) In particular, and without prejudice to the generality of the power conferred by sub-section (1), rules made thereunder may provide for, amongst other matters,—

- (a) the grant of licenses to possess any specified poison for sale, wholesale or by retail, and the fixing of the fee (if any) to be charged for such licenses;

(b) the

- (b) the classes of persons to whom alone such licenses may be granted ;
- (c) the classes of persons to whom alone any such poison may be sold ;
- (d) the maximum quantity of any such poison which may be sold to any one person ;
- (e) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same ;
- (f) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale ; and
- (g) the inspection and examination of any such poison when possessed for sale by any such vendor.

(3) Any substance specified as a poison in a rule made under this section shall be deemed to be a poison for the purposes of this Act.

*White Arsenic.*

Power to prohibit importation into British India of white arsenic except under license.

3. The Governor General in Council may, by notification in the Gazette of India, prohibit, except under and in accordance with the conditions of a license, the importation of white arsenic into British India, and may, by rule, regulate the grant of licenses and prescribe the conditions to be imposed thereby under this section.

Power to regulate possession for sale and sale of white arsenic throughout province.

4. (1) Subject to the control of the Governor General in Council, the Local Government may, by rule, regulate within the whole or any part of the territories under its administration the possession for sale and the sale, whether wholesale or by retail, of white arsenic.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), rules made thereunder may provide, amongst other matters, for all or any of the matters specified in section 2, sub-section (2).

(3) Rules

(3) Rules made under sub-section (1) may further provide that no person shall sell any powdered white arsenic unless the same is, before the sale thereof, mixed with soot, indigo or Prussian blue in the proportion of half an ounce of soot, indigo or Prussian blue at least to one pound of the white arsenic, and so in proportion for any greater or less quantity :

Provided that, where such arsenic is stated by the purchaser to be required for some purpose for which such admixture would, according to the representation of the purchaser, render it unfit, such arsenic may be sold, without such admixture, in a quantity of not less than ten pounds at any one time.

5. (1) The Local Government, with the previous sanction of the Governor General in Council, may further, by rule, regulate the possession of white arsenic in any local area in which murder by poisoning with that drug or the offence of mischief by poisoning cattle therewith appears to it to be of such frequent occurrence as to render restrictions on the possession thereof desirable.

Power to regulate possession of white arsenic in certain tracts.

(2) In making any rule under sub-section (1), the Local Government may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the white arsenic in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

#### *Other Poisons.*

6. (1) The Governor General in Council may, by notification in the Gazette of India, apply to any specified poison other than white arsenic all or any of the provisions of this Act relating exclusively to white arsenic.

Power to apply Act to other poisons.

(2) Any substance specified as a poison in a notification issued under sub-section (1) shall be deemed to be a poison for the purposes of this Act.

#### *Penalties*

*Penalties and Procedure.*

Penalty for  
unlawful  
importation,  
etc.

7. (1) Whoever,—

- (a) commits a breach of any rule made under section 2 or section 4, or
- (b) imports into British India, without a license, white arsenic the importation of which is for the time being restricted under section 3, or
- (c) breaks any condition of a license for the importation of white arsenic granted to him under section 3,

shall be punishable,—

- (i) on a first conviction, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and
- (ii) on a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, and, in the case of any offence mentioned in clause (b) or clause (c) of sub-section (1), any animals and conveyances used in carrying it, shall be liable to confiscation.

Power to  
issue search-  
warrant.

8. (1) The District Magistrate, the Sub-divisional Magistrate and, in a Presidency-town, the Commissioner of Police, respectively, may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule thereunder or that any poison liable to confiscation under this Act is kept or concealed.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith,



V of 1898.

therewith, and the provisions of the Code of Criminal Procedure, 1898, relating to search-warrants shall, as far as may be, be deemed to apply to the execution of the warrant.

9. (1) In addition to any other power to make rules hereinbefore conferred, the Governor General in Council, or, subject to the control of the Governor General in Council, the Local Government, may make rules generally to carry out the purposes and objects of this Act. Rules.

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rules being made after previous publication.

(3) All rules made by the Governor General in Council or by the Local Government under this Act 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.

*Savings.*

10. (1) Nothing in this Act or in any license granted or rule made thereunder shall extend to or interfere with anything done in good faith in the exercise of his profession or business as such— Savings.

- (a) by a medical or veterinary practitioner, or
- (b) by a chemist or druggist duly qualified to act as such under the law for the time being in force in the United Kingdom, or
- (c) by a chemist, druggist or compounder dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner, or
- (d) subject to any rules for the time being in force under section 5, by a tanner or hide-merchant.

(2) Notwithstanding anything hereinbefore contained, the Local Government may, in its discretion, by general or special order, declare that all or any of the provisions of this Act shall not be deemed to apply to

to any article, or class of articles, of commerce specified in such order, or to any poison, or class of poisons used for any purpose so specified, and may, from time to time, alter or vary any such declaration.

(3) The authority on which any power to make rules under this Act is conferred may, by general or special order, exempt any person or class of persons, either generally or in respect of any poison or poisons specified in the order, from the operation of any such rules.

*Repeals.*

Repeal of  
certain local  
enactments  
from notified  
dates.

11. From such date as the Local Government may, by notification in the local official Gazette, fix in this behalf, the following enactments shall be repealed in the territories for the time being administered by the Governor of Bombay in Council and the Lieutenant-Governor of the United Provinces of Agra and Oudh respectively, namely :—

Bombay Act VIII of 1866 (*an Act to regulate and restrict the sale of Poisons in the Bombay Presidency*).

The North-Western Provinces and Oudh Municipalities Act, 1900 (*North-Western Provinces and Oudh Act I of 1900*), section 128, clause (1).

THE CENTRAL PROVINCES COURTS  
ACT, 1904 (II OF 1904).

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## ACT No. II OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd January, 1904.)

An Act to consolidate and amend the law relating to the Courts in the Central Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in the Central Provinces; It is hereby enacted as follows:—

## CHAPTER I.

*Preliminary.*

1. (1) This Act may be called the Central Provinces Courts Act, 1904;

Short title, extent and commencement.

(2) It extends to the territories for the time being under the administration of the Chief Commissioner of the Central Provinces; and

(3) It shall come into force on such day as the Chief Commissioner may, by notification in the local official Gazette, direct.

2. In this Act "value", used with reference to a suit or appeal, means the amount or value of the subject-matter of the suit or appeal.

Definition of "value."

## CHAPTER II.

*The Court of the Judicial Commissioner.*

3. The Court of the Judicial Commissioner shall be the highest Civil Court of appeal, and, except in reference to proceedings against European British subjects and persons jointly charged with European British subjects, the highest Court of criminal appeal and

Jurisdiction of Court of Judicial Commissioner.

## (Chapter II.—The Court of the Judicial Commissioner.—Sections 4-7.)

and revision, in and for the territories to which this Act extends.

Appointment  
of Judicial  
Commis-  
sioner and  
Additional  
Judicial  
Commis-  
sioners.

4. (1) The Judicial Commissioner shall be appointed by the Governor General in Council.

(2) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, appoint one or more persons, as it may think fit, to be Additional Judicial Commissioner or Additional Judicial Commissioners and to sit as such in the Court of the Judicial Commissioner.

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

Jurisdiction  
and powers of  
Additional  
Judicial Com-  
missioner.

5. (1) Subject to the other provisions of this Act, every Additional Judicial Commissioner shall exercise the same jurisdiction and powers as the Judicial Commissioner may exercise under any enactment for the time being in force, but only in such cases as the Judicial Commissioner may, by general or special order, direct.

(2) The Judicial Commissioner may, from time to time, transfer any case with respect to which he may have directed an Additional Judicial Commissioner to exercise jurisdiction, and of which the hearing before such Additional Judicial Commissioner has not yet commenced, for hearing and disposal to his own file or to the file of another Additional Judicial Commissioner (if any).

Appeals.

6. Where an appeal is preferred from a decree, order or sentence passed by a Judicial Commissioner or an Additional Judicial Commissioner in any other capacity or in which he is personally interested, the appeal shall be heard by an Additional Judicial Commissioner or the Judicial Commissioner, as the case may be.

Appointment  
of Registrar

7. (1) The Registrar of the Court of the Judicial Commissioner

## (Chapter II.—The Court of the Judicial Commissioner.—Section 8.)

Commissioner shall be appointed by the Local Government.

and ministerial officers of the Court of the Judicial Commissioner.

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

8. (1) In addition to any other powers to make rules expressly or by implication conferred by this Act, the Judicial Commissioner may, from time to time, make rules consistent with this Act and any other enactment for the time being in force—

Power to the Judicial Commissioner to make rules.

- (a) declaring what persons shall be permitted to practise as petition-writers in the Courts, and regulating the conduct of the business of persons so practising ;
- (b) providing for the translation of any papers filed or produced in the Court of the Judicial Commissioner and for the payment of the expenses thereby incurred ;
- (c) regulating the procedure in cases where any person applies to inspect a record of any Court or to obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies ;
- (d) prescribing the travelling and other expenses to be allowed to witnesses in civil cases and the fees to be allowed to Commissioners appointed by Civil Courts ;
- (e) conferring and imposing on the ministerial officers of the Court of the Judicial Commissioner and of the Courts subordinate thereto such powers and duties of a non-judicial or quasi-judicial nature as he thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed ;
- (f) prescribing forms to be used in the Subordinate Courts

(Chapter II.—The Court of the Judicial Commissioner.—Section 9. Chapter III.—The Subordinate Civil Courts.—Section 10.)

Courts for such proceedings, entries, statistics and accounts as he thinks necessary ;

(g) providing for the visitation and inspection of the Subordinate Courts, and the supervision of the working thereof ; and

(h) regulating all such matters as he may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of his own Court and of the Subordinate Courts and maintaining proper discipline among those officers.

(2) A rule made under this section shall not take effect until it has been sanctioned by the Local Government and published in the local official Gazette.

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

Registers,  
books and  
accounts,  
returns, state-  
ments and  
reports.

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

### CHAPTER III.

#### THE SUBORDINATE CIVIL COURTS.

##### *Classes of Courts.*

Classes of  
Courts.

10. Besides the Court of the Judicial Commissioner, the Courts of Small Causes established under the Provincial



(Chapter III.—The Subordinate Civil Courts.—Sections 11-13.)

IX of 1887. Provincial Small Cause Courts Act, 1887, and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts in the territories to which this Act extends, namely :—

- (a) the Divisional Court ;
- (b) the District Court ;
- (c) the Court of the Subordinate Judge ; and
- (d) the Court of the Munsiff.

*Territorial Divisions and Establishment of Subordinate Courts.*

11. For the purposes of this Act, the Local Government shall divide the Province into such civil divisions, and each civil division into such civil districts, as it may think fit, and may alter the limits or the number of the said civil divisions and civil districts.

Civil divisions and civil districts.

12. The Local Government shall establish—

- (a) a Divisional Court for each civil division,
- (b) a District Court for each civil district, and
- (c) so many Courts of Subordinate Judges and Munsiffs respectively for each civil district as it may think fit.

Establishment of Courts.

*Jurisdiction of Subordinate Courts.*

XIV of 1882. IX of 1887. 13. (1) Subject to the provisions of the Code of Civil Procedure, the Provincial Small Cause Courts Act, 1887, and any other enactment for the time being in force,—

Original jurisdiction of Divisional and District Courts and of Courts of Subordinate Judge and Munsiff.

- (a) the Court of the Munsiff shall have jurisdiction to hear and determine any suit or original proceeding of a value not exceeding five hundred rupees ;
- (b) the Court of the Subordinate Judge shall have jurisdiction to hear and determine

any

## (Chapter III.—The Subordinate Civil Courts.—Sections 14-15.)

any suit or original proceeding of a value not exceeding five thousand rupees ;

(c) the District Court shall have jurisdiction to hear and determine any suit or original proceeding without restriction as regards the value, except proceedings under the Indian Divorce Act, 1869, and shall be deemed to be the principal Civil Court of original jurisdiction in the civil district ;

V of 1869

(d) the Divisional Court shall have such jurisdiction to hear and determine any suit or original proceeding as is by this section conferred upon a District Court, and shall also have jurisdiction to hear and determine any original proceeding under the Indian Divorce Act, 1869, and shall be deemed the District Court under that Act for all civil districts comprised in the civil division.

IV of 1869

(2) The local limits of the jurisdiction of the Courts mentioned in sub-section (1), clauses (a) and (b), shall be such as the Local Government may, by notification in the local official Gazette, define.

Power to invest certain Courts with Small Cause Court jurisdiction.

14. The Local Government may, by notification in the local official Gazette, invest any District Court or any Court of a Subordinate Judge with the jurisdiction of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it may think fit, in cases arising within the local limits of its jurisdiction or in any specified area within such limits, and may withdraw any jurisdiction so conferred.

IX of 1887

Appellate jurisdiction of the Courts.

15. Subject to the provisions of the Code of Civil Procedure, the Provincial Small Cause Courts Act, 1887, and any other enactment for the time being in force, the Courts to which appeals are hereinafter declared to lie, shall respectively have authority to hear appeals from the decrees and orders of the Courts subordinate

XIV of 1887

IX of 1887

subordinate to them, passed in the exercise of their original jurisdiction—

- (a) an appeal from the decree or order of the Court of a Munsiff shall lie to the District Court ;
- (b) an appeal from the decree or order of the Court of a Subordinate Judge shall, where the value of the suit in such Court exceeds one thousand rupees, lie to the Divisional Court, and, in any other case, to the District Court ;
- (c) an appeal from the decree or order of a District Court shall, where the value of the suit in such Court exceeds five thousand rupees, lie to the Court of the Judicial Commissioner, and, in any other case, to the Divisional Court ;
- (d) an appeal from a decree or order of a Divisional Court, when exercising original jurisdiction shall lie to the Court of the Judicial Commissioner.

16. (1) The period of limitation for an appeal to the Divisional Court shall be sixty days.

Period of limitation for appeals.

(2) In the computation of that period and in all other respects, the limitation of appeals shall be governed by the provisions of the Indian Limitation Act,

XV of 1877. 1877.

#### *Administrative Control.*

17. (1) The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Judicial Commissioner.

Superintendence and control of Subordinate Courts.

(2) Subject to the general superintendence and control of the Court of the Judicial Commissioner, the Divisional Court shall superintend and control all other

## (Chapter III.—The Subordinate Civil Courts.—Sections 18-20.)

other Civil Courts in the local area within its jurisdiction; and, subject as aforesaid and to the control of the Divisional Court, the District Court shall superintend and control all other Civil Courts in the local area within its jurisdiction.

Power of  
Divisional  
Court to  
transfer  
cases.

18. (1) The Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court. XIV of 1887

(2) The Court trying any suit withdrawn under sub-section (1) from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

Power to  
distribute  
business.

19. Notwithstanding anything contained in the Code of Civil Procedure and in the Provincial Small Cause Courts Act, 1887, the Divisional Court and the District Court, respectively, may, by order in writing, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit: XIV of 1887  
IX of 1887

Provided that, except in so far as it may affect the exclusive jurisdiction of a Court of Small Causes, or a Court invested with the jurisdiction of a Court of Small Causes, a direction given under this section shall not empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Judges not  
to try cases  
in which  
they are  
personally  
interested.

20. (1) No Judge or Additional Judge of a Court under this Act shall hear or determine any suit, appeal or other proceeding to which he is a party or in which he is personally interested.

(2) When any such suit, appeal or other proceeding comes before any Judge of a Subordinate Court, he shall forthwith transmit the record of the case to the Court empowered to transfer cases to which he is subordinate, with a report of the circumstances attending

(Chapter III.—The Subordinate Civil Courts.—Sections 21-23.)

attending the reference, and such superior Court shall thereupon hear and determine the case or transfer it to some other Court.

(3) When any such suit, appeal or other proceeding comes before an Additional Judge of a Subordinate Court, he shall forthwith transmit the record of the case to the Judge of the Court, who shall hear and determine the case.

*Appointment of Judges and Ministerial Officers of Subordinate Courts.*

21. The Judges of the Divisional and District Courts and Subordinate Judges shall be appointed by the Local Government.

Appointment of Judges and Subordinate Judges.

22. (1) The Local Government may fix the number of Munsiffs to be appointed and, when there is any vacancy in that number, the Judicial Commissioner may, subject to the rules (if any) made under sub-section (2), appoint such person to the same as he thinks fit.

Appointment of Munsiffs.

(2) The Judicial Commissioner may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsiffs.

23. (1) The Local Government may, whenever it thinks it necessary or expedient so to do, appoint an Additional Judge or Judges to any Divisional or District Court, or to the Court of a Subordinate Judge or of a Munsiff, and any officer so appointed an Additional Judge shall exercise the jurisdiction of the Court to which he is appointed and the powers of a Judge thereof, subject to any general or special orders of the Local Government as to the class or value of suits and appeals which he may try, hear and determine, and subject also, in respect of the distribution of the business of the Court, to the control of the Judge thereof.

Additional Judges.

(2) An

c

(Chapter III.—The Subordinate Civil Courts.—Section 24. Chapter IV.—Supplemental Provisions.—Sections 25-26.)

(2) An officer may be appointed an Additional Judge of one or more Courts, and an officer who is a Judge of one Court may be appointed an Additional Judge of another Court or of other Courts.

Ministerial  
officers of  
Subordinate  
Courts.

24. (1) The ministerial officers of the Divisional Court and of the District Court shall be appointed and may be suspended and dismissed by the Judges of those Courts respectively.

(2) The ministerial officers of the Courts of the Subordinate Judge and of the Munsiff shall be appointed and may be suspended and dismissed by the District Court.

(3) Every appointment made under this section shall be subject to such rules as the Local Government may, by notification in the local official Gazette, make in this behalf, and, in dealing with any matter under this section, the District Court shall act subject to the control of the Divisional Court.

#### CHAPTER IV.

##### SUPPLEMENTAL PROVISIONS.

Place of sit-  
ting of  
Courts.

25. Every Civil Court shall be held at such place or places as the Local Government may, by notification in the local official Gazette, direct, or, in the absence of any such direction, at any place within the local limits of the jurisdiction of the Court.

Vacations.

26. (1) Subject to the approval of the Local Government, the Judicial Commissioner shall prepare a list of days to be observed in each year as holidays in his Court and in the Civil Courts subordinate thereto.

(2) The list shall be published in the local official Gazette.

(3) A

(Chapter IV.—Supplemental Provisions.—Section 27. Chapter V.—General.—Sections 28-29.)

(3) A judicial act done by a Court on a day specified in a list published under sub-section (2) shall not be invalid by reason only of its having been done on that day.

27. Every Civil Court shall use a seal of such Seal. form and dimensions as the Local Government may prescribe on all processes and orders issued, and on all decrees passed, by it.

## CHAPTER V.

### GENERAL.

28. (1) Every proceeding pending in any Civil Court at the commencement of this Act shall be deemed to be transferred to the Court exercising the jurisdiction under this Act which corresponds, as far as may be, to the jurisdiction of the Court in which the proceeding was instituted, and the Court to which any proceeding is transferred shall proceed to try, hear and determine the matter as if it had been instituted in such Court. Pending proceedings.

(2) Appeals from decrees and orders passed by Civil Courts and not appealed against before the commencement of this Act, shall lie to the Court exercising the jurisdiction under this Act which corresponds, as far as may be, to the jurisdiction of the Court to which such appeals would have lain if this Act had not been passed.

(3) Nothing contained in this section shall be construed to extend the period of limitation to which any suit or appeal may be subject.

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

THE

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THE SCHEDULE.

1	2	3	4
Year.	Number.	Subject or short title.	Extent of repeal.
1885	XVI	The Central Provinces Civil Courts Act, 1885.	So much as is un-repealed.
1890	IV	Amending the Central Provinces Civil Courts Act, 1885.	The whole Act.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to the Central Provinces Civil Courts Act, 1885.
1896	XIX	The Central Provinces Additional Judicial Commissioners Act, 1896.	The whole Act.
1901	IV	The Central Provinces Civil Courts (Amendment) Act, 1901.	Ditto.



## ACT No. III OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th February, 1904.)

An Act to make further provision regarding the borrowing powers of certain local authorities.

WHEREAS it is expedient to make further provision regarding the borrowing powers of certain local authorities ; It is hereby enacted as follows :—

1. (1) This Act may be called the Local Authorities Loan Act, 1904.

Short title and extent.

(2) It applies only to the local authorities specified in the schedule, and any other local authority to which the Governor General in Council may, by notification in the Gazette of India, extend its provisions.

2. Notwithstanding anything in any other enactment for the time being in force, but subject always to the provisions of section 25 of the Indian Paper Currency Act, 1882, a local authority may, with the previous sanction of the Governor General in Council, borrow money by means of the issue of bills repayable within any period, not exceeding twelve months, for any purpose for which such local authority may lawfully borrow money under any law for the time being in force :

Issue of short-term bills.

Provided that the amount of the bills which may be so issued, shall not exceed, when the amount of the other moneys for the time being borrowed by such local authority is taken into account, the total amount which such local authority is empowered by law to borrow.

3. Notwithstanding anything in any other enactment for the time being in force, a local authority may,

Power of borrowing to repay previous loan.

XX of 1882.

may, with the previous sanction of the Governor General in Council, borrow money in any manner authorised by law for the purpose of repaying money previously borrowed in accordance with law:

Provided that nothing in this section shall be deemed to empower a local authority to fix a period for the repayment of any money borrowed thereunder which, when the period fixed for the repayment of the money previously borrowed is taken into account, will exceed the maximum period fixed for the repayment of a loan by or under any enactment for the time being in force.

Regulation of conditions of borrowing and repaying money under Act.

4. The Governor General in Council may, by general or special order, regulate the conditions on which money may be borrowed or repaid under this Act.

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#### THE SCHEDULE.

(See section 1.)

The Corporation of Calcutta.  
 The Commissioners for the Port of Calcutta.  
 The Municipal Corporation of the City of Bombay.  
 The Trustees of the Port of Bombay.  
 The Municipal Commissioners for the City of Madras.  
 The Trustees of the Harbour of Madras.  
 The Municipal Committee of Rangoon.  
 The Commissioners for the Port of Rangoon.  
 The Municipality of Karachi.  
 The Trustees of the Port of Karachi.  
 The Trustees for the Improvement of the City of Bombay.

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THE NORTH-WEST BORDER MILITARY POLICE ACT, 1904 (IV OF 1904).

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7. Superintendence, control and administration of Force.
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THE SCHEDULE.

CONDITIONS OF SERVICE.

ACT No. IV OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th March, 1904.)

An Act to provide for the Regulation of the Border Military Police Force in the North-West Frontier Province.

WHEREAS it is expedient to provide for the regulation of the Border Military Police Force in the North-West Frontier Province; It is hereby enacted as follows :—

Short title, extent, application and commencement.

1. (1) The Act may be called the North-West Border Military Police Act, 1904.

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

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

Definitions.

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

(a) "Military Police-officer" means a person who, at the commencement of this Act, is serving in the Border Military Police Force, or who, after the commencement of this Act, has been appointed to the Border Military Police Force under this Act and has signed a recruiting roll on which the conditions of service contained in the schedule are set forth:

(b) "Commandant" means a person appointed by the

(Sections 3-6.)

the Local Government to be a Commandant of the Border Military Police Force under this Act:

- (c) "active service" means service against hostile tribes or raiders or against other persons in the field: and
- (d) the expressions "assault", "criminal force", "fraudulently", "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them, respectively, in the Indian Penal Code.

XLV of 1860.

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

Power to maintain Border Military Police Force.

4. The Border Military Police Force shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such Force shall receive such pay, pension and other remuneration, as shall, from time to time, with the previous sanction of the Governor General in Council, be ordered by the Local Government.

Constitution of Force.

5. (1) The Local Government may appoint any person to be Commandant and may appoint other superior officers of the Border Military Police Force, or of any part thereof, constituted in any one or more districts.

Appointment and powers of superior officers.

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

6. The appointment of subordinate officers and men of the Border Military Police Force shall rest with the Deputy Commissioner and the Commandant, who shall respectively exercise such powers, in such manner,

Appointment of subordinate officers and men.

manner, as may be prescribed by rules made under this Act.

Superintend-  
ence,  
control  
and adminis-  
tration of  
Force.

7. The superintendence of, and control over, the Border Military Police Force shall vest in the Local Government; and the said Force shall be administered by the Deputy Commissioner and the Commandant, respectively, in accordance with the provisions of this Act and of any rules made thereunder.

More heinous  
offences.

8. (1) Every Military Police-officer who—

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

who, while on active service,—

- (e) disobeys the lawful command of his superior officer; or
- (f) deserts the service; or,
- (g) being a sentry, sleeps upon his post, or quits  
it

*(Section 8.)*

it without being regularly relieved or without leave; or

- (h) without authority, leaves his commanding officer, or his post or party, to go in search of plunder; or
- (i) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or
- (j) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard or, without authority, breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind; or
- (k) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters; or
- (l) displays cowardice in the execution of his duty;

shall be punishable with transportation for life or for a term of not less than seven years, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay, or with fine to that extent in addition to such sentence of transportation or imprisonment, as the case may be, as may be passed upon him under this section.

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

(3) Every

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

- (a) a British officer, as defined in the Indian Articles of War, or
- (b) a civil officer of gazetted rank, or
- (c) a Military Police-officer appointed under section 5 :

V of 1869.

Provided that, if circumstances permit, not less than one such officer shall be a Military Police-officer appointed under section 5.

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

Less heinous offences.

9. Every Military Police-officer who—

- (a) is in a state of intoxication when on or for any duty, or on parade or on the line of march ; or
- (b) strikes or attempts to force any sentry ; or,
- (c) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or, without proper authority, releases any prisoner, or negligently suffers any prisoner to escape ; or,
- (d) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority ; or
- (e) is grossly insubordinate or insolent to his superior officer in the execution of his office ; or
- (f) refuses to superintend or assist in the making of any field-work or other work of any description ordered to be made either in quarters or in the field ; or
- (g) strikes or otherwise ill-uses any Military Police-officer subordinate to him in rank or position ; or,
- (h) being



*(Section 9.)*

- (h) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority; or
- (i) designedly or through neglect injures or loses, or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements or Military Police necessities, or any such articles entrusted to him or belonging to any other person; or
- (j) malingers, or feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity; or,
- (k) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or
- (l) does not, when called upon by his superior officer so to do, or upon ceasing to be a Military Police-officer, forthwith deliver up, or duly account for, all or any arms, ammunition, stores, accoutrements, appointments or other property issued or supplied to him, or in his custody or possession, as such Military Police-officer; or

who, while not on active service,—

- (m) disobeys the lawful command of his superior officer; or
- (n) plunders, destroys or damages any property of any kind; or,
- (o) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(p) deserts

(p) deserts the service ;

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

Minor  
punishment.

10. (1) The Deputy Commissioner and the Commandant, respectively, may, subject to any rules made under this Act, award, in lieu of, or in addition to, suspension or dismissal, any of the following punishments to any military Police-officer who is, in the opinion of the Deputy Commissioner or Commandant, as the case may be, guilty of disobedience, neglect of duty, or remissness in the discharge of any duty, or of rendering himself unfit to discharge his duty, or of other misconduct in his capacity as such Military Police-officer, that is to say,—

(a) reduction in rank and emoluments ;

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

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

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

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

(2) The Deputy Commissioner, or the Commandant, or an officer, not being below the rank of subadar, commanding a separate detachment or an outpost or in temporary command at the head-quarters of a district during the absence of the Deputy Commissioner and Commandant, may, without a formal trial, award to any Military Police-officer who is subject to his authority any of the following punishments for the commission of any petty offence against discipline, which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call  
for

for a prosecution before a Criminal Court, that is to say,—

- (a) confinement for not more than seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance;
  - (b) punishment-drill, or extra guard, fatigue or other duty, for not more than thirty days, with or without confinement to quarters.
- (3) Any one of the punishments described in sub-section (1) or sub-section (2) may be awarded separately or in combination with any one or more of the said punishments respectively.

11. Every person sentenced under this Act to imprisonment for a period not exceeding three months shall, if he is also dismissed from the Border Military Police Force, be imprisoned in the nearest prison or such other prison as the Local Government may, by general or special order, direct; but, if he is not also dismissed from the said Force, he may, if the Court or the Deputy Commissioner so directs, be confined in the quarter-guard or such other place as the Court or the Deputy Commissioner may consider suitable.

Place of imprisonment.

12. No Military Police-officer shall be at liberty to—

- (a) resign his appointment during the term of his engagement, except before the expiration of the first three months of his service, or
- (b) withdraw himself from all or any of the duties of his appointment,

Resignation and withdrawal from Force.

without the permission in writing (to be previously obtained) of the Deputy Commissioner or Commandant or other officer authorised by the Deputy Commissioner to grant such permission.

13. (1) It shall be the duty of every Military Police-officer promptly to obey and to execute all orders and warrants lawfully issued to him by any competent

General duties of Military Police-officers.

competent authority, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

(2) Every Military Police-officer shall be liable to serve without and beyond, as well as within, the limits of British India.

Powers and duties conferable and imposable on Military Police-officers.

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

Protection for acts of Military Police-officers.

15. (1) In any suit or proceeding against any Military Police-officer for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

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

(3) All suits and proceedings (whether civil or criminal) against any person which may lawfully be brought for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder, shall be commenced within three months after the act complained of was committed, and not otherwise; and notice in writing of such suit or proceeding and of the cause thereof shall be given to the defendant or his superior officer one month at least before the commencement of the suit or proceeding.

Authority to confer exclusive

16. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Local Government V of 1898.

(Sections 17-19.)

ernment may declare that the Court of any Deputy Commissioner, and no other Court, shall be deemed to be the Court of Session for the disposal of cases, or of any class of cases, arising under this Act.

powers of Sessions Court on Deputy Commissioner.

V of 1898.

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

Criminal powers conferred within British India to be exercisable beyond British India.

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

Application of Act to other bodies enrolled for service on frontier.

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

Power to make rules.

- (a) regulating the functions and powers of the Deputy Commissioner and Commandant, respectively, under this Act;
- (b) regulating the classes and grades of, and the remuneration to be paid to the officers and men of, and the conditions of service in, the Border Military Police Force;
- (c) fixing the period of service for Military Police-officers in any district or local area;
- (d) regulating the award of minor punishments to Military Police-officers under the powers conferred by section 10, and providing for appeals from, or the revision of, orders under that section; and,
- (e) generally, for the purpose of carrying into effect the provisions of this Act.

THE

D

THE SCHEDULE.

CONDITIONS OF SERVICE.

[*See section 2, clause (a).*]

AFTER you have served for (*such period as the Local Government may have prescribed in this behalf*) in the Border Military Police Force maintained under the North-West Border Military Police Act, 1904, you may at any time, when not on active service, apply for your discharge, through the officer to whom you may be subordinate, to the Commandant or to the Deputy Commissioner of the district in which you may be serving, and you will be granted your discharge after three months from the date of your application, unless your discharge would cause the vacancies in the said Force to exceed one-tenth of the sanctioned strength, in which case you shall be bound to remain until this objection is waived by competent authority or removed. But when on active service you shall have no claim to a discharge and you shall be bound to remain to do your duty until the necessity for retaining you in the said Force ceases, when you may make your application in the manner hereinbefore prescribed. In the event of your re-enlistment after you have been discharged, you shall have no claim to reckon for pension or other purposes your service previous to your discharge :

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

Provided, also, that the Commandant or the Deputy Commissioner may, if he thinks fit, allow you to  
resign

resign at any time on your giving three months' notice of your wish to do so.

*Signature of Military Police-officer in acknowledgment of the above having been read to him.* } *A. B.*

*Signed in my presence after I had ascertained that A. B. understood the purport of what he signed.* } *C. D., Deputy Commissioner or Commandant.*

## ACT No. V OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.  
(Received the assent of the Governor General on the 4th March, 1904.)

An Act to amend the Indian Official Secrets Act, 1889.

WHEREAS it is expedient to amend the Indian Official Secrets Act, 1889; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Official Secrets (Amendment) Act, 1904.

Addition of definition of "civil affairs" to section 2, Act XV, 1889.

2. In section 2 of the Indian Official Secrets Act, 1889, the word "and", where it occurs between clauses (5) and (6), shall be omitted, and after the latter clause the following shall be added, namely:—

"and

(7) "civil affairs" means affairs—

(a) affecting the relations of His Majesty's Government or of the Governor General in Council with any foreign State, or

(b) affecting the relations of the Governor General in Council with any Native State in India, or relating to the public debt or the fiscal arrangements of the Government of India or any other important matters of State, where these affairs are of such a confidential nature that the public interest would suffer by their disclosure."

Amendment of section 3, Act XV, 1889.

3. In section 3 of the said Act, the following alterations shall be made, namely:—

(a) in sub-section (1), sub-head (a), clause (i), the word "office" shall be omitted;

(b) in



(b) in clause (ii) of the same sub-section and sub-head,—

(i) after the word "aforesaid", the words "or in any office belonging to His Majesty" shall be inserted,

(ii) after the words "obtains", "obtain" and "takes", the words "or attempts to obtain", "or any copy of any such document, sketch, plan or model", and "or attempts to take", respectively, shall be inserted, and

(iii) for the word "anything" the words "any naval, military or civil affair of His Majesty" shall be substituted,

(c) in sub-head (c) of the same sub-section and in sub-section (2), for the words "naval or military" the words "naval, military or civil" shall be substituted,

(d) after sub-section (1), the following shall be inserted as sub-section (2), and the present sub-sections (2) and (3) shall be renumbered sub-sections (3) and (4) :—

"(2) Where a person commits any act specified in clauses (i), (ii) and (iii) of sub-section (1), sub-head (a), without lawful authority or permission (the proof of which authority or permission shall be upon him), the Court may presume that he has committed such act for the purpose of wrongfully obtaining information."; and

(e) for the words "in the interest of the State" wherever they occur, the words "in the public interest" shall be substituted.

4. In section 4, sub-section (1), of the said Act, the words "in the interest of the State or otherwise" shall be omitted.

Amendment of section 4, Act XV, 1889.

5. For section 5 of the said Act the following sections shall be substituted, namely :—

Substitution of sections for section 5, Act XV, 1889.

"5. (1) Notwithstanding

Certain offences under Act declared cognizable.

" 5. (1) Notwithstanding anything in the Code of Criminal Procedure, 1898, every offence against this Act committed in relation to any fortress, arsenal, factory, dockyard, camp or ship belonging to His Majesty, or in relation to the naval or military affairs of His Majesty, shall, for the purposes of the said Code, be deemed to be cognizable: V of 1898.

Provided that a person accused of any such offence shall not be released on bail unless on the order of a Magistrate of the first class.

(2) Every other offence against this Act shall be non-cognizable.

Procedure after arrest on charge of certain offences punishable under Act.

" 6. (1) Any person, being a public servant as defined in the Indian Penal Code, may arrest any person who in his view commits any of the offences described in section 5, sub-section (1), and any such person, or any police-officer who has arrested any person on a charge of any such offence, and any police-officer to whom any person arrested on any such charge has been made over, shall take or send him before the officer for the time being in command or charge of the fortress, arsenal, factory, dockyard, camp or ship, or of the nearest military station, or before a Magistrate of the first class. XLV of 1860.

(2) Where any person has been taken or sent before the commanding or other officer in accordance with sub-section (1), such officer may, if he think fit, discharge such person, but, if he does not discharge him, shall, without unnecessary delay, take or send him to the nearest police-station or to any Magistrate of the first class.

(3) Where any person has been taken or sent to a police-station or to a Magistrate under sub-section (2), the provisions of the Code of Criminal Procedure, 1898, shall, save as otherwise provided by section 7, apply to him as though he had been taken to such police-station or Magistrate without being taken or sent before the commanding or other officer. V of 1898.

Restriction on trial of offences.

" 7. (1) No Magistrate of the second class shall have

have jurisdiction to try any person for an offence against this Act.

(2) No Court shall proceed to the trial of any person for an offence against this Act, except with the consent of the Local Government or the Governor General in Council."

6. For the expression "Her Majesty", wherever it occurs in the said Act, the expression "His Majesty" shall be substituted.

Alteration of  
expression  
"Her Maje-  
ty".

## ACT No. VI OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th March, 1904.)

An Act further to amend the Transfer of Property Act, 1882.

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

Short title.

1. This Act may be called The Transfer of Property (Amendment) Act, 1904.

Amendment of section 1, paragraph 4, Act IV of 1882.

2. In the fourth paragraph of section 1 of the said Act, after the words "extend this Act" the words "or any part thereof" shall be inserted.

Amendment of section 59, Act IV of 1882.

3. In the second paragraph of section 59 of the said Act, for the words "an instrument" the words "a registered instrument" shall be substituted.

Amendment of last paragraph of section 59 and of section 69, Act IV of 1882.

4. In the last paragraph of section 59 and in clause (c) of section 69 of the said Act, for the words "and Rangoon" and for the words "or Rangoon" the words "Rangoon, Moulmein, Bassein and Akyab" and the words "Rangoon, Moulmein, Bassein or Akyab" shall be respectively substituted.

Substitution of new paragraph for second paragraph of section 107, Act IV of 1882.

5. For the second paragraph of section 107 of the said Act the following paragraph shall be substituted, namely:—

"All other leases of immoveable property may be made either by a registered instrument or by oral agreement accompanied by delivery of possession :

Provided that the Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local official Gazette, direct that leases of immoveable property

property, other than leases from year to year, or for any term exceeding one year, or reserving a yearly rent, or any class of such leases, may be made by unregistered instrument or by oral agreement without delivery of possession."

6. In section 117 of the said Act, after the words "to be so applicable" the words "in the case of all or any of such leases" shall be inserted.

Amendment  
of section  
117, Act IV  
of 1882.

THE ANCIENT MONUMENTS PRESERVATION ACT, 1904 (VII OF 1904).

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*General.*

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## ACT No. VII OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 18th March, 1904.)*

An Act to provide for the preservation of Ancient Monuments and of objects of archæological, historical or artistic interest.

WHEREAS it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; It is hereby enacted as follows:—

Short title  
and extent.

1. (1) This Act may be called the Ancient Monuments Preservation Act, 1904.

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

Definitions.

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

(1) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof, and includes—

(a) the site of an ancient monument;

(b) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(c) the



(c) the means of access to and convenient inspection of an ancient monument :

(2) "antiquities" include any moveable objects which the Government, by reason of their historical or archæological associations, may think it necessary to protect against injury, removal or dispersion :

(3) "Commissioner" includes any officer authorized by the Local Government to perform the duties of a Commissioner under this Act :

(4) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto :

(5) "land" includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such estate or tenure be subject to incumbrances or not : and

(6) "owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee :

Provided that nothing in this Act shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

3. (1) The Local Government may, by notification in the local official Gazette, declare an ancient monument to be a protected monument within the meaning of this Act.

Protected monuments.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Local Government within

one

one month from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of one month, the Local Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Act.

*Ancient Monuments.*

Acquisition  
of rights in  
or guardianship  
of an  
ancient  
monument.

4. (1) The Collector, with the sanction of the Local Government, may purchase or take a lease of any protected monument.

(2) The Collector, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of the Local Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Act relating to agreements executed under section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

5. (1) The

*(Ancient Monuments.—Section 5.)*

5. (1) The Collector may, with the previous sanction of the Local Government, propose to the owner to enter into an agreement with the Secretary of State for India in Council for the preservation of any protected monument in his district.

Preservation  
of ancient  
monument  
by agree-  
ment.

(2) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement:—

- (a) the maintenance of the monument;
- (b) the custody of the monument, and the duties of any person who may be employed to watch it;
- (c) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;
- (d) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Collector to inspect or maintain the monument;
- (e) the notice to be given to the Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market-value;
- (f) the payment of any expenses incurred by the owner or by the Government in connection with the preservation of the monument;
- (g) the proprietary or other rights which are to vest in His Majesty in respect of the monument when any expenses are incurred by the Government in connection with the preservation of the monument;

(h) the

(h) the appointment of an authority to decide any dispute arising out of the agreement ; and

(i) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the Government.

(3) An agreement under this section may be executed by the Collector on behalf of the Secretary of State for India in Council, but shall not be so executed until it has been approved by the Local Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Local Government and with the consent of the owner.

(5) With the previous sanction of the Local Government, the Collector may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the Collector.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

Owners under disability or not in possession.

6. (1) If the owner is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by section 5.

(2) In the case of village-property, the headman  
or

*(Ancient Monuments.—Sections 7-8.)*

or other village-officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

7. (1) If the Collector apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 5, the Collector may make an order prohibiting any such contravention of the agreement.

Enforcement  
of agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Collector necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Collector, the Collector may authorize any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land-revenue.

(3) A person aggrieved by an order made under this section may appeal to the Commissioner, who may cancel or modify it and whose decision shall be final.

8. Every person who purchases, at a sale for arrears of land-revenue or any other public demand, or at a sale made under the Bengal Patni Taluks Regulation, 1819, an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being,

Purchasers at  
certain sales  
and persons  
claiming  
through  
owner bound  
by instru-  
ment execut-  
ed by owner.

VIII of  
1819.

being, under section 4 or section 5, and every person claiming any title to a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument.

Application  
of endow-  
ment to re-  
pair of an  
ancient  
monument.

9. (1) If any owner or other person competent to enter into an agreement under section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Collector, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the Collector may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

Compulsory  
purchase of  
ancient  
monument.

10. (1) If the Local Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the Local Government may proceed to acquire it under the provisions of the Land Acquisition Act, 1894, as if the preservation of a protected monument were a "public purpose" within the meaning of that Act.

I of 1894

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of—

- (a) any monument which or any part of which is periodically used for religious observances; or
- (b) any monument which is the subject of a subsisting agreement executed under section 5.

(3) In

(*Ancient Monuments.—Sections 11-13.*)

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the Collector may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

11. (1) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in section 4 or which the Government has acquired under section 10.

Maintenance of certain protected monuments.

(2) When the Commissioner has accepted the guardianship of a monument under section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

12. The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him :

Voluntary contributions.

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

13. (1) A place of worship or shrine maintained by the Government under this Act shall not be used for any purpose inconsistent with its character.

Protection of place of worship from misuse, pollution or desecration.

(2) Where the Collector has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the Collector shall

make

make due provision for the protection of such monument, or such part thereof, from pollution or desecration—

(a) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(b) by taking such other action as he may think necessary in this behalf.

Relinquish-  
ment of  
Government  
rights in a  
monument.

14. With the sanction of the Local Government, the Commissioner may—

(a) where rights have been acquired by Government in respect of any monument under this Act by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired ; or

(b) relinquish any guardianship of a monument which he has accepted under this Act.

Right of  
access to  
certain pro-  
tected monu-  
ments.

15. (1) Subject to such rules as may after previous publication be made by the Local Government, the public shall have a right of access to any monument maintained by the Government under this Act.

(2) In making any rule under sub-section (1) the Local Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

16. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Government under this Act or  
in



*(Traffic in Antiquities.—Section 17.)*

in respect of which an agreement has been executed under section 5, and any owner or occupier who contravenes an order made under section 7, sub-section (1), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both.

*Traffic in Antiquities.*

17. (1) If the Governor General in Council apprehends that antiquities are being sold or removed to the detriment of India or of any neighbouring country, he may, by notification in the Gazette of India, prohibit or restrict the bringing or taking by sea or by land of any antiquities or class of antiquities described in the notification into or out of British India or any specified part of British India.

Power to Governor General in Council to control traffic in antiquities.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of British India or any part of British India in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed shall be liable to confiscation.

(4) An officer of Customs, or an officer of Police of a grade not lower than Sub-Inspector, duly empowered by the Local Government in this behalf, may search any vessel, cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised may address his complaint to the Local Government, and the Local Government shall pass such order and may award such compensation, if any, as appears to it to be just.

*Protection*

*(Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.—Section 18.)*

*Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.*

Power to  
Local Govern-  
ment to con-  
trol moving  
of sculptures,  
carvings or  
like objects.

18. (1) If the Local Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Government, the Local Government may, by notification in the local official Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the Collector.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the Collector may require.

(3) If the Collector refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(4) Any person who moves any object in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of the Local Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (1), the Local Government shall either—

- (a) exempt such property from the said notification;
- (b) purchase such property, if it be moveable, at its market-value; or
- (c) pay compensation for any loss or damage sustained by the owner of such property, if it be immovable.

19. (1) If

(*Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.—Section 19. Excavations.—Section 20.*)

19. (1) If the Local Government apprehends that any object mentioned in a notification issued under section 18, sub-section (1), is in danger of being destroyed, removed, injured or allowed to fall into decay, the Local Government may pass orders for the compulsory purchase of such object at its market-value, and the Collector shall thereupon give notice to the owner of the object to be purchased.

Purchase of sculptures, carvings or like objects by the Government.

(2) The power of compulsory purchase given by this section shall not extend to—

- (a) any image or symbol actually used for the purpose of any religious observance ; or
- (b) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

*Excavations.*

20. (1) If the Local Government is of opinion that excavation within the limits of any local area ought to be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Local Government may, by notification in the local official Gazette, make rules—

Power to Local Government to control excavation.

- (a) fixing the boundaries of the area to which the rules are to apply ; and
- (b) prescribing the authority by which, and the terms on which, licenses to excavate may be granted.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If

(4) If any owner or occupier of land included in a notification under sub-section (1), proves to the satisfaction of the Local Government that he has sustained any loss by reason of such land being so included, the Local Government shall pay compensation in respect of such loss.

*General.*

Assessment  
of market-  
value or com-  
pensation.

21. (1) The market-value of any property which Government is empowered to purchase at such value under this Act, or the amount of compensation to be paid by Government in respect of anything done under this Act, shall, where any dispute arises touching the amount of such market-value or compensation, be ascertained in the manner provided by the Land Acquisition Act, 1894, sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable : I of 1894.

Provided that when making an inquiry under the said Land Acquisition Act, 1894, the Collector shall be assisted by two assessors, one of whom shall be a competent person nominated by the Collector, and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Collector in this behalf, by the Collector.

Jurisdiction.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Act.

Power to  
make rules.

23. (1) The Governor General in Council or the Local Government may make rules for carrying out any of the purposes of this Act.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

Protection to  
public  
servants act-  
ing under  
Act.

24. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done, or in good faith intended to be done, in the exercise of any power conferred by this Act.

THE INDIAN UNIVERSITIES ACT,  
1904 (VIII OF 1904).

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## ACT NO. VIII OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 24th March, 1904.)*

An Act to amend the law relating to the Universities of British India.

WHEREAS by Acts II, XXII and XXVII of 1857, Act XIX of 1882 and Act XVIII of 1887, Universities were established and incorporated at Calcutta, Bombay, Madras, Lahore and Allahabad;

And whereas by Act XLVII of 1860 the Universities of Calcutta, Madras and Bombay were empowered to confer such degrees as should be appointed in the manner provided by the Act;

And whereas by Act I of 1884 the Universities of Calcutta, Madras and Bombay were further empowered to confer the honorary degree of Doctor in the Faculty of Law;

And whereas it is expedient to amend the law relating to the Universities of British India;

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Universities Act, 1904; and

Short title and commencement.

(2) It shall come into force on such date as the Government may fix in this behalf by notification in the Gazette of India or the local official Gazette, as the case may be.

2. (1) This Act shall be deemed to be part of each of the Acts by which the said five Universities were respectively established and incorporated.

Interpretation.

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

(a) the

*(The University.—Sections 3-4.)*

- (a) the term "College" or "affiliated College" includes any collegiate institution affiliated to or maintained by the University;
- (b) the expression "the Government" means in relation to the University of Calcutta the Governor General in Council, and in relation to the other Universities the Local Government; and
- (c) the expressions "the University" and "the Act of Incorporation" and any expression denoting any University, authority or officer or any statute, regulation, rule or by-law of the University shall be construed with reference to each of the said Universities respectively.

*The University.*

Incorporation and powers of the University.

3. The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power to appoint University Professors and Lecturers, to hold and manage educational endowments, to erect, equip and maintain University libraries, laboratories and museums, to make regulations relating to the residence and conduct of students, and to do all acts, consistent with the Act of Incorporation and this Act, which tend to the promotion of study and research.

Constitution and powers of the Senate.

4. (1) Notwithstanding anything contained in the Act of Incorporation, the Body Corporate of the University shall consist of —

- (a) the Chancellor;
- (b) in the case of the University of Calcutta, the Rector;
- (c) the Vice-Chancellor;
- (d) the *ex officio* Fellows; and
- (e) the Ordinary Fellows—
- (i) elected by registered Graduates or by the Senate,
- (ii) elected



*(Fellows.—Section 5.)*

- (ii) elected by the Faculties, and
- (iii) nominated by the Chancellor.

(2) The Ordinary Fellows shall, save as herein otherwise provided, hold office for five years :

Provided that an Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.

(3) The Body Corporate shall be the Senate of the University, and all powers which are by the Act of Incorporation or by this Act conferred upon the Senate, or upon the Chancellor, Vice-Chancellor and Fellows in their corporate capacity, or, in the case of the University of Calcutta, upon the Chancellor, Rector, Vice-Chancellor and Fellows in their corporate capacity, shall be vested in, and exercised by, the Senate constituted under this Act, and all duties and liabilities imposed upon the University by the Act of Incorporation shall be deemed to be imposed upon the Body Corporate as constituted under this Act.

(4) No act done by the University shall be deemed to be invalid merely by reason of any vacancy among either class of elected Ordinary Fellows, or by reason of the total number of Ordinary Fellows or of members of the profession of education to be included among Ordinary Fellows, being less than the minimum prescribed by this Act.

*Fellows.*

5. (1) Notwithstanding anything contained in the Act of Incorporation, the persons for the time being performing the duties of the offices mentioned in the list contained in the first schedule to this Act or added to the said list under sub-section (2) shall be the *ex officio* Fellows of the University. *Ex officio*  
Fellows.

(2) The Government may, by notification published in the Gazette of India or in the local official Gazette, as the case may be, make additions to, or alterations in, the list of offices contained in the said schedule :

Provided

(Fellows.—Sections 6-7.)

Provided that the number of *ex officio* Fellows shall not exceed ten.

Ordinary  
Fellows.

6. (1) In the case of the Universities of Calcutta, Bombay and Madras, the number of Ordinary Fellows shall not be less than fifty nor exceed one hundred; and of such number—

- (a) ten shall be elected by registered Graduates;
- (b) ten shall be elected by the Faculties; and
- (c) the remainder shall be nominated by the Chancellor.

(2) In the case of the Universities of the Punjab and Allahabad, the number of Ordinary Fellows shall not be less than forty nor exceed seventy-five; and of such number—

- (a) ten shall be elected by the Senate or by registered Graduates;
- (b) five shall be elected by the Faculties; and
- (c) the remainder shall be nominated by the Chancellor.

(3) The election of any Ordinary Fellow shall be subject to the approval of the Chancellor.

(4) Elections of Ordinary Fellows by the Faculties and nominations of such Fellows by the Chancellor under this section shall be made in such manner as to secure that not less than two-fifths of the Fellows so elected and so nominated respectively shall be persons following the profession of education.

Ordinary  
fellows  
elected by  
registered  
graduates.

7. (1) Once in every year, on such date as the Chancellor may appoint in this behalf, there shall, if necessary, be an election to fill any vacancy among the Ordinary Fellows elected by registered Graduates.

(2) The Syndicate shall maintain a register on which any Graduate who—

- (a) has taken the degree of Doctor or Master in any Faculty, or
- (b) has graduated in any Faculty not less than ten years before registration,

shall,

*(Fellows.—Section 8.)*

shall, subject to the payment of an initial fee of such amount as may be prescribed by the regulations, be entitled to have his name entered upon application made within the period of three years from the commencement of this Act or of one year from the date on which he becomes so entitled :

Provided that, if such application is made after the expiry of either of the said periods, the applicant shall be entitled to have his name entered on payment of the said initial fee, and of such further sum as may be prescribed by the regulations.

(3) The name of any Graduate entered on the register shall, subject to the payment of an annual fee of such amount as may be prescribed by the regulations, be retained thereon, and, in case of default, shall be removed therefrom, but shall, at any time, be re-entered upon payment of all arrears :

Provided that a Graduate whose name has been already entered on the register may at any time compound for all subsequent payments of the annual fee by paying the sum prescribed in this behalf by the regulations.

(4) No person other than a Graduate whose name is entered on the said register shall be qualified to vote or to be elected at an election held under subsection (1).

(5) A Graduate registered under this section shall be entitled to such further privileges as may be determined by the regulations.

8. (1) The provisions of section 7 shall not apply to the University of the Punjab or to the University of Allahabad until the Chancellor, with the previous sanction of the Governor General in Council and by notification in the local official Gazette, so directs; and until such time the Ordinary Fellows of the said Universities, who would be elected by registered Graduates if the said provisions were in force, shall be elected by the Senate.

Ordinary  
Fellows  
elected by  
Senates.

(2) In

(*Fellows.—Sections 9-11. Transitory Provisions.—Section 12.*)

(2) In the case of the University of the Punjab and the University of Allahabad, there shall, if necessary, be an election, once in every year, on such date as the Chancellor may appoint in this behalf, to fill any vacancy among the Ordinary Fellows elected by the Senate.

Election by  
the Faculties.

9. (1) Once in every year, on such date as the Chancellor may appoint in this behalf, there shall, if necessary, be an election to fill any vacancy among the Ordinary Fellows elected by the Faculties.

(2) An election under sub-section (1) shall be held, subject to such directions prescribing the qualifications of the persons to be elected as may, from time to time, be given by the Chancellor, with a view to secure the return of duly qualified persons and the fair representation of different branches of study in the Senate.

Nomination  
by the  
Chancellor.

10. Subject to the provisions of section 6, the Chancellor may nominate any number of fit and proper persons to be Ordinary Fellows.

Vacating of  
office.

11. (1) Any Ordinary Fellow may, by letter addressed to the Chancellor, resign his office.

(2) Where any Ordinary Fellow has not attended a meeting of the Senate, other than a Convocation, during the period of one year, the Chancellor may declare his office to be vacated.

*Transitory Provisions.*

Election and  
nomination  
of Ordinary  
Fellows  
within one  
year after  
commence-  
ment of  
Act, and  
temporary  
continuance  
of existing  
University  
administra-  
tion.

12. In their application to the election and nomination of Ordinary Fellows within the period of one year after the commencement of this Act and to the current business of the University, the provisions of this Act shall be read as subject to the following restrictions and modifications:—

(a) In the case of the Universities of Calcutta, Bombay, and Madras, the Chancellor shall, as soon as may be after the commencement of

*(Transitory Provisions.—Section 12.)*

of this Act, make an order directing that the Ordinary Fellows who under the said provisions are to be elected by registered Graduates, shall be elected by the elected Fellows holding office at the commencement of this Act, or by such Graduates of the University as the Chancellor may determine, or partly by elected Fellows and partly by such Graduates, and in such manner as the Chancellor may direct.

- (b) When the Ordinary Fellows mentioned in clause (a) have been elected, the Chancellor shall proceed to the nomination of Ordinary Fellows under section 6, sub-section (1), clause (c).
- (c) The Ordinary Fellows mentioned in clauses (a) and (b) shall, as soon as may be after their appointment and in such manner as the Chancellor may direct, elect the Fellows who under the said provisions are to be elected by the Faculties.
- (d) In the case of the Universities of the Punjab and Allahabad, the Chancellor shall, as soon as may be after the commencement of this Act, proceed to nominate Ordinary Fellows under section 6, sub-section (2), clause (c).
- (e) When Ordinary Fellows have been appointed under clause (d), the Chancellor shall make an order directing that the Fellows who under the said provisions are to be elected by the Senate, shall be elected by the Ordinary Fellows appointed under clause (d), or by elected Fellows holding office at the commencement of this Act, or partly by such Ordinary Fellows and partly by elected Fellows, in such manner as the Chancellor may direct.

(f) The

F

*(Transitory Provisions.—Section 12.)*

- (f) The Ordinary Fellows mentioned in clauses (d) and (e) shall, as soon as may be after their appointment, and in such manner as the Chancellor may direct, elect the Fellows who under the said provisions are to be elected by the Faculties.
- (g) An election under clause (c) or clause (f) shall be made subject to such directions prescribing the qualifications of the persons to be elected as may be given by the Chancellor, with a view to secure the return of duly qualified persons and a fair representation of different branches of study in the Senate.
- (h) As soon as Ordinary Fellows have been nominated and elected under clauses (a), (b) and (c), or under clauses (d), (e) and (f), as the case may be, and the persons so elected have been approved by the Chancellor, the Chancellor shall declare that the Body Corporate of the University has been constituted in accordance with the provisions of this Act, and shall append to the declaration a list of the Senate, and shall forward the said declaration and the appended list to the Governor General in Council, who shall cause the declaration and list to be published in the Gazette of India.
- (i) The seniority of the Fellows included in the list mentioned in clause (h) shall be determined by the order in which their names appear in the list.
- (j) Until the said declaration is published under clause (h), the Fellows holding office at the commencement of this Act shall, together with the Chancellor and the Vice-Chancellor, continue to be the Senate of the University, and shall be entitled to exercise

*(Transitory Provisions.—Section 12.)*

exercise the powers conferred upon them by the Act of Incorporation.

(k) Every Ordinary Fellow elected or nominated under this section shall, unless his Fellowship is previously vacated by death, resignation or any other cause, hold office for not less than three years.

(l) At or about the end of the third year from the publication of the declaration mentioned in clause (k), the names of, as nearly as may be, one-fifth of the total initial number—

(i) of Ordinary Fellows elected under clause (a) or clause (e), as the case may be,

(ii) of Ordinary Fellows elected under clause (c) or clause (f), and

(iii) of Ordinary Fellows nominated by the Chancellor,

(after deducting from the said one-fifth the names in each class which have previously been removed from the list mentioned in clause (k) by reason of death, resignation or any other cause) shall be drawn by lot from among the elected and the nominated Ordinary Fellows whose names were included in the list mentioned in clause (k), and those whose names are so shown shall thereupon cease to be Ordinary Fellows.

(m) At or about the end of the fourth, fifth and sixth years from the publication of the said declaration, the names of Ordinary Fellows shall be drawn by lot from each class of Ordinary Fellows included in the said list, in the manner provided in clause (l), so as to secure that, as nearly as may be, one-fifth of the Fellowships of the Ordinary Fellows so included in each class shall be vacated in each year.

(n) An

r 2

*(Transitory Provisions.—Section 12.)*

- (n) An Ordinary Fellow elected or nominated under this section, who has not previously vacated his Fellowship, shall cease to be a Fellow at the end of the seventh year from the publication of the said declaration.
- (o) The Vice-Chancellor holding office at the commencement of this Act shall continue to hold office until the publication of the said declaration, and shall, if he is a member of the Senate as constituted under this Act, continue to hold office as Vice-Chancellor for the remainder of the term for which he was originally appointed.
- (p) The members of the Syndicate holding office at the commencement of this Act shall continue to conduct the executive business of the University until the publication of the said declaration; and, upon such publication, the Senate shall, in such manner as the Chancellor may direct, appoint a provisional Syndicate to conduct the executive business of the University until the Syndicate has been constituted under this Act.
- (q) The Senate as constituted under this Act may give orders for the provisional constitution of Faculties, Boards of Studies and of any Board or Committee of the Senate, pending the constitution of such Faculties, Boards and Committees in conformity with the regulations.
- (r) University Examiners and all officers and servants of the University shall continue to hold office and to act, subject to the conditions governing their tenure of office or employment, except in so far as such conditions may be altered by competent authority.

(s) The



(Honorary Fellows.—Section 13. Faculties and  
Syndicate.—Section 14.)

- (s) The statutes, regulations and by-laws of the University in force at the commencement of this Act shall continue to be in force, except in so far as the said statutes, regulations and by-laws shall be altered or repealed by competent authority.

*Honorary Fellows.*

13. (1) (a) A Fellow holding office at the commencement of this Act shall cease to be a Fellow. Honorary  
Fellows.

(b) Where a Fellow included in clause (a) does not become a Fellow under this Act, he shall be an Honorary Fellow for life.

(c) Where a Fellow included in clause (a) becomes a Fellow under this Act, he shall, whenever and so often as he ceases to be a Fellow under this Act, become an Honorary Fellow as provided in clause (b).

(2) The Chancellor may nominate any person to be an Honorary Fellow for life, who is eminent for his attainments in any branch of learning, or is an eminent benefactor of the University, or is distinguished for services rendered to the cause of education generally.

(3) Notwithstanding anything contained in this section, any Fellow who at the commencement of this Act is entitled as such to vote for the election of any person to be a member of any Council for the purpose of making laws and regulations or of any local authority shall continue to be so entitled as if this Act had not been passed.

*Faculties and Syndicate.*

14. (1) Nothing contained in the Act of Incorporation shall be deemed to prohibit the constitution of a new Faculty or the abolition or reconstitution of Faculties.  
any

## (Faculties and Syndicate,—Section 15.)

any existing Faculty by the Senate under regulations made in accordance with the provisions of this Act.

(2) Regulations made under sub-section (1) may—

(a) provide for the assignment of Fellows to the several Faculties by order of the Senate; and

(b) empower the Fellows so assigned to add to their number, in such manner and for such period as may be prescribed, Graduates in the Faculty and other persons possessing special knowledge of the subjects of study represented by the Faculty;

Provided that the number of persons so to be added to the Faculty shall not exceed half the number of Fellows assigned to the Faculty.

(3) A person added to a Faculty under sub-section (2), clause (b), shall have the right to take part in the ordinary business of the Faculty, and in any election of an Ordinary Fellow by the Faculty, but shall not be entitled to take part in the election of the Syndicate.

Syndicate.

15. (1) The executive government of the University shall be vested in the Syndicate, which shall consist of—

(a) the Vice-Chancellor as Chairman;

(b) the Director of Public Instruction for the Province in which the head-quarters of the University are situated; and, in the case of the University of Allahabad, also the Director of Public Instruction in the Central Provinces; and

(c) not less than seven or more than fifteen *ex officio* or Ordinary Fellows elected by the Senate or by the Faculties in such manner as may be provided by the regulations, to hold

*(Degrees.—Sections 16-18.)*

hold office for such period as may be prescribed by the regulations.

(2) The regulations referred to in sub-section (1) shall be so framed as to secure that a number not falling short by more than one of a majority of the elected members of the Syndicate shall be Heads of, or Professors in, Colleges affiliated to the University.

(3) If in the case of any election the question is raised whether any person is or is not a Professor within the meaning of sub-section (2), the question shall be decided by the Senate.

*Degrees.*

16. The Senate may institute and confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by regulation.

Degrees,  
diplomas,  
licenses,  
titles and  
marks of  
honour.

17. Where the Vice-Chancellor and not less than two-thirds of the other members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

Honorary  
degrees.

18. Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour conferred or granted by the Senate has been convicted of what is, in their opinion, a serious offence, the Syndicate may propose to the Senate that the degree, diploma, license, title or mark of honour be cancelled, and, if the proposal is accepted by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed

Cancellation  
of degrees  
and the like.

by

*(Affiliated Colleges.—Sections 19-21.)*

by the Chancellor, the degree, diploma, license, title or mark of honour shall be cancelled accordingly.

*Affiliated Colleges.*

Certificate  
required of  
candidates  
for examina-  
tion.

19. Save on the recommendation of the Syndicate, by special order of the Senate, and subject to any regulations made in this behalf, no person shall be admitted as a candidate at any University examination, other than an examination for matriculation, unless he produces a certificate from a College affiliated to the University, to the effect that he has completed the course of instruction prescribed by regulation.

Existing  
Colleges.

20. Any College affiliated to the University before the passing of this Act may continue to exercise the rights conferred upon it by such affiliation, save in so far as such rights may be withdrawn or restricted in the exercise of any power conferred by the Act of Incorporation or by this Act.

Affiliation.

21. (1) A College applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate—

- (a) that the College is to be under the management of a regularly constituted governing body;
- (b) that the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction to be undertaken by the College;
- (c) that the buildings in which the College is to be located are suitable, and that provision will be made, in conformity with the regulations, for the residence, in the College or in lodgings approved by the College, of students not residing with their parents or guardians, and for the supervision and physical welfare of students;

(d) that

*(Affiliated Colleges.—Section 21.)*

- (d) that due provision has been or will be made for a library;
- (e) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the regulations for imparting instruction in that branch of science in a properly equipped laboratory or museum;
- (f) that due provision will, so far as circumstances may permit, be made for the residence of the Head of the College and some members of the teaching staff in or near the College or the place provided for the residence of students;
- (g) that the financial resources of the College are such as to make due provision for its continued maintenance;
- (h) that the affiliation of the College, having regard to the provision made for students by other Colleges in the same neighbourhood, will not be injurious to the interests of education or discipline; and
- (i) that the College rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing College in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the College is affiliated any transference of management and all changes in the teaching staff shall be forthwith reported to the Syndicate.

(2) On receipt of a letter of application under sub-section (1), the Syndicate shall—

- (a) direct a local inquiry to be made by a competent person authorized by the Syndicate in this behalf;

(b) make

*(Affiliated Colleges.—Sections 22-23.)*

(b) make such further inquiry as may appear to them to be necessary; and

(c) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (a) and (b).

And the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion on the matter.

(3) The Registrar shall submit the application and all proceedings of the Syndicate and Senate relating thereto to the Government, who, after such further inquiry as may appear to them to be necessary, shall grant or refuse the application or any part thereof.

(4) Where the application or any part thereof is granted, the order of the Government shall specify the courses of instruction in respect of which the College is affiliated; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(5) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (3).

Extension  
of affiliation.

22. Where a College desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 21 shall, so far as may be, be followed.

Inspection  
and reports.

23. (1) Every College affiliated to the University, whether before or after the commencement of this Act, shall furnish such reports, returns and other information as the Syndicate may require to enable it to judge of the efficiency of the College.

(2) The Syndicate shall cause every such College to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(3) The

*(Affiliated Colleges.—Section 24.)*

(3) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in section 21, sub-section (1).

24. (1) A member of the Syndicate who intends to move that the rights conferred on any College by affiliation be withdrawn, in whole or in part, shall give notice of his motion, and shall state in writing the grounds on which the motion is made.

Disaffiliation.

(2) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (1) to the Head of the College concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the College will be considered by the Syndicate:

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(3) On receipt of the representation or on expiration of the period referred to in sub-section (2), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, shall make a report to the Senate.

(4) On receipt of the report under sub-section (3), the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion on the matter.

(5) The Registrar shall submit the proposal and all proceedings of the Syndicate and Senate relating thereto to the Government, who, after such further inquiry (if any) as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(6) Where

*(Regulations.—Section 25.)*

(6) Where by an order made under sub-section (3) the rights conferred by affiliation are withdrawn, in whole or in part, the grounds for such withdrawal shall be stated in the order.

*Regulations.*

Regulations.

25. (1) The Senate, with the sanction of the Government, may from time to time make regulations consistent with the Act of Incorporation as amended by this Act and with this Act to provide for all matters relating to the University.

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

- (a) the procedure to be followed in holding any election of Ordinary Fellows ;
- (b) the constitution, reconstitution or abolition of Faculties, the proportion in which the members, other than the *ex officio* members, of the Syndicate shall be elected to represent the various Faculties, and the mode in which such election shall be conducted ;
- (c) the procedure at meetings of the Senate, Syndicate and Faculties and the quorum of members to be required for the transaction of business ;
- (d) the appointment of Fellows and others to be members of Boards of Studies, and the procedure of such Boards and the quorum of members to be required for the transaction of business ;
- (e) the appointment and duties of the Registrar and of officers and servants of the University, and of Professors and Lecturers appointed by the University ;
- (f) the



*(Regulations.—Section 25.)*

- (f) the appointment of Examiners, and the duties and powers of Examiners in relation to the examinations of the University;
- (g) the form of the certificate to be produced by a candidate for examination under section 19 and the conditions on which any such certificate may be granted;
- (h) the registers of Graduates and students to be kept by the University, and the fee (if any) to be paid for the entry or retention of a name on any such register;
- (i) the inspection of Colleges and the reports, returns and other information to be furnished by Colleges;
- (j) the registers of students to be kept by Colleges affiliated to the University;
- (k) the rules to be observed and enforced by Colleges affiliated to the University in respect of the transfer of students;
- (l) the fees to be paid in respect of the courses of instruction given by Professors or Lecturers appointed by the University;
- (m) the residence and conduct of students;
- (n) the courses of study to be followed and the conditions to be complied with by candidates for any University examination, other than an examination for matriculation, and for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University;
- (o) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the matriculation examination and the conditions to be complied with by candidates for matriculation, whether sent up by recognised schools or not;

(p) the

(Regulations.—Section 26. Miscellaneous.—Section 27.)

- (p) the conditions to be complied with by candidates, not being students of any College affiliated to the University, for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University; and
- (q) the alteration or cancellation of any rule, regulation, statute or by-law of the University in force at the commencement of this Act.

New body of regulations.

26. (1) Within one year after the commencement of this Act, or within such further period as the Government may fix in this behalf,—

- (a) the Senate as constituted under this Act shall cause a revised body of regulations to be prepared and submitted for the sanction of the Government;
- (b) if any additions to, or alterations in, the draft submitted appear to the Government to be necessary, the Government, after consulting the Senate, may sanction the proposed body of regulations, with such additions and alterations as appear to the Government to be necessary.

(2) Where a draft body of regulations is not submitted by the Senate within the period of one year after the commencement of this Act, or within such further period as may be fixed under sub-section (1), the Government may, within one year after the expiry of such period or of such further period, make regulations which shall have the same force as if they had been prepared and sanctioned under sub-section (1).

*Miscellaneous.*

Territorial exercise of powers.

27. The Governor General in Council may, by general or special order, define the territorial limits within

(Miscellaneous.—Sections 28-29. The First Schedule.—*Ex officio* Fellows of the University.)

within which, and specify the Colleges in respect of which, any powers conferred by or under the Act of Incorporation or this Act shall be exercised.

28. (1) The Lieutenant-Governor of Bengal for the time being shall be the Rector of the University of Calcutta, and shall have precedence in any Convocation of the said University next after the Chancellor and before the Vice-Chancellor. Rector.

(2) The Chancellor may delegate any power conferred upon him by the Act of Incorporation or this Act to the Rector.

29. The Acts mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof. Repeals.

#### THE FIRST SCHEDULE.

(Section 5.)

##### *EX OFFICIO* FELLOWS OF THE UNIVERSITY.

###### *The University of Calcutta.*

The Chief Justice of the High Court of Judicature at Fort William in Bengal.

The Lord Bishop of Calcutta.

The Civil Ordinary Members of the Council of the Governor General.

The Directors of Public Instruction in Bengal, Burma and Assam.

###### *The University of Bombay.*

The Chief Justice of the High Court of Judicature at Bombay.

The Bishop of Bombay.

The Ordinary Members of the Council of the Governor of Bombay.

The Director of Public Instruction in Bombay.

*The*

*(The Second Schedule.—Enactments repealed.)**The University of Madras.*

The Chief Justice of the High Court of Judicature at Madras.

The Bishop of Madras.

The Ordinary Members of the Council of the Governor of Madras.

The Director of Public Instruction in Madras.

*The University of the Punjab.*

The Chief Judge of the Chief Court of the Punjab.

The Bishop of Lahore.

The Director of Public Instruction in the Punjab.

The representatives of such Chiefs (if any) of territories not comprised in British India as the Local Government may, by notification in the local official Gazette, specify in this behalf.

*The University of Allahabad.*

The Chief Justice of the High Court of Judicature for the North-Western Provinces.

The Bishop of Lucknow.

The Directors of Public Instruction in the United Provinces of Agra and Oudh and in the Central Provinces.

## THE SECOND SCHEDULE.

*(Section 29.)*

## ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
1857	II	The Calcutta University Act, 1857.	In section 2, the word "said", wherever it occurs. In section 3, the first sentence and the words "Provided that". In section 5, the words "in the Calcutta Gazette". Section 6. Section 8, except the first sentence. Sections 9, 10, 11, 12, 13 and 14.

## (The Second Schedule.—Enactments repealed.)

THE SECOND SCHEDULE—*contd.*

Year.	No.	Short title.	Extent of repeal.
1857	XXII	The Bombay University Act, 1857.	In section 2, the word "said", wherever it occurs. In section 3, the first sentence and the words "Provided that". Section 6. Section 8, except the first sentence. Sections 9, 10, 11, 12, 13 and 14.
"	XXVII	The Madras University Act, 1857.	In section 2, the word "said", wherever it occurs. In section 3, the first sentence and the words "Provided that". Section 6. Section 8, except the first sentence. Sections 9, 10, 11, 12, 13 and 14.
1860	XLVII	The Indian Universities (Degrees) Act, 1860.	The whole Act.
1882	XIX	The Punjab University Act, 1882.	Section 6. In section 7, sub-section (1). In section 8, in sub-section (1), the words after the word "Fellow" to the end of the sub-section, and in sub-section (2), the words from the word "appointed" to the words "this Act". In section 9, the words "under this Act". Sections 10 and 11. Section 12, except the last paragraph. Sections 13, 14, 15, 16 and 18. In section 20, the words "made or", "section six, clauses (b) and (c), and" and "under sections fourteen, fifteen and sixteen". In the Schedule, Part I.

(The Second Schedule.—Enactments repealed.)

## THE SECOND SCHEDULE—concl'd.

Year.	No.	Short title.	Extent of repeal.
1884	I	The Indian Universities (Honorary Degrees) Act, 1884.	The whole Act.
1887	XVIII	The Allahabad University Act, 1887.	<p>Section 5.</p> <p>In section 6, sub-section (1).</p> <p>In section 7, sub-section (1), and in sub-section (2), the words after the word "Fellow" to the end of the sub-section.</p> <p>Sections 10, 11, 12, 13, 14, 15 and 17.</p> <p>In section 20, the words and figures "appointments made and", "under section 5, sub-section (1), clauses (b) and (c)", "under sections 14 and 15" and "under section 17".</p> <p>In the Schedule, Part I.</p>

THE MADRAS COAST-LIGHTS ACT,  
1904 (IX OF 1904).

CONTENTS.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Imposition of coast-light dues.
4. Collection of coast-light dues, and grant of receipt therefor.
5. Master to report arrival of vessel.
6. Ascertainment of tonnage.
7. Recovery of coast-light dues, expenses and costs.
8. No port-clearance to be granted until coast-light dues, expenses and costs are paid.
9. Master to specify on demand ports to or from which vessel is bound.
10. Penalty for evading payment of coast-light dues, expenses or costs.
11. Determination of dispute as to liability to pay coast-light dues, expenses or costs.
12. Saving for certain vessels.

THE SCHEDULE.

## ACT NO. IX OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 25th March, 1904.)*

An Act to authorize the levy of dues on vessels for the provision of lights on the coast of the Presidency of Madras.

WHEREAS it is expedient to authorize the levy of dues on vessels for the provision of lights on the coast of the Presidency of Madras; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Madras Coast-lights Act, 1904.

Definitions.

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

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

(a) "Customs-collector" means a Customs-collector appointed under the Sea Customs Act, 1878, and includes any person appointed by the Local Government to discharge the functions of a Customs-collector under this Act; and

(b) "ton" means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the net tonnage of British ships.

Imposition of coast-light dues.

3. (1) For the purpose of providing lights on the coast of the Presidency of Madras, coast-light dues shall be paid in respect of every vessel of the burden of thirty tons or upwards making any such voyage as is described in the schedule.

(2) The said dues shall be paid at such rates, not exceeding those respectively specified in the schedule,

AS



as the Governor of Fort St. George in Council may, with the previous sanction of the Governor General in Council, fix by notification in the local official Gazette.

(3) The said coast-light dues shall be payable only at ports in British India other than Aden and shall be paid—

- (a) in the case of a vessel clearing out of a port in British India, previous to the grant of a port-clearance; and
- (b) in the case of a vessel arriving from Aden or a port outside British India at a port in British India other than Aden, immediately upon her arrival in such port:

Provided that, when coast-light dues have been paid in the case of any vessel on account of the lights in the eastern or western group, no further coast-light dues on account of lights in the same group shall be payable in respect of that vessel for a period of thirty days from the date on which such dues were paid.

*Explanation.*—The coast-lights on the east coast of the Presidency of Madras shall be deemed to constitute the eastern group of coast-lights, and the coast-lights on the west coast of the said Presidency to constitute the western group of coast-lights.

4. The Customs-collector shall levy the coast-light dues payable under section 3, and shall grant to the person paying the same a receipt in writing under his hand specifying—

Collection of coast-light dues, and grant of receipt therefor.

- (a) the port at which the coast-light dues are paid;
- (b) the amount paid;
- (c) the name, tonnage and other proper description of the vessel in respect of which the payment is made; and
- (d) the group in respect of which the coast-light dues are paid.

5. Within

Master to report arrival of vessel.

5. Within twenty-four hours after the arrival in any port of a vessel in respect of which coast-light dues are payable under section 3, the master shall give notice in writing of such arrival to the Customs-collector.

Ascertainment of tonnage.

6. In order to ascertain the tonnage of any vessel in respect of which coast-light dues are payable under section 3, the following rules shall be observed, namely:—

- (a) Where the vessel is registered under any law for the time being in force in British India, the Customs-collector may require the owner or master, or any other person having possession of her register, to produce such register for inspection; and, if any such owner, master or other person neglects or refuses to produce such register or otherwise to satisfy the Customs-collector as to what is the true tonnage of the vessel in respect of which such coast-light dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the Customs-collector may cause the vessel to be measured and the tonnage thereof to be ascertained; and in such case the owner or master shall also be liable to pay the expenses of such measurement and ascertainment.
- (b) Where the vessel is not so registered, and the owner or master fails to satisfy the Customs-collector as to what is her true tonnage according to the mode of measurement prescribed by the law for regulating the measurement of British registered vessels for the time being in force, the Customs-collector shall cause the vessel to be measured, and the tonnage thereof to be ascertained according to such mode as

aforesaid;

aforesaid; and in such case the owner or master shall be liable to pay the expenses of such measurement and ascertainment.

7. Where the master of any vessel refuses or neglects to pay to the Customs-collector on demand the amount of any coast-light dues or expenses payable under this Act in respect of such vessel, the Customs-collector may seize the vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of such dues or expenses is paid;

Recovery of coast-light dues, expenses and costs.

and in case any part of such dues or expenses, or of the costs of such seizure and detention, remains unpaid for the space of five days next after any seizure so made, the Customs-collector may cause the vessel or other thing so seized to be sold, and with the proceeds of the sale may satisfy the dues, expenses and costs (including the costs of sale) remaining unpaid, and shall, on demand, render the surplus (if any) to the master of the vessel.

8. The officer whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her master or some other person has paid, or secured to the satisfaction of the officer, the amount of all coast-light dues, expenses and costs payable in respect of the vessel under this Act, and of any fine imposed thereunder.

No port-clearance to be granted until coast-light dues, expenses and costs are paid.

9. The master of any vessel departing from or arriving in any port in British India, other than Aden, shall, on the demand of the Customs-collector, specify to what port the vessel is bound and at what port or ports (if any) the vessel intends to call, or from what port or ports she has come.

Master to specify on demand ports to or from which vessel is bound.

10. Whoever, being the master of a vessel, evades, or attempts to evade, the payment of any coast-light dues, expenses or costs payable in respect of such vessel under this Act, shall be punishable with fine which may extend to two hundred rupees.

Penalty for evading payment of coast-light dues, expenses or costs.

11. Where

Determina-  
tion of  
dispute as to  
liability to  
pay coast-  
light dues,  
expenses  
or costs.

11. Where any dispute arises as to whether any coast-light dues, expenses or costs are payable in respect of any vessel under this Act, or as to the amount of such dues, expenses or costs, the dispute shall, on application made in that behalf by either of the disputing parties, be heard and determined in the Presidency-towns of Calcutta, Madras and Bombay, by a Presidency Magistrate, and, elsewhere, by any Magistrate exercising at the place where the dispute arises powers not less than those of a Magistrate of the second class; and the decision of such Magistrate shall be final.

Saving for  
certain  
vessels.

12. Nothing in this Act shall be deemed to apply to any vessel belonging to, or in the service of, His Majesty or the Government, or to any vessel of war belonging to any Foreign Prince or State.

### THE SCHEDULE.

(See section 3.)

Vessels.	Maximum rate per net registered ton.
<p><b>Class I.</b></p> <p>Steam-vessels departing from any port in the Presidency of Bombay, or from any port on the west coast of the South of India, and bound for or calling at any port on the east coast of the South of India; or <i>vice versa</i>.</p>	<p>9 pies on account of the western, and 9 pies on account of the eastern, group of coast-lights.</p>
<p><b>Class II.</b></p> <p>Steam-vessels departing from any port in the Presidency of Bombay, or from any port on the west coast of the South of India, bound for or calling at any port in India, east of the eighty-sixth meridian of Longitude E., and not calling at any port on the east coast of the South of India; or <i>vice versa</i>.</p>	<p>9 pies on account of the western group of coast-lights.</p>

CLASS III.

THE SCHEDULE—*contd.*

Vessels.	Maximum rate per net registered ton.
<p align="center"><b>Class III.</b></p> <p>Steam-vessels departing from any port in the Presidency of Bombay, or from any port on the west coast of the South of India, and bound for or calling at any port outside India east of the seventy-eighth meridian of Longitude E.; or <i>vice versa</i>.</p>	9 pies on account of the western group of coast-lights.
<p align="center"><b>Class IV.</b></p> <p>Steam-vessels calling at or departing from any port on the east coast of the South of India and not included in any other class.</p>	9 pies on account of the eastern group of coast-lights.
<p align="center"><b>Class V.</b></p> <p>Steam-vessels departing from any port in the Presidency of Bombay, and bound for the port of Tellicherry or for any port in the Presidency of Madras north of the port of Tellicherry, or <i>vice versa</i>.</p>	5 pies on account of the western group of coast-lights.
<p align="center"><b>Class VI.</b></p> <p>Steam-vessels, not included in any other class, departing from any port in the Presidency of Bombay and bound for, or calling at, any port on the west coast of the South of India south of the port of Tellicherry; or <i>vice versa</i>.</p>	9 pies on account of the western group of coast-lights.
<p align="center"><b>Class VII.</b></p> <p>Steam-vessels, not included in any other class, calling at more than one port on the west coast of the South of India, or at more than one port on the east coast of the South of India.</p>	9 pies on account of the western or eastern group of coast-lights, as the case may be.
<p align="center"><b>Class VIII.</b></p> <p>Sailing-vessels . . . . .</p>	Half the rate which would be chargeable as aforesaid if they were steam-vessels.

For the purposes of this Schedule, the expression "South of India" means any part of India south of a line drawn from Baidur on the west, to Ganjam on the east, coast of India, and the expression "Presidency of Bombay" does not include Aden.

THE CO-OPERATIVE CREDIT  
SOCIETIES ACT, 1904  
(X OF 1904).

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## ACT NO. X OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 25th March, 1904.)*

An Act to provide for the constitution and control of Co-operative Credit Societies.

WHEREAS it is expedient to encourage thrift, self-help and co-operation among agriculturists, artisans and persons of limited means, and for that purpose to provide for the constitution and control of co-operative credit societies; It is hereby enacted as follows :—

*Preliminary.*Short title  
and extent.

1. (1) This Act may be called the Co-operative Credit Societies Act, 1904; and

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

Definitions.

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

(a) "by-law" means a rule made by a society in the exercise of any power conferred by this Act, or by any rule made under this Act:

(b) "committee" means the governing body of a society to whom the management of its affairs is entrusted:

(c) "member" includes a person joining in the application for the registration of a society and a person admitted to membership after registration in accordance with the by-laws and any rules made under this Act:

(d) "officer" includes a chairman, secretary, treasurer, member of committee, or other person empowered under the rules applying to any society or the

by-laws



*(Constitution — Sections 3-4.)*

by-laws thereof to give directions in regard to the business of the society :

(e) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Credit Societies under this Act : and

(f) "society" means a co-operative credit society registered under this Act.

*Constitution.*

3. (1) A society shall consist of ten or more persons above the age of eighteen years— Constitution of societies.

(a) residing in the same town or village or in the same group of villages, or,

(b) subject to the sanction of the Registrar, consisting of members of the same tribe, class or caste.

(2) Societies shall be either rural or urban. In a rural society not less than four-fifths of the members shall be agriculturists. In an urban society not less than four-fifths of the members shall be non-agriculturists.

(3) When any question arises as to whether for the purposes of this Act a person is an agriculturist or a non-agriculturist, or whether two or more villages shall be considered to form a group, or whether any person belongs to a tribe, class or caste, the question shall be decided by the Registrar, whose decision shall be final.

4. The members of a society shall be— Members of society.

(a) persons joining in the application mentioned in section 6, sub-section (1), and registered as a society under sub-section (2) of the same section ;

(b) persons qualified in accordance with the requirements of section 3 and admitted by the society in accordance with the provisions of this Act and with the by-laws of the society :

Provided

Provided that a person so admitted shall not exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules made under this Act or the by-laws of the society.

*Registration.*

The Registrar.

5. The Local Government may appoint a person to be Registrar of Co-operative Credit Societies for the Province or any portion of it.

Registration and incorporation of societies.

6. (1) Any ten or more persons qualified in accordance with the requirements of section 3 and agreeing each to make such payment or acquire such interest as aforesaid, may apply to the Registrar to be registered as a rural or an urban society, as the case may be, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the proposed society as the Registrar may require.

(2) If the Registrar is satisfied that the persons proposing to form a society are qualified in accordance with the requirements of section 3 and have complied with the provisions of this Act and with the rules made thereunder, he may, if he thinks fit, register the society accordingly, and the society shall thereupon become and be a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, moveable or immoveable, to enter into contracts, to institute and defend civil suits and to do all things necessary for the purposes of its constitution.

(3) Every society shall have an address, registered in accordance with the rules made under this Act, to which all notices and communications may be sent.

(4) The registered name of a society shall distinguish whether the society is rural or urban, and,  
if

*(Management.—Sections 7-9.)*

if the liability of the members is limited, the word "limited" shall be added to such name.

(5) No charge shall be made for registration under this section.

*Management.*

7. The liability of each member of a society for the debts of the society shall be as follows :— Liability of members.

(a) in the case of a rural society, such liability shall, save with the special sanction of the Local Government, be unlimited;

(b) in the case of an urban society, such liability shall be unlimited or limited as may be provided by the by-laws or by any rules made under this Act.

8. (1) No dividend or payment on account of profits shall be paid to a member of a rural society, but all profits made by such a society shall be carried to a fund (to be called the reserve fund) : Disposal of profits.

Provided that, when such reserve fund has attained such proportion to the total of the liabilities of the society, and when the interest on loans to members has been reduced to such rates, as may be determined by the by-laws or rules made under this Act, any further profits of the society, not exceeding three-fourths of the total annual profits, may be distributed to members by way of bonus.

(2) Not less than one-fourth of the profits in each year of an urban society shall be carried to a fund (to be called the reserve fund) before any dividend or payment on account of profits is paid to the members or any of them.

9. A society may receive deposits from members without restriction, but it may borrow from persons who are not members only to such extent and under such conditions as may be provided by its by-laws or by rules made under this Act. Restrictions on borrowing.

10. (1) A

(Management.—Sections 10-11. Shares and Interests of Members.—Sections 12-14.)

Restrictions on loans.

10. (1) A society shall make no loan to any person other than a member :

Provided that, with the consent of the Registrar, a society may make loans to a rural society.

(2) Save with the permission of the Registrar to be given by general order in the case of each society, a rural society shall not lend money on the security of moveable property.

(3) The Local Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immoveable property or any kind thereof by any society or class of societies.

Deposit of society's funds.

11. A society may deposit its funds in the Government Savings Bank or with any banker or person acting as a banker approved for this purpose by the Registrar.

*Shares and Interests of Members.*

Limit on capital held by member.

12. Where the liability of the members of a society is limited by shares, a member shall not hold more than such portion of the capital of the society, subject to a maximum of one-fifth, as may be prescribed by any rules made under this Act :

Provided that no member of such a society shall hold more shares than represent a nominal value of one thousand rupees.

Votes of members.

13. (1) Where the liability of the members of a society is not limited by shares, each member shall, notwithstanding the amount of his interest in the capital, only have one vote as a member in the affairs of the society.

(2) Where the liability of the members of a society is limited by shares, each member shall have as many votes as may be prescribed by the by-laws of the society.

Restrictions on transfer

14. (1) A member shall not transfer any share held

*(Shares and Interests of Members.—Sections 15-18.)*

held by him or his interest in the capital of the society or any part thereof, unless he has held such share or interest for one year at least.

of share or interest.

(2) The share or interest of a member in the capital of a society shall not be transferred or charged, unless to the society or to a member of the society and subject to any conditions as to maximum holding prescribed by this Act or by the by-laws or by any rules made under this Act.

15. Subject to the provisions of section 20, the share or interest of a member in the capital of a society shall not be liable to attachment or sale under any decree or order of a Court of Justice in respect of any debt or liability incurred by such member, 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 such share or interest.

XIV of 1882.

Shares or interest not liable to attachment.

16. On the death of a member, the society may pay to or transfer to the credit of the person nominated in accordance with the rules made in this behalf, or, if there is no person so nominated, such person as may appear to the Committee to be entitled to receive the same as heir or legal representative of the deceased member, a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or by-laws and all moneys due to him from the society, and the society shall thereupon be absolved from all liability in respect of such share or interest or other moneys as aforesaid.

Transfer of interest on death of member.

17. The liability of a past member for the debts of the society as they existed at the time when he ceased to be a member shall continue for a period of one year from the date of his ceasing to be a member.

Liability of past member.

18. The estate of a deceased member shall be liable for a period of one year from the time of his decease for the debts of the society as they existed at the time of his decease.

Liability of the estates of deceased member.

*Priority*

II

(Priority of Society's claim against a member.—Sections 19-20. Audit, Inspection and Inquiry.—Section 21.)

*Priority of Society's claim against a member.*

Prior claim of society as against crops, agricultural produce, cattle, implements and raw material.

19. Subject to any prior claim of the Government in respect of land-revenue or any money recoverable as land-revenue or of a landlord in respect of rent or any money recoverable as rent, a society shall be entitled in priority to other creditors to enforce its claim—

- (a) upon the crops or other agricultural produce of a member or past member at any time within a year from the date when seed or manure was advanced or money for the purchase of seed or manure was lent to such member or past member, in respect of the unpaid portion of such advance or loan :
- (b) upon any cattle, agricultural or industrial implements or raw material for manufactures, supplied by the society or purchased in whole or in part with money lent by the society, in respect of the outstanding liability on account of such supply or loan.

Charge and set-off in respect of shares or interest of member.

20. A society shall have a charge upon the shares or interest in the capital and on the deposits of a member or past member and upon any dividend, bonus or profits payable to a member or past member in respect of any debt due from such member or past member to the society, and may set-off any sum credited or payable to a member or past member in or towards payment of any such debt.

*Audit, Inspection and Inquiry.*

Audit, inspection and inquiry.

21. (1) The Registrar shall audit the accounts of each society once at least in every year.

(2) No charge shall be made in respect of any audit made under sub-section (1).

(3) The audit under sub-section (1) shall include an

(Audit, Inspection and Inquiry.—Section 22.)

an examination of overdue debts, if any, and a valuation of the assets and liabilities of the society.

(4) The Registrar, the Collector or any person authorized in this behalf by the Registrar or the Collector may at any time inspect the books, accounts, papers and securities of a society, and every officer of the society shall furnish such information in regard to the transactions and working of the society as the person making such inspection shall require.

(5) The Registrar may of his own motion, and shall on the request of the Collector, or on the application of a majority of the Committee or not of less than one-third of the members, hold an inquiry into the constitution, working and financial condition of a society, and all officers and members of the society shall furnish such information in regard to the affairs of the society as the Registrar may require.

(6) Where an inquiry is held under sub-section (5), the Registrar may apportion the costs, or such part of the costs as he may think right, between the society, the members demanding an inquiry and the officers or former officers of the society.

(7) Any sum awarded by way of costs under sub-section (6) may be recovered, on application to a Magistrate having jurisdiction in the place where the person from whom the money is claimable resides for the time being, by the distress and sale of any moveable property within the limits of the jurisdiction of such Magistrate belonging to such person.

22. A copy of any entry in a book of a society regularly kept in the course of business, shall, if certified in such manner as may be prescribed by rules made under this Act, be received, in any suit to recover a debt due to the society, as *prima facie* evidence of the existence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law admissible, but not further or otherwise.

Mode of  
proof of  
entries in  
societies'  
books.

*Dissolution*

H 2

*Dissolution of a Society.*

Dissolution.

23. (1) If the Registrar, after holding an inquiry under section 21, sub-section (5), or on receipt of an application made by three-fourths of the members of a society, is of opinion that a society ought to be dissolved, he may cancel or may refuse to cancel the registration of the society.

(2) Any member of a society may, within two months from the date of an order made under sub-section (1), appeal from such order to the Local Government.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of a society, the order shall take effect on the expiry of that period. Where an appeal is presented within two months, the order shall not take effect until it is confirmed by the Local Government.

(4) Where an order made under sub-section (1) cancelling the registration of a society takes effect, the society shall cease to exist as a corporate body.

Cancellation  
of registra-  
tion of  
society.

24. (1) Where the registration of a society is cancelled under section 23, the Registrar may appoint a competent person to be liquidator of the society.

(2) A liquidator appointed under sub-section (1) shall have power to institute and defend suits on behalf of the society by his name of office, and shall also have power—

- (a) to sue for and recover any sums of money due to the society at the date of such cancellation;
- (b) to determine the contribution to be made by the members and past members of the society respectively to the assets of the society;
- (c) to investigate all claims against the society, and, subject to the provisions of this Act,

to



*(Dissolution of a Society.—Section 24.)*

to decide questions of priority arising between claimants;

- (d) to determine by what persons and in what proportions the costs of the liquidation are to be borne; and
- (e) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society.

(3) Subject to any rules of procedure made under this Act, a liquidator appointed under this section shall, in so far as such powers are necessary for carrying out the purposes of this section, have power to summon and enforce the attendance of witnesses 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

XIV of 1882. Code of Civil Procedure.

(4) The rules may provide for an appeal to the Court of the District Judge from any order made by a liquidator under this section.

(5) Orders made under this section may be enforced as follows:—

- (a) when made by a liquidator, by any Civil Court having local jurisdiction in the same manner as the decree of such Court;
- (b) when made by the Court of the District Judge in the matter of any such appeal as aforesaid, in the same manner as a decree of such Court made in any suit pending therein.

(6) Save in so far as is hereinbefore expressly provided, no Civil Court shall have any jurisdiction in respect to any matter connected with the dissolution of a society under this Act.

*Exemptions*

(Exemptions from Taxation.—Section 25. Debts due to Government.—Section 26. Rules.—Section 27.)

*Exemptions from Taxation.*

Power to exempt from income-tax, stamp-duty and registration-fees.

25. (1) The Governor General in Council, by notification in the Gazette of India, may in the case of any society or class of society, remit—

- (a) the income-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits;
- (b) the stamp-duty with which, under any law for the time being in force, instruments executed by or on behalf of a society or by an officer or member and relating to the business of such society, or any class of such instruments, are respectively chargeable;
- (c) any fee payable under the law of registration for the time being in force.

(2) A notification exempting any society from the fees referred to in sub-section (1), clause (c), may provide for the withdrawal of such exemption.

*Debts due to Government.*

Recovery of sums due to Government.

26. (1) All sums due from a society or from an officer or member or past member of a society as such to the Government, including any costs awarded to the Government under section 21, sub-section (6), may be recovered in the same manner as arrears of land-revenue.

(2) Sums due from a society to Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society of which the liability of the members is limited, from the members subject to the limit of their liability; and, thirdly, in the case of other societies, from the members.

*Rules.*

Rules.

27. (1) The Local Government may, for the whole or any part of the Province and for any society

or

*(Rules.—Section 27.)*

or class of societies, 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—

- (a) prescribe the forms to be used in applying for the registration of a society and the procedure in the matter of such applications;
- (b) prescribe the conditions to be complied with by persons applying for registration and by persons applying for admission or admitted as members, and provide for the election and admission of members from time to time, and the amount of payment to be made and interests to be acquired before exercising rights of membership;
- (c) provide for the withdrawal and expulsion of members and for the payments to be made to members who withdraw or are expelled and for the liabilities of past members;
- (d) provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred;
- (e) subject to the provisions of section 12, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;
- (f) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made, and the amount which may be lent to an individual member;
- (g) prescribe the proportion to the total liabilities to be attained by the reserve fund and the rate to which interest on loans to members is to be reduced, before profits  
may

## (Rules.—Section 27.)

may be distributed to the members of a rural society ;

- (h) regulate the manner in which capital may be raised by means of shares or debentures or otherwise ;
- (i) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings ;
- (j) provide for the appointment, suspension and removal of the members of the committee and other officers, and for the procedure at meetings of the committee, and for the powers to be exercised and the duties to be performed by the committee and other officers ;
- (k) prescribe the matters in respect of which a society may or shall make by-laws and for the procedure to be followed in making, altering and abrogating by-laws, and the sanction to be required to such making, alteration or abrogation ;
- (l) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance-sheet showing the assets and liabilities of a society ;
- (m) provide for the persons by whom and the form in which copies of entries in books of societies may be certified ;
- (n) provide for the formation and maintenance of a register of members and, where the liability of the members is limited by shares, of a register of shares ;
- (o) provide for the rate at which interest may be paid on deposits, for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and

*(Miscellaneous.—Section 28.)*

and for the investment of any funds under the control of the society ;

- (p) provide that any dispute touching the business of a society between members or past members of the society or persons claiming through a member or past member or between a member or past member or persons so claiming and the committee or any officer shall be referred to the Registrar for decision, or, if he so directs, to arbitration, and prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators, and the enforcement of the decisions of the Registrar or the awards of arbitrators ;
- (q) prescribe the conditions to be complied with by a society applying for the financial assistance of Government ; and
- (r) determine in what cases an appeal shall lie from the orders of the Registrar, and prescribe the procedure to be followed in presenting and disposing of such appeals.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

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

(5) A copy of the rules relating to a society and of the by-laws thereof for the time being in force shall be kept open to inspection at all reasonable times free of charge at the registered address of the society.

*Miscellaneous.*

28. The provisions of the Indian Companies Act, 1882, shall not apply to societies registered under this Act.

Indian Companies Act, 1882, not to apply.

29. (1)

Special power  
to Local Gov-  
ernment to  
register any  
association  
under Act.

29. (1) Notwithstanding anything contained in this Act, the Local Government may, by special order in each case, and subject to such conditions as it may impose, permit any association of not less than ten persons above the age of eighteen years to be registered as a rural or an urban society under this Act.

(2) A society so registered shall be subject to the provisions of this Act to the same extent as any other society:

Provided that the Local Government may at any time by order exempt such society from any of such provisions, or may direct that they shall apply to such society with such modifications as may be specified in the order.

## ACT No. XI OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th March, 1904.)

An Act to revive and continue section 8B of the Indian Tariff Act, 1894.

VIII of 1894. WHEREAS it is expedient to revive and continue  
VIII of 1902. the duration of section 8B of the Indian Tariff Act, 1894, which was added by section 2 of the Indian Tariff (Amendment) Act, 1902, but expired in virtue of sub-section (2) of section 1 of the latter Act, from the thirty-first day of August, 1903 ; It is hereby enacted as follows :—

1. Section 8B of the Indian Tariff Act, 1894, is hereby revived and continued in force with effect from the first day of April, 1904.

Revival of section 8B, Act VIII, 1894.

2. Sub-section (2) of section 1 of the Indian Tariff (Amendment) Act, 1902, is hereby repealed.

Repeal of section 1 (2), Act VIII, 1902.

## ACT No. XII OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the 9th September, 1904.]

## An Act further to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient further to amend the Indian Emigration Act, 1883; It is hereby enacted XXI of 18  
as follows:

Short title.

1. This Act may be called the Indian Emigration (Amendment) Act, 1904.

Amendment of section 108, Act XXI of 1883.

2. In section 108 of the Indian Emigration Act, 1883, after the words and brackets "(if any)" the words and brackets "and on payment of such fees (if any)" shall be inserted. XXI of 18

Insertion of new section after section 112, Act XXI of 1883.

3. After section 112 of the said Act the following section shall be inserted, namely:

Application of Chapter to ports from which emigration is not lawful.

"112A. (1) Notwithstanding anything hereinbefore contained, the provisions of this Chapter shall also apply in the case of any port which the Governor General in Council may by notification in the Gazette of India specify in this behalf.

(2) For the purposes of the application of this Chapter at any port notified under sub-section (1),—

(a) such port shall be deemed to be a port from which emigration is lawful, and

(b) such officer as the Local Government may appoint in this behalf shall be deemed to be the Protector of Emigrants."



## ACT NO. XIII OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the 9th September, 1904.]

## An Act further to amend the Indian Articles of War.

V of 1869. WHEREAS it is expedient further to amend the Indian Articles of War; It is hereby enacted as follows:

1. This Act may be called the Indian Articles of War (Amendment) Act, 1904. Short title.

V of 1869. 2. To article 89A, sub-article (1), of the Indian Articles of War the following clause shall be added, namely: Addition to article 89A, Act V, 1869.

“(e) in the case of any person subject to these Articles, who is serving out of India, not under the orders of the Commander-in-Chief in India, in any station beyond the seas as defined in section 190, clause (25), of the Army Act, the officer who convenes the court-martial or who has authority to convene such court-martial.”

44 & 45  
Viot., c. 58.

3. In the said Articles—

(a) the brackets and figure “(1)” in article 91, and sub-article (2) of the same article, and

(b) the Second Appendix, shall be repealed.

Repeal of part of article 91 and Second Appendix, Act V, 1869.

## ACT No. XIV OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the 21st October, 1904.]

An Act to supplement certain provisions of the City of Bombay Improvement Act, 1898.

WHEREAS it is expedient to supplement by legislation in the Council of the Governor General for making Laws and Regulations certain provisions of the City of Bombay Improvement Act, 1898; It is hereby enacted as follows:—

Bom. I  
of 1898.

Confirmation  
of section 48,  
sub-section  
(11), Bom-  
bay Act  
IV, 1898.

1. The City of Bombay Improvement Act, 1898, shall, so far as regards the appellate jurisdiction conferred upon the High Court by section 48, sub-section (11), thereof, be as valid as if it had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

Procedure  
applicable  
to appeals  
under  
section 48,  
sub-section  
(11), Bom-  
bay Act IV,  
1898.

2. Subject to the provisions of section 48, sub-section (11), of the said Act, the provisions of the Code of Civil Procedure with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under that sub-section, and orders passed therein by the High Court may, on application to the Chief Judge of the Small Cause Court be executed by him as if they were decrees made by himself.

XIV of  
1882.

Period of  
limitation  
for such  
appeals.

3. An appeal to the High Court under section 48, sub-section (11), of the said Act, shall, for the purposes of No. 156 of the Second Schedule to the Indian Limitation Act, 1877, be deemed to be an appeal under the Code of Civil Procedure in a case not provided for by No. 151 and No. 153 of that Schedule.

XV of 1  
XIV of  
1832.

## ACT NO. XV OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the 28th October, 1904.]

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

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

1. (1) This Act may be called the Indian Stamp (Amendment) Act, 1904.

Short title and extent.

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

II of 1899.

2. In section 2 of the Indian Stamp Act, 1899 (hereinafter referred to as "the said Act"),—

Amendment of section 2, Act II, 1899.

(a) after the definition of "lease" in clause (16) the following definition shall be inserted, namely:—

"(16A) 'marketable security' means a security of such a description as to be capable of being sold in any stock market in British India or in the United Kingdom;" and

(b) to the definition of "settlement" in clause (24) the following words shall be added, namely:—

"and, where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition".

3. After

Addition of new section 23A after section 23, Act II, 1899. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.

3. After section 23 of the said Act the following section shall be added, namely :—

“ 23A. (1) Where an instrument (not being a promissory note or bill of exchange)—

(a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or

(b) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (b) of Schedule I.

(2) A release or discharge of any such instrument shall only be chargeable with the like duty.”

Amendment of section 26, Act II, 1899.

4. In section 26 of the said Act, for the first proviso the following proviso shall be substituted, namely :—

“ Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp-duty,—

(a) when the lease has been granted by or on behalf of the Secretary of State in Council, at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the said Secretary of State in Council under the lease, or,

(b) when the lease has been granted by any other person, at twenty thousand rupees a year ;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease.”

5. In

5. In section 29, clause (a), of the said Act, for the words and figure "No. 6 (Agreement to Mortgage)" the words and figure "No. 6 (Agreement relating to Deposit of Title-deeds, Pawn or Pledge)" shall be substituted.

Amendment of section 29, Act II, 1899.

6. In section 40, sub-section (1), clause (b), of the said Act, before the words "ten times the amount" the words "an amount not exceeding" shall be inserted.

Amendment of section 40 (1) (b), Act II, 1899.

7. In section 56, sub-section (1), of the said Act, after the word and figure "Chapter V" the following shall be inserted, namely:—

Amendment of section 56 (1), Act II, 1899.

"and under clause (a) of the first proviso to section 26."

8. In Schedule I of the said Act the following amendments shall be made, namely:—

Amendments of Schedule I, Act II, 1899.

(1) for Article No. 6 the following Article shall be substituted, namely:—

"6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—

- (1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or
- (2) the pawn or pledge of moveable property,

where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—

- (a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement;
- (b) if such loan or debt is repayable not more than three months from the date of such instrument.

The same duty as a Bill of Exchange [No. 13 (b)] for the amount secured.

Half the duty payable on a Bill of Exchange [No. 13 (b)] for the amount secured.

*Exemption.*

*Exemption.*

Instrument of pawn or pledge of goods if unattested.”;

(2) in the entry immediately following Article No. 28, for the words and figure “*See AGREEMENT* by way of *EQUITABLE MORTGAGE* (No. 6)” the words and figure “*See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE* (No. 6)” shall be substituted;

(3) the entry “*EQUITABLE MORTGAGE*” following Article No. 30 shall be omitted;

(4) in Article No. 40—

(a) for the words and figure “an *AGREEMENT TO MORTGAGE* (No. 6)” the words and figure “an *AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE* (No. 6)” shall be substituted,

(b) from clause (b) the words “at the time of execution” shall be omitted, and

(c) the exemption “(3) Instrument of pledge or pawn of goods if unattested” shall be omitted;

(5) in Article No. 41, for the entry “Four annas” each time it occurs in the second column opposite clause (b), the entry “Two annas” shall be substituted;

(6) after Article No. 46 the following entry shall be inserted, namely:—

“*PAWN OR PLEDGE.—See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE* (No. 6).” and

(7) in Article No. 55, after the word “instrument” the following parenthesis shall be inserted, namely:—

“(not being such a release as is provided for by section 23A).”

## ACT No. XVI OF 1904.

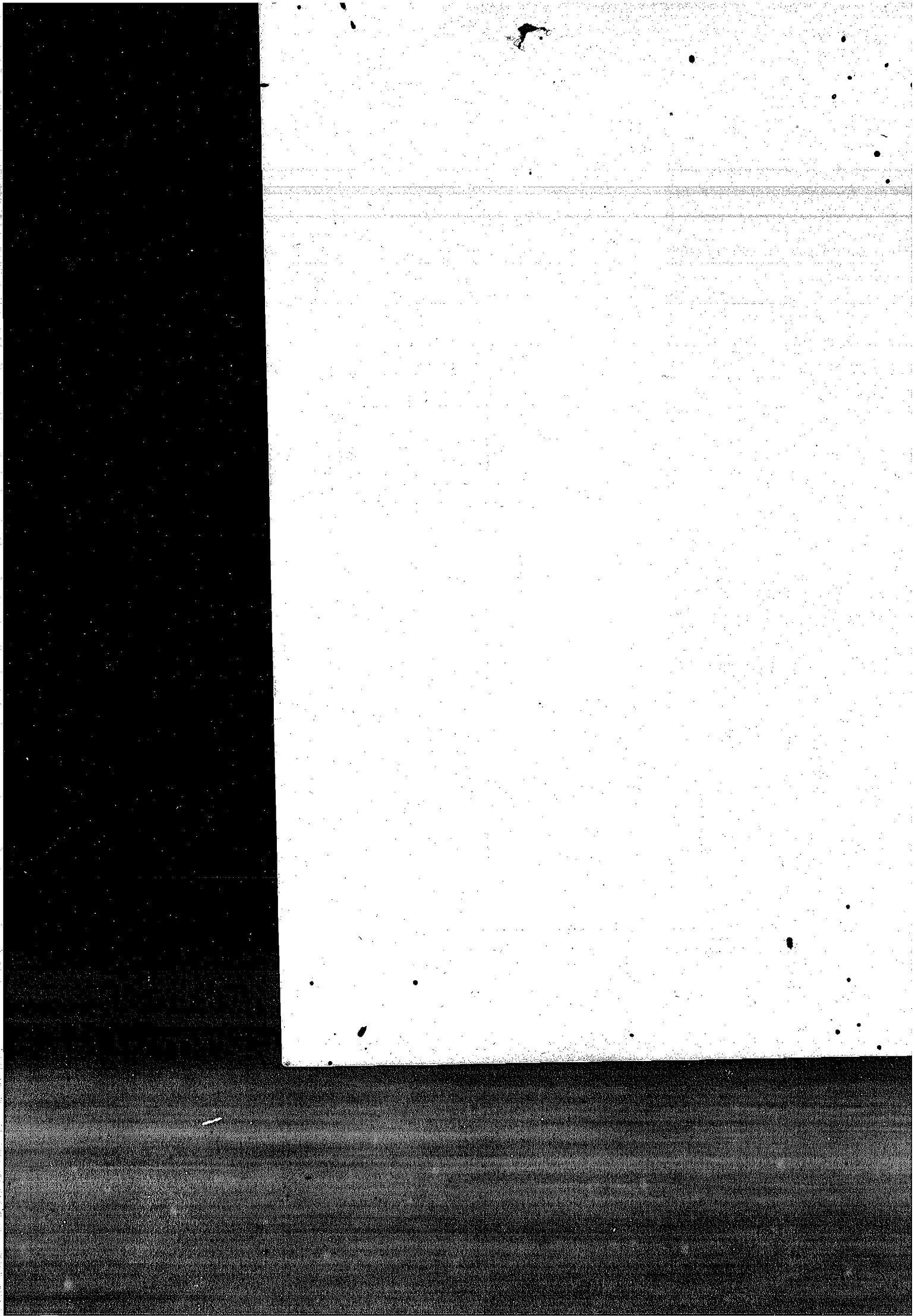
PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.  
(Received the assent of the Governor General on the 28th  
October, 1904.)

An Act to repeal certain words in the Sea  
Customs Act, 1878.

VIII of 1878. WHEREAS it is expedient to repeal certain words  
in the Sea Customs Act, 1878; It is hereby  
enacted as follows:—

1. This Act may be called the Sea Customs Short title.  
(Amendment) Act, 1904.

VIII of 1878. 2. The words "or being a colourable imitation Repeal of  
of", in clause (e) of section 18 of the Sea Customs part of sec-  
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[Price one anna and nine pies.]

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