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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th January 1882:—

WE, the undersigned Members of the Select Committee to which the Bill to consolidate and amend the law relating to Criminal Procedure was referred, have the honour to report that we have considered the Bill and the papers noted in the Schedule annexed to this Report.

We have made in the Bill only three important amendments:—

First, we think that the present law gives too great latitude to the Courts with regard to the examination of an accused person. The object of such examination is to give the accused an opportunity of explaining any circumstances which may tend to criminate him, and thus to enable the Court, in cases where the accused is undefended, to examine the witnesses in his interest. It was never intended that the Court should examine the accused with a view to elicit from him some statement which would lead to his conviction. We have therefore limited the power of interrogating the accused by adding to the first paragraph of section 342 the words "for the purpose of enabling the accused to explain any circumstances appearing in the evidence against him." We think the accused should always have this opportunity of explaining, and we have therefore required the Court to question him generally for that purpose before he enters on his defence.

Next, we have amended the law as to whipping. We have provided, in section 32, that no Magistrate of the second class shall pass a sentence of whipping unless specially empowered in that behalf by the Local Government. We have also provided, in section 392, that whipping shall be inflicted with a light ratan not less than half an inch in diameter, and we have abolished whipping with a cat-of-nine-tails. We have also added a clause containing the provisions of section 7 of Act VI of 1864, and in addition thereto we have prohibited the infliction of whipping on any person whom the Court considers to be more than 45 years of age.

Thirdly, we are of opinion that it is unnecessary and inexpedient to retain in section 423 the power which Appellate Courts have at present of enhancing sentences on appeals presented by convicted persons, and we have accordingly withdrawn it.

We have also made the following minor amendments in the Bill:—

CHAPTER I.—*Preliminary.*

At the suggestion of Colonel Weldon, the Chief Magistrate of Madras, we have omitted Madras from the saving provisions of clause (*a*), section 1. The Bill will thus apply

NOTE.—The chapters and sections referred to in the report are the chapters and sections of the Bill as introduced.

to the police in the town of Madras, and we have, therefore, repealed so much of Madras Act VIII of 1867, and the Coroners' Act, 1881, as declared what provisions of the Code of Criminal Procedure were applicable to the police of Madras. As, however, it is inexpedient to displace the Coroners' Act, IV of 1871, we have added a clause (*e*) providing that the provisions contained in sections 175 to 177 of the Bill, both inclusive, relating to inquests, shall not apply to the police in the town of Madras.

We have altered the definition of "complaint" so as to show that the allegation made to the Magistrate may be either oral or in writing.

We have re-drawn section 5 so as to provide clearly that an offence punishable under a law other than the Indian Penal Code is to be tried in accordance with the provisions of the Bill, but subject to any enactment regulating the manner or place of inquiring into or trying such offence.

CHAPTER II.—*Constitution of Criminal Courts and Offices.*

In the first paragraph of section 17 we have added words giving the District Magistrate power to make rules as to the distribution of business among the Magistrates and Benches in his district. We have also, in the third paragraph, given the Sessions Judge a similar power with regard to the distribution of business among Assistant Sessions Judges.

In section 21 we have added words expressly declaring that every Chief Magistrate shall exercise in the Presidency-town to which he is appointed all the powers conferred on him by this Code.

CHAPTER III.—*Powers of Courts.*

In section 31, third paragraph, we have given an Assistant Sessions Judge power to pass a sentence of transportation for a term not exceeding seven years. The Bill, following section 18 of the present Code, gave the Assistant Sessions Judge no power to pass a sentence of transportation. As the Code gives him power to pass a sentence of seven years' imprisonment, which under section 59, Indian Penal Code, he could commute to transportation for seven years, it would seem that the omission of the power of passing a sentence of transportation was merely due to an oversight in drafting.

At the suggestion of the Government of Bengal we have omitted section 38, conferring police powers on Magistrates. We consider that it is inexpedient to invest Magistrates with such powers or to make their connection with the Police more close than it is at present.

We have confined to the Local Government the power, given by section 41, of withdrawing powers conferred under the Code. Powers once conferred should not be lightly withdrawn, and we consider it expedient that District Magistrates should not be able to withdraw powers already conferred on their subordinates.

CHAPTER IV.—*Aid and Information to the Magistrates, &c.*

We have amended section 42 so as to provide that a person is only bound to assist a Magistrate or police-officer who *reasonably* demands his aid.

In clause (*b*) of the same section we have included attempts to injure telegraphs in the list of offences which persons are bound to assist in preventing.

Clause (*d*), requiring persons to assist the police in extinguishing fires, does not, we think, properly belong to a Code of Criminal Procedure, and we have therefore omitted it.

Section 45 renders it incumbent on native officers who are employed in the collection of revenue or rent of land on the part of Government or the Court of Wards to give information of certain matters to the Magistrate or police-officer. We see no reason why this duty should not also be imposed on all officers so employed, whether they are, or are not, natives of India. We have, therefore, omitted the word "native."

CHAPTER V.—*Of Arrest, Escape and Re-taking.*

We have made the last paragraph of section 46 run thus :—"Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death."

In section 52 we have provided that, when it is necessary to cause a woman to be searched, the search shall be made by another woman and with strict regard to decency.

To the persons who, under the provisions of section 54 may be arrested without warrant, we have added "any person having in his possession without lawful excuse any implement of house-breaking."

At the suggestion of the Madras Government we have provided in section 59 that any private person may arrest any person who has been proclaimed as an offender.

In section 62 we have provided that the police shall report to the Magistrate the cases of all persons detained under section 57 for refusing to give their names and addresses.

In section 67 we have added section 49 (as to breaking open doors for purposes of liberation) to the provisions applicable in cases when a person arrests, under section 66, another person who has escaped from lawful custody.

CHAPTER VI.—*Processes to compel Appearance.*

We have provided that section 68, which prescribes the form of summons and the persons by whom it is to be served, shall apply to the Presidency-towns.

In section 70 we allow a summons to be served in a Presidency-town by leaving a duplicate with a servant residing with the person summoned.

Section 75 required that a warrant should be sealed by the presiding officer of the Court issuing it. This, it is represented, will cause needless trouble to the presiding officer, and we have, therefore, said that the warrant shall bear the seal of the Court.

We have declared that section 85, which provides for the case of warrants directed to a police-officer, and which are to be executed beyond the local limits of the jurisdiction of the Court issuing them, shall apply to the police in the towns of Calcutta and Bombay.

CHAPTER VII.—*Processes to compel Production of Documents, &c.*

In the last clause of section 95, providing for the issue of a summons to produce a document or other thing, we have provided that nothing in the section shall be deemed to affect the Indian Evidence Act, sections 123 and 124—sections which regulate the giving of evidence as to affairs of State and the disclosure of official communications.

In section 104, directing search to be made in the presence of witnesses, we have provided that the list of things found in the search shall specify the place or places in which they are respectively found, and that a copy of the list, signed by the witnesses, shall be delivered to the occupant or person in charge of the place searched, if he so request.

CHAPTER VIII.—*Of Security for keeping the Peace and for Good Behaviour.*

The extension in section 108 of the term, for which a Magistrate may in the case of unconvicted persons require security to keep the peace, to three years is objected to. We are of opinion that the term of one year allowed by the present Code is sufficiently long, and have accordingly amended the section.

We agree with the Government of the North-Western Provinces that first class Magistrates should not be allowed to require security for good behaviour under section 111 unless they have been specially empowered in that behalf by the Local Government. We have amended the section accordingly.

To the first paragraph of the section (111) we have added words so as to allow of security for good behaviour being required from persons who habitually commit extortion, or, in order to the committing of extortion, habitually put or attempt to put persons in fear of injury. In the North-Western Provinces there is a class of bad characters who habitually extort money from respectable people by threatening to insult or beat them; and we have added this provision at the request of the Government of those Provinces, in order to enable Magistrates to protect the public against such a system of extortion.

To the first paragraph of section 118 we have added words to show that the Magistrate may, besides proceeding to inquire into the truth of the information upon which he has acted, also take such further evidence as may appear necessary.

In section 124, which provides for imprisonment in default of security, we have allowed the person so imprisoned to give the security required to the officer in charge of the jail wherein he is confined, as well as to the Court or Magistrate requiring the security.

In section 126 we have required the District Magistrate to record in writing his reasons for cancelling a bond for keeping the peace.

To the first paragraph of section 127 we have added words to show that a Magistrate can only exercise the power of discharging sureties in the case of a bond executed within the local limits of his jurisdiction.

CHAPTER X.—*Public Nuisances.*

We concur with the majority of officers consulted in objecting to the addition, in the third paragraph of this section, of the words "offensive to the religious feelings of any considerable section thereof," and we have accordingly struck them out.

CHAPTER XII.—*Disputes as to Immoveable Property.*

To section 146 we have added a paragraph to the effect that nothing in the section is to prevent a party who is called on to attend the Court from showing that no dispute exists or has existed, and that in such case the Magistrate shall cancel his order, and further proceedings shall be stayed.

To section 149 we have added a paragraph giving the Magistrate power to make orders as to the payment of costs incurred by parties to proceedings under chapter XII.

CHAPTER XIV.—*Information to the Police and their Powers to investigate.*

We have made the rule contained in section 163 as to statements made to the police expressly subject to the provisions of section 27 of the Indian Evidence Act, 1872.

In section 167, second paragraph (when the officer in charge of a police-station may require another to issue search-warrant), we have omitted, as unnecessary, the provisions for the case where the thing searched for is found in a different district.

The last part of the first paragraph of section 168, which provides that the accused need not be forwarded to the Magistrate if the police-officer thinks that he should not be so forwarded, has been objected to on the ground that it leaves too great a discretion to the police—a discretion which it is feared they will abuse. We concur with this objection, and have therefore altered the section so as to leave the present law unchanged.

CHAPTER XV.—*Jurisdiction of Criminal Courts in Enquiries and Trials.*

We have amended the second paragraph of section 193 so as to authorize the District Magistrate to empower a Magistrate of the first class who has taken cognizance of a case to transfer it for enquiry or trial to any other specified and competent Magistrate.

Where a subordinate Court has refused its sanction to a prosecution for any offence mentioned in section 196, we have given power to the superior Court to grant such sanction.

CHAPTER XVI.—*Complaints to Magistrates.*

In section 203 we have provided that, when a Magistrate decides on postponing the issue of process and directing a local investigation, he must first record his reasons for distrusting the truth of the complaint.

We have authorized a Magistrate so postponing the issue of process to inquire into the case himself; and have also made it clear that he may order the local investigation to be made by a person not being a Magistrate or police-officer.

CHAPTER XVII.—*Commencement of Proceedings before Magistrates.*

In section 205 the Bill provided that, "if the case appears to be one in which according to that column a warrant should issue in the first instance, the Magistrate shall ordinarily issue his warrant." We think that it should be made clear that the Magistrate may in his discretion issue either a summons or warrant in the first instance, and have, therefore, made the sentence run thus:—"he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear," &c.

In the second paragraph of section 206 we have authorized the Magistrate inquiring into or trying the case, instead of the Magistrate issuing a summons, to direct the personal attendance of the accused.

CHAPTER XIX.—*Of the Charge.*

To section 235, which provides that three offences of the same kind within one year may be charged together, we have added a clause to show the meaning of the words "offences of the same kind."

We have made section 236, paragraph III, run thus:—"If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by such acts when combined, or for any offence constituted by any one or more of such acts."

CHAPTER XXI.—*Trial of Warrant-cases by Magistrates.*

In section 258 we have added words to show that where an accused applies to the Magistrate to summon a witness his application can only be refused on the ground that it is made for the purpose of vexation or delay, or for defeating the ends of justice, and that, if so refused, the Magistrate shall record the ground of refusal in writing.

CHAPTER XXII.—*Of Summary Trials.*

We have given power to try cases summarily under section 261 to any Bench of Magistrates invested with the powers of a Magistrate of the first class, and specially empowered in this behalf by the Local Government.

To section 263 we have added a clause providing that no sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction on a summary trial.

CHAPTER XXIII.—*Trials before High Courts and Courts of Session.*

Section 274 gives any Judge power to enter on a charge that there is no legal evidence to sustain it, and that such entry shall have the effect of staying proceedings on the charge. It is objected that this power, which is now given only to High Court Judges, will enable a Sessions Judge to quash a commitment. We have altered the section accordingly and made it accord with the present law.

In section 283, which provides for the procedure when a juror ceases to attend, we have added a provision to meet the case of a juror not understanding the language in which evidence is given or interpreted.

To section 290 we have added a paragraph to authorize the Court to record a finding, or direct a jury to return a verdict of not guilty in a case where the accused says that he means to adduce evidence in his defence, but the Court is of opinion that there is no evidence that the accused committed the offence.

After section 310 we have inserted a section providing that, when an accused is charged with a previous conviction, that charge shall not be read out to the jurors or assessors until the accused has pleaded guilty to, or been convicted of, the substantive offence for which he is to be tried.

We have altered section 326, which provides for the summoning of assessors, so as to preclude a doubt as to whether the law requires sessions to be held on dates fixed beforehand at the commencement of each year.

To section 333 we have added words empowering the Judge to direct that the discharge, when the Advocate General stays the prosecution, shall amount to an acquittal.

CHAPTER XXIV.—*General Provisions as to Inquiries and Trials.*

Opinions are much divided as to the change of the law in section 337, which permits a Magistrate to tender a pardon to an accused person in any warrant case. On the whole, we are of opinion that no such change should be made, and we have accordingly amended the section.

In cases where a pardon is tendered and accepted by a person, and such person gives evidence before a Magistrate in a preliminary inquiry, we consider that he should not be forced to adhere to that evidence in a subsequent trial, through fear of being prosecuted on an alternative charge of giving false evidence either before the Magistrate or the Judge. It might happen that he was wrongly induced or coerced into giving evidence before the Magistrate. We have accordingly provided in section 339 that no prosecution for giving false evidence in a statement made under promise of pardon shall be entertained without the sanction of the High Court.

We have removed sections 337 and 338 of the Indian Penal Code from the table of compoundable offences in section 345, and placed them in the second paragraph of that section, thereby making the consent of the Court necessary to the compounding of offences under those sections.

We have added to the same table section 298, Indian Penal Code (uttering words, &c., with deliberate intent to wound religious feelings), and section 355 of the same Code (assault with intent to dishonour a person).

We have struck out the offence of cheating under section 417, Indian Penal Code, from the list of compoundable offences, in deference to almost unanimous opinion on the subject.

We have substituted the words "after hearing the evidence for the prosecution and the accused" for the words "upon concluding a trial" in the first paragraph of section 349; and we have extended the section to the case where the Magistrate trying the accused considers that he ought to be required to execute a bond to keep the peace.

CHAPTER XXV.—*Mode of Taking and Recording Evidence.*

We have made the provisions of section 356, as to the record of evidence, applicable to cases under chapter XII (disputes as to immoveable property).

We have exempted the Chief Court of the Panjáb from the rule, contained in section 364, as to the mode of recording the examination of an accused person.

We have also provided that, when the accused does not understand the language in which his examination is recorded, it is to be interpreted to him.

CHAPTER XXVI.—*Of the Judgment.*

We think that, when the original judgment is recorded in a different language from that of the Court, a translation need not under section 372 be filed with the record, except when the accused so requires; and we have amended the section accordingly.

Section 373, which provides that the Court of Session shall forward a copy of its judgment to the District Magistrate, is objected to as involving unnecessary labour. We have therefore, following the present Code (section 302), required the Court to forward only a copy of the finding and sentence.

CHAPTER XXVII.—*Submission of Sentences for Confirmation.*

In section 375 we have given the High Court power to make or order a further inquiry to be made, as well as to take or order additional evidence to be taken, in the case of capital sentences submitted to it for confirmation.

CHAPTER XXVIII.—*Of Execution.*

We have amended section 388 so as to show that it is intended to allow the Court, in a case when an offender has been sentenced to fine only and to imprisonment in default of pay-

ment of fine, to suspend the execution of the sentence of imprisonment and release him on his furnishing security. We have also provided that, in the event of the fine not being realized, the Court may direct the sentence of imprisonment to be carried into effect.

Section 395 provides that, where a sentence of whipping cannot be executed, the offender shall not be sentenced in lieu of the whipping to a longer term of imprisonment than three months. This term has been generally objected to as inadequate, and we have, therefore, altered it to twelve months.

We have also provided that the section shall not be deemed to authorize a Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the Court is competent to inflict.

CHAPTER XXIX.—*Suspensions, Remissions and Commutations.*

Instead of requiring a Judge to furnish a statement of the facts proved on a trial, and of any facts having reference to the propriety of granting an application for the suspension or remission of a sentence, we think it will be enough to require him to state his opinion as to whether the application shall be granted or refused, together with his reasons for such opinion, and we have altered section 401 accordingly.

In the last paragraph of section 402, which gives power to the Governor General in Council or the Local Government to commute sentences, we have, to remove doubts, added after the words "rigorous imprisonment" the words "for a term not exceeding that to which he might have been sentenced." We have also added after the words "simple imprisonment" the words "for a like term." It has been supposed that the corresponding section (322) of the present Code gave the Government power to commute a sentence of transportation, for instance, to a sentence of imprisonment exceeding that for which the offender was liable under the law under which he was convicted. The words we have added will, it is hoped, prevent such a misunderstanding for the future. We have also added "fine" as one of the punishments for which a sentence may be commuted.

CHAPTER XXXI.—*Of Appeals.*

In the last proviso to section 423 we have authorized a Court to alter or reverse the verdict of a jury if it is of opinion that such verdict is erroneous owing to a misunderstanding, on the part of the jury, of the law as laid down by the Judge.

To section 424, regulating the judgment of subordinate Appellate Courts, we have added a proviso that, unless the Appellate Court otherwise directs, the accused shall not be brought up or required to attend to hear judgment delivered.

We have in section 426 given the High Court power, in the case of an appeal by a convicted person to a Court subordinate to the High Court, to suspend the sentence and release the convicted person on bail.

In section 439 we have added to the powers of revision which may be exercised by the High Court the powers conferred on a Court of Appeal by section 196 (granting or revoking sanction to prosecute in certain cases) or on a Court by section 338 (power to direct tender of pardon) and the power of enhancing a sentence.

We have also provided that nothing in this section applies to an entry on an unsustainable charge made under section 274 by a Judge of a High Court, or shall be deemed to authorize a High Court to convert an order of acquittal into one of conviction.

CHAPTER XXXV.—*Proceedings in Case of certain Offences affecting the Administration of Justice.*

In section 476 (procedure in contempt cases) we have said that the Court may send the case for enquiry or trial to "the nearest Magistrate of the first class" instead of "to the District Magistrate."

We have added to section 480 (procedure in certain cases of contempt) a paragraph declaring that section 443, which says that certain Magistrates only can try European British subjects, does not apply to this section.

In section 486 we have made the whole of the chapter (XXXI) on appeals, so far as it is applicable, apply to appeals from convictions in contempt cases.

CHAPTER XXXVI.—*Maintenance of Wives and Children.*

We have amended the third paragraph of section 488 (order for maintenance of wives and children) so as to show that imprisonment is to be awarded only when the allowance remains unpaid after the execution of the warrant of distress.

We have added to the section a paragraph giving the Magistrate power to cancel an order for maintenance when it is proved that the wife is living in adultery, or without sufficient reason refuses to live with her husband, or that they are living separately by mutual consent.

We have also provided that evidence under this chapter shall be recorded in the presence of the husband or father, as the case may be, and in the manner prescribed in the case of summons cases.

CHAPTER XXXVII.—*State-Prisoners.*

This chapter has, in accordance with the wishes of the Secretary of State, been omitted from the Bill; the enactments which this chapter consolidated have been struck out of the schedule of repeals; and the form of warrant of commitment under section 491 has been omitted from schedule V.

CHAPTER XLII.—*Special Rules of Evidence.*

We have omitted the rule contained in section 521 as to presuming good faith in certain cases, as it conflicts with section 105 of the Indian Evidence Act.

CHAPTER XLIV.—*Disposal of Property.*

In the second paragraph of section 528 we have said that the High Court or Court of Session may direct the District Magistrate, instead of the committing Magistrate, to carry into effect its order for the disposal of property. The committing Magistrate might be transferred before the order was made.

We have excepted perishable property from the rule, contained in the third paragraph, that no order for the disposal of property shall be carried out till the period of appeal has elapsed, or, if an appeal is presented, till the appeal has been dismissed.

Section 552 authorizes the Court on a conviction for certain offences to order all the copies of the thing in respect of which the conviction was had, and which remain in the possession or power of the convicted person, to be destroyed. We have extended this power to copies which are in the custody of the Court.

CHAPTER XLVI.—*Irregular Proceedings.*

Before clause (*d*), section 541 (irregularities which vitiate proceedings), we have added the case where a Magistrate not being empowered by law in this behalf tries an offender.

In section 544, which provides for the case where the confession or statement of an accused person has not been duly recorded, it is provided that "unless the error injures the accused as to his defence on the merits, it shall not affect the admissibility of the statement." For this provision we have substituted the following:—"and notwithstanding anything contained in the Indian Evidence Act, section 91, such statement shall be admitted, if the error has not injured the accused as to his defence on the merits."

To the irregularities mentioned in section 548, which are not to justify the setting aside of a finding, sentence or order of a Court of competent jurisdiction, we have added irregularities in the warrant, and have included irregularities in any inquiry or other proceeding under the Code as well as irregularities in a trial.

We have also added "the omission to revise any list of jurors or assessors in accordance with section 324."

CHAPTER XLVII.—*Miscellaneous.*

We have amended section 560, which regulates the delivery to the military authorities of persons liable to be tried by court-martial, and given the Governor General in Council power to make rules, consistent with the Code, the Army Act, 1881, and any similar law for the time being in force, as to the cases in which persons subject to military law shall be tried by a Court constituted under the Code or by court-martial.

We have modified section 564, which gives power to the High Courts to make certain rules, and have provided that the rules for regulating the practice of High Courts not established by Royal Charter and of Courts subordinate to such Courts shall be made with the previous sanction of the Local Government. We have also added a power to make, with the like sanction, rules for regulating the execution of warrants issued under the Code for the levy of fines.

After section 565 we have added a section providing that no Judge or Magistrate shall, except with the permission of the Appellate Court to which an appeal from his judgment lies, try any case to or in which he is a party or personally interested, and that no Judge or Magistrate shall hear an appeal from an order made by himself.

Schedule I.

We think that the power which Act V of 1861, section 24, expressly confers on the police, to lay informations and apply for summonses and other legal processes, should remain intact, and we, therefore, propose to repeal only the last nine words of that section.

Schedule II.

At the request of the Government of Bombay we have made offences under section 19 of the Indian Arms Act, 1878, bailable.

Schedule III.

To the ordinary powers of Magistrates of the third class we have added the power to restore attached property (section 90).

To the ordinary powers of a Magistrate of the first class we have added the power to issue search-warrants for persons unlawfully confined (section 101), and the power to stop proceedings where there is no complaint (section 250).

To the ordinary powers of a Sub-divisional Magistrate we have added the power to direct warrants to landholders (section 78).

To the ordinary powers of a District Magistrate we have added the power to cancel bonds for keeping the peace (section 126).

Schedule IV.

We have re-arranged and amended this schedule, adding a division as to the powers with which a Sub-divisional Magistrate may be invested.

Schedule V.

We have shortened several of the forms contained in this schedule, omitted others as unnecessary, and given a form of a charge after a previous conviction.

We have made several verbal amendments in the body of the Bill. It has been duly published, and we recommend that it be passed as now amended; but first we think that it should be published thrice in the *Gazette of India*.

WHITLEY STOKES.
RIVERS THOMPSON.
J. GIBBS.
H. REYNOLDS.
JOTINDRA MOHAN TAGORE.
LOUIS FORBES.
C. H. T. CROSTHWAITE.

The 18th January, 1882.

SCHEDULE.

From H. Beverley, Esq., Additional Judge, 24-Parganas, dated 12th April, 1879, [Paper No. 1.]

From Acting Chief Secretary to Government, Madras, No. 717, dated 31st March, 1879, and enclosure. [Papers No. 2.]

From Bábú Kanaya Lál, Pleader, Judicial Commissioner's Court, Oudh, dated 15th April, 1879. [Paper No. 3.]

From R. F. Rampini, Esq., Additional Sessions Judge, Chittagong, dated 23rd April, 1879. [Paper No. 4.]

From F. J. Goldsmid, Esq., District Superintendent of Police, Ahmadnagar, dated 28th April, 1879. [Paper No. 5.]

From J. B. Pennington, Esq., District Magistrate, Tinnevelly, No. 503, dated 1st May, 1879. [Paper No. 6.]

From W. M. Coghlan, Esq., Sessions Judge, Tanna, No. 862, dated 13th May, 1879. [Paper No. 7.]

From F. M. Halliday, Esq., Commissioner, Patna, to Secretary to Government, Bengal, Legislative Department, No. 170 J, dated 27th May, 1879, and enclosure. [Papers No. 8.]

From F. C. Constable, Esq., Barrister-at-law, Karáchí, dated 28th May, 1879, and enclosure. [Papers No. 9.]

From J. C. Geddes, Esq., Officiating Judge, Bardwán, No. 1068, dated 9th June, 1879. [Paper No. 10.]

Note by A. G. Macpherson, Esq., dated 30th May, 1879. [Paper No. 11.]

From H. Beveridge, Esq., District and Sessions Judge, Rungpur, dated 9th June, 1879, and enclosure. [Papers No. 12.]

Office Memorandum from Military Department, No. 839 S-C, dated 30th June, 1879, and enclosure. [Papers No. 13.]

Note by T. M. Kirkwood, Esq., Officiating Judge, Tirhút, dated 30th July, 1879. [Paper No. 14.]

From A. M. B. Irwin, Esq., Assistant Commissioner, Sittoung Sub-division, British Burma, dated 21st July, 1879. [Paper No. 15.]

From Hon'ble H. S. Cunningham, dated 31st July, 1879, and enclosure. [Papers No. 16.]

From Secretary for Birár to Resident, Haidarábád, No. 18, dated 21st August, 1879, and enclosures. [Papers No. 17.]

Memorandum by Pandit Srí Kishen, Pleader, High Court, Oudh, dated 14th July, 1879. [Paper No. 18.]

From P. C. Rozario, Esq., Pleader, District Court, Mangalore, dated 20th August, 1879. [Paper No. 19.]

From Secretary for Birár to Resident, Haidarábád, No. 20, dated 28th August, 1879, and enclosure. [Papers No. 20.]

From Secretary to Chief Commissioner, Mysore, No. 4292-J 12, dated 29th August, 1879, and enclosures. [Papers No. 21.]

From Acting Under-Secretary to Government, Bombay, No. 5393, dated 8th September, 1879, and enclosures. [Papers No. 22.]

From Acting Under-Secretary to Government, Bombay, No. 5564, dated 15th September, 1879, and enclosures. [Papers No. 23.]

From Chief Commissioner, Ajmer-Merwára, No. 765, dated 16th September, 1879, and enclosures. [Papers No. 24.]

From Mr. T. Rámá Rau and others, Vákíls, High Court, Madras. [Paper No. 25.]

From Assistant Secretary to Chief Commissioner, Central Provinces, No. 3924-213, dated 24th September, 1879, and enclosures. [Papers No. 26.]

From Acting Under-Secretary to Government, Bombay, No. 5755, dated 23rd September, 1879, and enclosure. [Papers No. 27.]

From Acting Chief Secretary to Government, Madras, No. 2295, dated 5th September, 1879, and enclosures. [Papers No. 28.]

From Mr. A. Nubba Rau and others, Pleaders, District Court, Mangalore, dated 19th September, 1879. [Paper No. 29.]

From Secretary to Chief Commissioner, Assam, No. 1819, dated 30th September, 1879, and enclosures. [Papers No. 30.]

From Acting Chief Secretary to Government, Madras, No. 2485, dated 26th September, 1879, and enclosure. [Papers No. 31.]

From Acting Under-Secretary to Government, Bombay, No. 6579, dated 31st October 1879, and enclosure. [Papers No. 32.]

From Mr. Ullal Raghevendra Rao, Mangalore, dated 14th September, 1879, and 2nd October, 1879. [Papers No. 33.]

From Acting Chief Secretary to Government, Madras, No. 2656, dated 15th October, 1879, and enclosure. [Papers No. 34.]

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No. III.

THE CODE OF CRIMINAL PROCEDURE, 1882.

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No. III.

A Bill to consolidate and amend the law relating to Criminal Procedure.

Preamble.

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

PART I.
PRELIMINARY.

CHAPTER I.

Short title. Commencement.

1. This Act may be called "The Code of Criminal Procedure, 1882;" and shall come into force on the first day of January, 1883;

Act X, 1872, ss. 1, 2, 111, 529, 535, 540, 541. Act X, 1875, s. 143. Act IV, 1877, s. 3. * *e.g.*, Act V of 1869.

Local extent.

It extends to the whole of British India; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed,* by any other law now in force, or shall apply to—

Act X, 1872, s. 540.

(*a*) the Commissioner of Police or the police in the towns of Calcutta and Bombay;

(*b*) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the Presidencies of Fort St. George and Bombay respectively;

(*c*) heads of villages in the Presidency of Fort Saint George; or

(*d*) village Police-officers in the Presidency of Bombay:

(*e*) and nothing in sections 174, 175 and 176 shall apply to the Police in the town of Madras.

Act X, 1875, s. 2. Act X, 1872, s. 2, para. 1.

Repeal of enactments.

2. On and from the first day of January, 1883, the enactments mentioned in the first schedule shall be repealed to the extent specified in the third column of the said schedule, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Act X, 1872, ss. 82, 86.

Act X, 1872, s. 2, last para., s. 10.

Notifications, &c., under repealed Acts.

All notifications published, proclamations issued, powers conferred, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, defined, passed and made under the corresponding section of this Code.

References to Code of Criminal Procedure.

3. In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of, the Code of Criminal Procedure, Act No. XXV of 1861, or Act No. X of 1872, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding chapter or section.

Act X, 1872, s. 2, paras. 3, 4.

Expressions in former Acts.

In every enactment passed before this Code comes into force the expressions "Officer exercising (or having) the powers (or the 'full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class," and "Magistrate of the third class;" the expression "Magistrate of a division of a district" shall be deemed to mean "Sub-divisional Magistrate," the expression "Magistrate of the district" shall be deemed to mean "District Magistrate," and the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate."

Act IV, 1877, s. 10.

Interpretation.

Act X, 1872, s. 4. Act IV, 1877, s. 6.

4. In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

"Complaint."

(*a*) "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence; but does not include the report of a Police-officer:

New. Liv., 501.

"Investigation."

(*b*) "Investigation" includes all the proceedings under this Code for the collection of evidence conducted by the police or by any person other than a Magistrate or Police-officer who is authorized by a Magistrate in this behalf:

"Inquiry."

(*c*) "Inquiry" includes every inquiry conducted under this Code by a Magistrate or Court:

"Inquired into" omitted.

"Judicial proceeding."

(*d*) "Judicial proceeding" means any proceeding in the course of which evidence is or may be legally taken:

Penal Code, 193. I. L. R., 1 All. 6. 1 Mad. H. C. Rep. 46.

"Writing."

(*e*) "Writing" and "written" include "printing," "lithography," "photography," "engraving," and every other mode in which words or figures can be expressed on paper or on any substance:

"Sub-division."

(*f*) "Sub-division" means a sub-division made under this Code of a District:

New.

"Province."

(*g*) "Province" means the territories for the time being under the administration of any Local Government:

New.

"Presidency-town."

(*h*) "Presidency-town" means the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay:

Act X, 1875, s. 3, altered. Another definition *infra*, s. 267.

"High Court."

(*i*) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Panjáb and the Recorder of Rangoon:

Query as to Special Court acting under the 79th section of the Burma Courts Act, 1875.

In other cases "High Court" means the highest Court of criminal appeal or revision for any local area;

See précis, para. 160.

or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may from time to time appoint in this behalf:

Act X, 1875, s. 3.

"Chief Justice."

(*j*) "Chief Justice" includes also the senior Judge of a Chief Court:

Act X, 1875, s. 3. Act X, 1877, s. 539.

"Advocate General."

(*k*) "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such officer as the Local Government may from time to time appoint in this behalf:

Act X, 1875, s. 3.

"Clerk of the Crown."

(*l*) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

New: see Act X, 1872, s. 57. Act X, 1875, s. 3. See 11 Bom. 103.

"Public Prosecutor."

(*m*) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor; and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction:

New.

"Pleader."

(*n*) "Pleader" used with reference to any proceeding in any Court means a pleader authorized under any law for the time being in force to practise in such Court, and includes (1) an advocate, a vakíl and an attorney of a High Court so authorized, and (2) any mukhtár or other person appointed with the permission of the Court to act in such proceeding:

"Police-station." "Officer in charge of a Police-station."

(*o*) "Police-station" means any post declared, generally or specially, by the Local Government to be a Police-station for the purposes of this Code; and "Officer in charge of a Police-station" includes, when the officer in charge of the Police-station is absent therefrom or unable from illness to perform his duties, the Police-officer next in rank present at the Police-station above the rank of constable, or, when the Local Government so directs, any other Police-officer so present:

Act X, 1872, s. 136.

"Offence."

(*p*) "Offence" means any act or omission made punishable by any law for the time being in force:

Act XI, 1874, s. 1.

"Cognizable offence." "Cognizable case."

(*q*) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant:

"Non-cognizable offence." "Non-cognizable case."

"Non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may not arrest without warrant:

Act XI, 1874, s. 1.

"Bailable offence." "Non-bailable offence."

(*r*) "Bailable offence" means an offence shewn as bailable in the second schedule or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

"Warrant-case."

(*s*) "Warrant-case" means a case relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months:

"Summons-case."

(*t*) "Summons-case" means a case relating to an offence not so punishable:

Act X, 1872, s. 71.

"European British subject."

(*u*) "European British subject" means—

Act X, 1875, s. 3.

(1) any subject of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(2) any child or grand-child of any such person by legitimate descent:

New.

"Chapter." "Schedule."

(*v*) "Chapter" means a chapter of this Code; and "Schedule" means a schedule hereto annexed:

New.

"Place."

(*w*) "Place" includes also a house, building, tent and vessel.

Act XI, 1874, s. 2.

Words referring to acts.

Words which refer to acts done extend also to illegal omissions, and

e.g., "special law," "local law."

Words to have same meaning as in Penal Code.

all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

New. See Act XI, 1874, s. 42.

Act X, 1872, ss. 6, 7, 11. Act X, 1872, ss. 6, 7, 8, para. 1; 69, *Expl.* Act X, 1875, s. 6. Act IV, 1877, s. 14.

Trial of offences under Penal Code.

5. All offences under the Indian Penal Code shall be inquired into and tried according to the provisions hereinafter contained; and all offences under any other law shall be inquired into and tried according to the same provisions but subject to any enactment for the time being in force regulating the manner or place of inquiring into or trying such offences.

Trial of offences against other laws.

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

Act X, 1872, ss. 5, 19.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely :—

Classes of Criminal Courts.

I.—Courts of Session :
II.—Courts of Presidency Magistrates :
III.—Courts of Magistrates of the first class :
IV.—Courts of Magistrates of the second class :
V.—Courts of Magistrates of the third class.

B.—Territorial Divisions.

Act X, 1872, s. 12.

7. Every Province (excluding the Presidency-towns) shall be a Sessions Division, or shall consist of Sessions Divisions;

Sessions Divisions.

Act XI, 1874, s. 4.

and every Sessions Division shall, for the purposes of this Code, be a District or consist of Districts.

Districts.

Act X, 1872, ss. 13, 38.

The Local Government may alter the limits, or, with the previous sanction of the Governor General in Council, the number, of such Divisions and Districts.

Power to alter Divisions and Districts.

Act X, 1872, s. 14.

Act XI, 1874, s. 4.

The Sessions Divisions and Districts existing when this Code comes into force shall be Sessions Divisions and Districts respectively, unless and until they are so altered.

Existing Divisions and Districts maintained till altered.

Act IV, 1877, s. 8, para. 5.

Every Presidency-town shall, for the purposes of this Code, be deemed to be a District.

Presidency-towns to be deemed Districts.

Act X, 1872, s. 39

8. The Local Government may divide any District outside the Presidency-towns into Sub-divisions, or make any portion of any such District a Sub-division, and may alter the limits of any Sub-division.

Power to divide Districts into Sub-divisions.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

Existing Sub-divisions maintained.

C.—Courts and Offices outside the Presidency-towns.

Act X, 1872, ss. 15, 16 17, 18.

9. The Local Government shall establish a Court of Session for every Sessions Division, and appoint a Judge of such Court.

Court of Session.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

Act X, 1872, s. 35.

10. In every District outside the Presidency-towns, the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

District Magistrate.

Act X, 1872, s. 55.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Officers temporarily succeeding to vacancies in office of District Magistrate.

Act X, 1872, ss. 37, 40.

12. The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns; and the Local Government, or the District Magistrate subject to the control of the Local Government, may from time to time define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Subordinate Magistrates.

Local limits of their jurisdiction.

Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such District.

Act X, 1872, s. 40.

13. The Local Government may place any Magistrate of the first or second class in charge of a Sub-division, and relieve him of the charge as occasion requires.

Power to put Magistrate in charge of Sub-division.

Such Magistrates shall be called Sub-divisional Magistrates.

The Local Government may delegate its powers under this section to the District Magistrate.

Delegation of power to District Magistrate.

Act X, 1872, s. 42.

14. The Local Government may confer upon any person all or any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Special Magistrates.

Such Magistrates shall be called Special Magistrates.

Act XI, 1874, s. 5.

With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

Act V, 1861, ss. 6.

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Act X, 1872, ss. 50, 224.

15. The Local Government may direct any two or more Magistrates in any place outside of the Presidency-towns to sit together as a Bench, and may invest such Bench with any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Local Government thinks fit.

Benches of Magistrates.

Sufferuddin v. Ibrahim, I. L.R. 3 Cal. 754.

Act X, 1872, s. 51.

Except as otherwise provided by any order of the Local Government under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members who is present taking part in the proceedings as a member of the Bench belongs, and as far as possible shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Powers exercisable by Bench in absence of special direction.

Act X, 1872, ss. 52, 53.

16. The Local Government may, or, subject to the control of the Local Government, the District Magistrate may, from time to time make rules consistent with this Code for the guidance of Magistrates' Benches in any District respecting the following subjects :—

Power to frame rules for guidance of Benches.

(*a*) the classes of cases to be tried;
(*b*) the times and places of sitting;
(*c*) the constitution of the Bench for conducting trials;
(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Act X, 1872, s. 37, para. 2.

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and he may from time to time make rules consistent with this Act as to the distribution of business among such Magistrates and Benches; and

Subordination of other Magistrates to District Magistrate;

Act X, 1872, s. 41.

every Magistrate (other than a Sub-divisional Magistrate) and every Bench exercising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

to Sub-divisional Magistrate.

All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may from time to time make rules consistent with this Act as to the distribution of business among such Assistant Sessions Judges.

Subordination of Assistant Sessions Judges to Sessions Judge.

Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

Act X, 1872, s. 37, para.

D.—Courts of Presidency Magistrates.

Act IV, 1877, ss. 8, 9.

18. The Local Government shall from time to time appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Appointment of Presidency Magistrates.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a Bench.

Act IV, 1877, s. 8, para. 5.

19. Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Local limits of their jurisdiction.

Act IV, 1877, s. 8, last para.; s. 9, last para.

20. Every Presidency Magistrate in the town of Bombay shall exercise all jurisdiction which, under any law in force immediately before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions :

Bombay Court of Petty Sessions.

Provided that appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

Act IV, 1877, s. 9.

21. Every Chief Magistrate shall exercise in the Presidency-town for which he is appointed all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Magistrate, and may from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

Chief Magistrate.

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;
(*b*) the times and places at which Benches of Magistrates shall sit;
(*c*) the constitution of such Benches; and
(*d*) the mode of settling differences of opinion which may arise between Magistrates in session.

E.—Justices of the Peace.

Act II, 1869, s. 3.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the Presidency-towns,

Justices of the Peace for the Mufassal.

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and for the territories mentioned in such notification.

Act II, 1869, s. 4.

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta,

Justices of the Peace for the Presidency-towns.

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

Act II, 1869, s. 10.

24. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the same towns.

Present Justices of the Peace.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

13 Geo. III, c. 63, s. 38. Act X, 1875, s. 152. Act IV, 1877, s. 8. Native High Court Judges are thus Justices of the Peace.

25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General, the Judges of the High Courts and the Recorder of Rangoon are Justices of the Peace within and for the whole of British India, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

Ex officio Justices of the Peace.

F.—Suspension and Removal.

Act X, 1872, s. 9.

26. All Judges of Criminal Courts other than the High Courts established by Royal Charter, and all Magistrates, may be suspended or removed (from office) by the Local Government: Provided that such Judges and Magistrates as now are liable to be suspended or removed (from office) by the Governor General in Council only shall not be suspended or removed by any other authority.

Suspension and removal of Judges and Magistrates.

Act II, 1869, s. 9.

27. The Governor General in Council may suspend or remove (from office) any Justice of the Peace appointed by him, and the Local Government may suspend or remove (from office) any Justice of the Peace appointed by it.

Suspension and removal of Justices of the Peace.

CHAPTER III.

Powers of Courts.

A.—Description of Offences cognizable by each Court.

e.g., ss. 193, 194. Act XI, 1874, s. 1. Act IV, 1877 s. 4.

28. Subject to the other provisions of this Code, any offence under the Indian Penal Code may be tried by the High Court or Court of Session or by any other Court by which such offence is shown in the eighth column of the second Schedule to be triable.

Offences under Penal Code.

Act X, 1872, s. 8, para. 1.

29. Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

Offences under other laws.

When no Court is so mentioned, it may be tried by the High Court or by any Court constituted under this Code: Provided that

(*a*) no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years;

(*b*) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(*c*) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

Act X, 1872, s. 36.

30. In the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

Offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

31. A High Court may pass any sentence authorized by law.

Sentence which High Courts or Sessions Judges may pass.

Act X, 1872, ss. 15, para. 2, 17.

A Sessions Judge, Additional Sessions Judge or Joint Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by such Judge shall be subject to confirmation by the High Court.

Act X, 1872, s. 18.

An Assistant Sessions Judge may pass any sentence authorized by law except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding three years passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge.

Act X, 1872, s. 20.

32. The Courts of Magistrates may pass the following sentences, namely:—

Sentences which Magistrates may pass.

(*a*) Courts of Presidency Magistrates and of Magistrates of the first class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law; Fine not exceeding one thousand rupees; Whipping.
(*b*) Courts of Magistrates of the second class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorized by law; Fine not exceeding two hundred rupees; Whipping.
(*c*) Courts of Magistrates of the third class.	Imprisonment for a term not exceeding one month; Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

No Magistrate of the second class shall pass a sentence of whipping unless specially empowered in this behalf by the Local Government.

Act X, 1872, s. 20, Expl., s. 309, para. 2. See I. L. R., 1 Mad., 77.

33. The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorized by law in case of such default: Provided that the term is not in excess of the Magistrate's powers under this Code:

Power of Magistrates to sentence to imprisonment in default of fine.

Act X, 1872, s. 309, para. 1, proviso. As to para. 1 of that section see Act I of 1868. Act IV, 1877, s. 12, omitting paras. 1 & 3.

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso as to certain cases.

Act X, 1872, s. 20, Expl.

The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Act X, 1872, s. 36.

34. The Court of a District Magistrate specially empowered under section 30 may pass any sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or of any combination of these punishments authorized by law.

Higher powers of certain District Magistrates.

See *infra*., s. 380.

But any sentence of imprisonment for a term exceeding three years passed by any such Court shall be subject to the confirmation of the Sessions Judge.

Act X, 1872, s. 314. Act X, 1875, s. 109. Act IV, 1877, s. 13.

35. When a person is convicted, at one trial, of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

Sentence in cases of conviction of several offences at one trial.

It shall not be necessary for the Court, by reason only of the aggregate punishments for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided that in no case shall such person be sentenced to punishment for a longer period than fourteen years:

Maximum term of punishment.

Provided also that, if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishments shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

I. L. R., 1 Bom., 223.

For the purpose of confirmation or appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

C.—Ordinary and Additional Powers.

Act X, 1872, ss. 22, 24, 26, 28, 30.

36. All District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third class have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers."

Ordinary powers of Magistrates.

Act X, 1872, ss. 23, 25, 27, 29.

37. In addition to his ordinary powers, any sub-divisional Magistrate or any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which he may be invested by the Local Government or the District Magistrate.

Additional powers conferrible on Magistrates.

38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Local Government.

District Magistrates' investing power to be subject to control.

D.—Conferment, Continuance and Cancellation of Powers.

Act X, 1872, s. 43.

39. In conferring powers under this Code, the Local Government may by order empower persons specially by name, or classes of officials generally by their official titles.

Mode of conferring powers.

Every such order shall take effect from the date on which it is communicated to the person so empowered.

Act X, 1872, s. 56.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an

Continuance of powers of officers transferred.

equal or higher office of the same nature within a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

I. L. R., 2 Cal., 227.

Act X, 1872, s. 54.

41. The Local Government may withdraw any powers conferred by it or by any officer subordinate to it on any person under this Code.

Powers may be cancelled.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

Act X, 1872, s. 91. Act IV, 1877, s. 247.

42. Every person is bound to assist a Magistrate or Police-officer reasonably demanding his aid, whether within or without the Presidency-towns,

Public when to assist Magistrates and Police.

(*a*) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest;

(*b*) in the prevention of a breach of the peace, or of any injury attempted to be committed to any railway, canal, telegraph or public property; or

(*c*) in the suppression of a riot or affray.

Act X, 1872, s. 168.

43. When a warrant is directed to a person other than a Police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Aid to person other than Police-officer, executing warrant.

Act X, 1872, s. 89. Act IV, 1877, s. 246.

44. Every person, whether within or without the Presidency-towns, aware of the commission of or of the intention of any other person to commit any offence punishable under the following sections of the Indian Penal Code (namely), 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or Police-officer of such commission or intention.

Public to give information of certain offences.

Act X, 1872, s. 99.

45. Every village-headman, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, whichever is the nearer, any information which he may obtain respecting—

Village-headmen, landholders and others bound to report certain matters.

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, watchman or Police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;

(*c*) the commission of or intention to commit any non-bailable offence in or near such village;

(*d*) the occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances.

EXPLANATION.—In this section "village" includes village-lands.

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

Act X 1872, s. 177.

46. In making an arrest, the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Arrest how made.

Act X, 1872, s. 178, adding words as to attempt to evade.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

Resisting endeavour to arrest.

Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death.

Alison's Cr. law cited Mayne P. C., s. 106.

Act X, 1872, ss. 99, 179.

47. If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Search of place entered by person seeking to be arrested.

Act X, 1872, s. 100.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to

Procedure where ingress not obtainable.

be arrested an opportunity of escape, for a Police-officer, to enter such place and search therein, and

Act X 1872, s. 180.

in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Act X, 1872, s. 181, which applies only where person to be arrested is accused of an offence for which a warrant may issue.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Breaking open zanáná.

New.

49. Any Police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

Power to break open doors and windows for purposes of liberation.

Act X, 1872, s. 182.

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint.

Act X, 1872, s. 387, para 1. See section 523, *infra*.

51. Whenever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

Search of arrested persons.

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

Act X, 1872, s. 386. Act IV, 1877, s. 166.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made by a woman with strict regard to decency.

Mode of searching women.

New. Liv., p. 50.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the person making the arrest is required by this Code to produce the person arrested.

Power to seize offensive weapons.

B.—Arrest without Warrant.

Act X, 1872, s. 92, omitting cl. 3.

54. Any Police-officer may, without an order from a Magistrate and without a warrant, arrest—

When police may arrest without warrant.

firstly—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking;

Cf. Livingston, 503.

thirdly—any person who has been proclaimed as an offender either under this Code or by order of the Local Government;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly—any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; and

"Or Navy" added.

sixthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy.

This section applies to the Towns of Calcutta and Bombay.

Act X, 1872, s. 94.

55. Any officer in charge of a Police-station may, in like manner, arrest or cause to be arrested—

Arrest of vagabonds.

(*a*) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute a habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion, or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Act X, 1872, s. 102, para. 1.

56. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence for which the arrest is to be made.

Procedure when Police-officer deputes subordinate to arrest without warrant.

Act X, 1872, s. 98.

57. Any person who in the presence of a Police-officer commits or is accused of committing a non-cognizable offence, and refuses on demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, may be

Refusal to give name and residence.

arrested or detained by such officer in order that his name or residence may be ascertained; and shall, within twenty-four hours from the arrest or detention, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Act X, 1872, s. 103.

58. Pursuit of offenders into other jurisdictions. For the purpose of arresting without warrant any person whom he is authorized to arrest under this chapter, a Police-officer may pursue such person into any place in British India.

Act X, 1872, s. 105.

59. Arrest by private persons. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender; and shall, without unnecessary delay, make over any person so arrested to a Police-officer; or, in the absence of a Police-officer, take such person to the nearest Police-station.

Act X, 1872, s. 107. N. Y. Crim. Pro. Code, 184.

Procedure on such arrest.

If there is reason to believe that such person comes under the provisions of section 54, a Police-officer shall re-arrest him.

If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no reason to believe that he has committed any offence, he shall be at once discharged.

Act X, 1872, s. 101.

60. Person arrested to be taken before Magistrate or officer in charge of Police-station. A Police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Act X, 1872, s. 124, para. 1

61. Person arrested not to be detained more than 24 hours. No Police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Act X, 1872, s. 132, para. 1.

62. Police to report apprehensions. Officers in charge of Police-stations shall report to the District Magistrate, or, if he so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, or detained under section 57, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Act X, 1872, s. 132, para. 2. Act IV, 1877, s. 70, para. 1.

63. Discharge of person apprehended. No person who has been arrested by a Police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Act X, 1872, s. 108. Act IV, 1877, s. 15.

64. Offence committed in Magistrate's presence. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Act X, 1872, s. 166, para. 2. Act IV, 1877, s. 62.

65. Arrest by or in presence of Magistrate. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Act XXV, 1861, s. 112. N. Y. Cr. Pro. Code, s. 186.

66. Power, on escape, to pursue and retake. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in British India.

Act XXV, 1861, s. 113. N. Y. Cr. Pro. Code, s. 186.

67. Provisions of sections 47, 48 and 49 to apply to cases under section 66. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a Police-officer having authority to arrest.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—Summons.

Act X, 1872, s. 152. Act IV, 1877, s. 47.

68. Form of summons. Every summons issued by a Court under this Code shall be in writing in duplicate signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may from time to time by rule direct.

Act X, 1872, s. 153, alter.

Such summons shall be served by a Police-officer; or, subject to such rules consistent with this Code as the Local Government may prescribe in this behalf, by an officer of the Court issuing it.

Summons by whom served.

This section applies to the police in the towns of Calcutta and Bombay.

Act X, 1872, s. 154. Act IV, 1877, s. 48.

69. Summons how served. The summons shall if practicable be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Signature of receipt for summons.

Act X, 1872, s. 154. Act IV, 1877, s. 49.

70. Service when person summoned cannot be found. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, or, in a Presidency-town, with his servant residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Act X, 1872, s. 155.

71. Procedure when receipt cannot be obtained. If the signature mentioned in sections 69 and 70 cannot by the exercise of due diligence be obtained, the serving officer shall fix one of the duplicates of the summons on some

conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Act X, 1872, s. 158, proviso.

72. Service on servant of Government or of Railway Company. Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court with the endorsement required by that section.

Act XXIII, 1840, s. 1. Act IV, 1877, s. 50.

73. Service of summons outside local limits. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Act IV, 1877, s. 51.

74. Proof of service in such cases, and when serving officer not present. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.—Warrant of Arrest.

Act X, 1872, s. 159, amended. Act IV, 1877, s. 56, which does not require the seal. But see 9, Bom., 157.

75. Form of warrant of arrest. Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or, in the case of a Bench of Magistrates, by any member of such Bench, and shall bear the seal of the Court.

Continuance of warrant of arrest.

Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

Act X, 1872, s. 160. Act IV, 1877, s. 58.

76. Court may direct security to be taken. Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The endorsement shall state (*a*) the number of sureties, (*b*) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (*c*) the time at which he is to attend before the Court.

Recognizance to be forwarded.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the bond to the Court.

Act X, 1872, s. 161. Act IV, 1877, s. 56.

77. Warrants to whom directed. A warrant of arrest shall ordinarily be directed to one or more Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same.

Act X, 1872, s. 164. Act IV, 1877, s. 59.

Warrant to several persons.

When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Act X, 1872, s. 162.

78. Warrant may be directed to landholders, &c. A District Magistrate or Sub-divisional Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

Act X, 1872, s. 165. Act IV, 1877, s. 60.

79. Warrant directed to Police-officer. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Act X, 1872, s. 176.

80. Notification of substance of warrant. The Police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested and, if so required, shall show him the warrant.

Act X, 1872, s. 138.

81. Person arrested to be brought before Court without delay. The Police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce him.

Act X, 1872, s. 167. Act IV, 1877, s. 63.

Where warrant may be executed.

82. A warrant of arrest may be executed at any place in British India.

Act X, 1872, ss. 168, paras. 1 & 2, 170, first part. Act IV, 1877, s. 64.

Warrant forwarded to Magistrate for execution outside jurisdiction.

83. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and cause it to be executed within the local limits of his jurisdiction.

Act X, 1872, ss. 168, paras. 1 & 3, 170, first part. Act IV, 1877, s. 64, paras. 5, 6, 7.

Warrant directed to Police-officer for execution outside jurisdiction.

84. When a warrant directed to a Police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall if so required assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

This section applies to the police in the towns of Calcutta and Bombay.

Act X, 1872, s. 169. Act IV, 1877, s. 65, para. 1.

Procedure on arrest of person against whom warrant issued.

85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Act X, 1872, s. 170. Act IV, 1877, s. 65, para. 2.

Procedure by Magistrate before whom person arrested is brought.

86. Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate or Commissioner shall take bail or such security, as the case may be, and forward the bond to the Court which issued the warrant.

Nothing in this section shall be deemed to prevent a Police-officer from taking security under section 76.

C.—Proclamation and Attachment.

Act X, 1872, ss. 171, 353, para. 1. Act X, 1875, s. 82. Act IV, 1877, ss. 67, 137. 10 Ben. App. 18.

Proclamation for person absconding.

87. If a Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

The proclamation shall be published as follows:—

(*a*) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(*b*) it shall be affixed on some conspicuous part of the house or homestead in which such person ordinarily resides, or on some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

New as to day of publication.

Act X, 1872, ss. 172, 353, paras. 2 & 3. Act IV, 1877, ss. 68, 137.

Attachment of property of person absconding.

88. The Court may, after issuing a proclamation under section 87, order the attachment of any property, moveable or immoveable, or both, belonging to the proclaimed person.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate within whose district such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made—

(*a*) by seizure; or

(*b*) by the appointment of a receiver; or

(*c*) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

(*d*) by all or any two of such methods, as the Court thinks fit.

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases—

(*e*) by taking possession; or

(*f*) by the appointment of a receiver; or

(*g*) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(*h*) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Act X, 1872, ss. 173, 354. Act X, 1875, s. 83. Act IV, 1877, ss. 69, 138.

Restoration of attached property.

89. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government under the last paragraph of section 88 appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other rules regarding processes.

Act X, 1872, ss. 148, para. 2, 150, 156, 352, 355, 494, para. 1. Act X, 1875, ss. 81, 84. Act IV, 1877, ss. 34, 36, 53, 135, 136, 217.

Issue of warrant in lieu of or in addition to summons.

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest—

(*a*) if either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Act IV, 1877, s. 140.

Power to take bond for appearance.

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Act X, 1872, s. 208, para. 2. Act IV, 1877, s. 124, para. 2.

Arrest on breach of bond for appearance.

92. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Act X, 1872, ss. 158, para. 1, 185. Act IV, 1877, s. 52.

Provisions in this chapter generally applicable to summonses and warrants of arrest.

93. The provisions contained in this chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—Summons to produce.

Act X, 1872, s. 365. Act X, 1875, s. 86. Act IV, 1877, s. 144.

Summons to produce document or other thing.

94. Whenever any Court, or, in any place beyond the limits of the towns of Calcutta and Bombay, any officer in charge of a Police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it or to produce it at the time and place stated in the summons or order.

Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Act X, 1877 s. 164.

Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to a letter, post-card, telegram or other document in the custody of the Postal or Telegraph Department.

New.

Act X, 1872, s. 369, last sentence. Act IV, 1877, s. 146.

Procedure as to letters and telegrams.

95. If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the Postal or Telegraph Department, as the case may be, to deliver such document to such person as such Magistrate or Court directs.

If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police, or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

Act X, 1872, s. 336. Act X, 1875, s. 87. Act IV, 1877, s. 145.

When search-warrant may be issued.

96. Where there is reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95,

paragraph one, has been or might be addressed will not or would not produce the document or other thing as directed in such summons,

or where such document or other thing is not known to be in the possession of any person,

Act X, 1872, s. 368, para. 1. Act IV, 1877, s. 159.

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

Act X, 1872, s. 369, cl. 1.

Nothing herein contained shall authorize any Magistrate, other than a District Magistrate or Chief Presidency Magistrate, to grant a warrant to search for a document in the custody of the Postal or Telegraph authorities.

Act X, 1872, s. 398, para. 2. General warrant should not be the rule.

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Power to restrict warrant.

Act X, 1872, s. 377. Act IV, 1877, s. 160.

98. If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

Search of house suspected to contain stolen property, forged documents, &c.

or for the deposit or sale or manufacture of forged documents, false seals, or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals, or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same in manner specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or for forging.

99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

Disposal of things found in search beyond jurisdiction.

Act X, 1872, ss. 373, para. 2, 374.

C.—Discovery of persons wrongfully confined.

100. If any Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

Search for persons wrongfully confined.

D.—General Provisions relating to searches.

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply to all search-warrants issued under section 96, section 98, or section 100.

Direction, &c., of search-warrants.

Act X, 1872, ss. 370, 371, 372, 373, para. 1, 375, 376. Act IV, 1877, s. 161.

102. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Persons in charge of closed place to allow search.

Act X, 1872, s. 382. Act IV, 1877, s. 162.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

Act X, 1872, ss. 383, 384. Act IV, 1877, ss. 163, 164.

103. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

Search to be made in presence of witnesses.

Act X, 1872, s. 385. Act IV, 1877, s. 165.

The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses, but no person witnessing a search under this section shall be required to attend the Court as a witness unless specially summoned by it.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

Occupant of place searched may attend.

E.—Miscellaneous.

Act X, 1872, s. 367, first part. Act X, 1875, s. 88.

104. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Power to impound document, &c., produced.

Act IV, 1877, s. 147. Act X, 1872, s. 378, para. 2.

105. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search in his presence.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

A.—Security for keeping the Peace on Conviction.

Act X, 1872, ss. 489, para. 1, 490, clause 1. Act X, 1875, s. 140. Act IV, 1877, s. 208. Bond becomes void when conviction set aside, N.-W. P., 1875, p. 376.

106. Whenever any person accused of rioting, assault or other breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation by threatening injury to person or property, is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

Security for keeping the peace on conviction.

Act X, 1872, ss. 490, 493, para. 1. Cf. s. 496. Act X, 1875, s. 141. Act IV, 1877, s. 209.

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period not exceeding three years as it thinks fit to fix.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

Act X, 1872, ss. 491, 502, last para. Act IV, 1877, ss. 215, 231.

107. Whenever a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class receives information that any person is likely to commit a breach of the peace, or to do any wrongful act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

Security for keeping the peace in other cases.

Act X, 1872, s. 494, proviso.

108. When any Magistrate not empowered to proceed under section 107, or a Court of Session or High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case under section 107.

Procedure of Magistrate, &c., not empowered to act under section 107.

A Magistrate before whom a person is sent under this section may in his discretion detain such person in custody until the completion of the enquiry hereinafter prescribed.

Act X, 1872, ss. 504, paras. 1 and 4, 515, para. 2. Act IV, 1877, ss. 212, 23[illegible]

109. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

Security for good behaviour from vagrants and suspected persons.

(*a*) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

Act X, 1872, ss. 505, 506. Act IV, 1877, ss. 213, 214. 231. 1 O'Kin. 271.

110. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government receives information that any person within the local limits of his jurisdiction is an habitual robber, housebreaker or thief, or an habitual receiver of stolen property knowing the same to have been stolen, or that he habitually commits extortion, or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury,

Security for good behaviour from habitual offenders.

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate thinks fit to fix.

111. The provisions of sections 109 and 110 do not apply to European British subjects in cases where they may be dealt with under the European Vagrancy Act, 1874.

Proviso as to European vagrants.

Act X, 1872, s. 517. Act IV, 1877, s. 232.

112. When a Magistrate acting under section 107, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Order to be made.

Act X, 1872, ss. 492, 509, para. 1, 515, para. 1. Act IV, 1877, ss. 216, para. 1, 222.

113. If the person in respect of whom such order is made is present in court, it shall be read over to him or, if he so desires, the substance thereof shall be explained to him.

Procedure in respect of person present in Court.

Act X, 1872, s. 492, Expl. Act IV, 1877, s. 216, para. 2.

114. If such person is not present in court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him, before the Court:

Summons or warrant in case of person not so present.

Provided that, whenever it appears to such Magistrate, upon the report of a Police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

Act X, 1872, ss. 494, 515, para. 1. Act IV, 1877, s. 217, proviso. In bad livelihood cases police can arrest without warrant.

115. Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Copy of order under section 112 to accompany summons or warrant.

116. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to shew cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Act X, 1872, s. 495. Act IV, 1877, s. 218.

Power to dispense with personal attendance.

117. When an order under section 112 has been read or explained under section 113, to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 114, the Magistrate shall proceed to enquire into the truth of the information upon which he has acted, and to take such further evidence as may appear necessary.

New. I. O'Kin. 130. See Act X, 1872, s. 491, Explns.

Inquiry as to truth of information.

Act X, 1872, s. 515, para. 3.

Such enquiry shall be made, as nearly as may be, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be framed.

For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

118. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond with or without sureties, the Magistrate shall make an order accordingly:

Order to give security.

Act X, 1872, s. 497. Act IV, 1877, s. 220.

Provided—

Firstly—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112:

Secondly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

Act X, 1872, s. 493, para. 1. 1 O'Kim. 95.

Thirdly—that when the person in respect of whom the enquiry is made is a minor, the bond shall be executed only by his sureties.

119. If, on an enquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond with or without sureties, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

Discharge of person informed against.

Act X, 1872, s. 497. Act IV, 1877, s. 220.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

120. If any person in respect of whom an order requiring security is made under section 106 or section 118 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

Commencement of period for which security is required.

Act X, 1872, ss. 489, para. 2, 504, para. 2. Act IV, 1877, ss. 210, 224. I. L. R., 1 All., 666, n.

In other cases such period shall commence on the date of such order.

121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Contents of bond.

Act X, 1872, s. 502, para. 6. Act IV, 1877, s. 227.

122. A Magistrate may refuse to accept any surety for good behaviour offered under this chapter, on the ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

Power to reject sureties.

Act X, 1872, s. 516.

123. If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on

Imprisonment in default of security.

Act X, 1872, ss. 489, para. 1, last sentence, 490, last sentence, 497, 498, 499, para. 3, 510. Act IV, 1877, s. 223.

which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security to the Court or Magistrate which or who made the order requiring it, or to the officer in charge of the jail in which the person so ordered is detained.

Act X, 1872, ss. 507, 508. Act IV, 1877, s. 221.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Proceedings when to be laid before High Court or Court of Session.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

Act X, 1872, s. 499, para. 3.

Imprisonment for failure to give security for keeping the peace shall be simple.

Kind of imprisonment.

Act X, 1872, s. 510, para. 3.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

Act X, 1872, ss. 500, 511. Act IV, 1877, s. 225.

124. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Power to release persons imprisoned for failing to give security.

Act X, 1872, s. 512.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such hazard, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Act X, 1872, s. 500.

125. The District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace executed under this chapter by order of any Court in his District not superior to his Court.

Power of District Magistrate to cancel any bond for keeping the peace.

Act X, 1872, ss. 501, 518. Act IV, 1877, s. 2 3.

126. Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class to cancel any bond executed under this chapter within the local limits of his jurisdiction.

Discharge of sureties.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

CHAPTER IX.

UNLAWFUL ASSEMBLIES.

127. Any Magistrate or officer in charge of a Police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Assembly to disperse on command of Magistrate or Police-officer.

Act X, 1872, s. 480. Act XI, 1874, s. 43. Penal Code, ss. 145, 151.

This section applies to the Police in the towns of Calcutta and Bombay.

128. If, upon being so commanded, any such assembly does not disperse, or if without being so commanded it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a Volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of civil force to disperse.

Act X, 1872, s. 481.

Volunteers added.

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

Use of military force.

Act X, 1872, s. 482.

130. When a Magistrate determines to disperse any such assembly by military force, he may require any Commissioned or Non-commissioned officer in command of any soldiers in Her Majesty's Army or of any Volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by such force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly, or that they may be punished according to law.

Duty of officer commanding troops required by Magistrate to disperse assembly.

Act X, 1872, s. 484, adding volunteers.

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Act X, 1872, s. 487.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly, or that they may be punished according to law; but, if while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Power of commissioned Military officers to disperse assembly.

Act X, 1872, s. 488.

132. No prosecution against any Magistrate, Military officer, Police-officer, soldier or volunteer for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council; and

Protection against prosecution for acts done under this chapter.

Act X, 1872, ss. 483, 485, 486.

(*a*) no Magistrate or Police-officer acting under this chapter in good faith,

(*b*) no officer acting under section 131 in good faith,

(*c*) no person doing any act in good faith in compliance with a requisition under section 128 or section 130, and

(*d*) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

PUBLIC NUISANCES.

Act X, 1872, s. 521, substituting "way" for "thoroughfare."

133. Whenever a District Magistrate, a Sub-divisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

Conditional order for removal of nuisance.

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being injurious to the health or physical comfort of the community, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or "Combustible" omitted.

that any building is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence its removal, repair or support is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, substance, tank, well or excavation, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, repair or support it; or

to alter the disposal of such substance; or

to fence such tank, well or excavation, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

EXPLANATION.—A "public place" includes also property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

Act X, 1872, s. 522.

134. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

Service or notification of order.

If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Local Government may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Act X, 1872, s. 523, para. 1.

135. The person against whom such order is made shall—

Person to whom order is addressed to obey,

(*a*) perform, within the time specified in the order, the act directed thereby; or

or show cause or claim jury.

(*b*) appear in accordance with such order and either show cause against the same, or apply to the Magistrate by whom it was made to appoint a jury to try whether the same is reasonable and proper.

Act X, 1872, s. 625.

136. If such person does not perform such act or appear and show cause or apply for the appointment of a jury as required by section 135, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code; and the order shall be made absolute.

Consequence of his failing to do so.

Act X, 1872, ss. 525, 527. Act XI, 1874, s. 45.

137. If he appears and shows cause against the order, the Magistrate shall take evidence in the matter.

Procedure where he appears to show cause.

1 O'Kin. 486.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

Act X, 1872, s. 523, para. 2.

138. On receiving an application under section 135 to appoint a jury, the Magistrate shall—

Procedure where he claims jury.

2 Cal. 509.

(*a*) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

Act X, 1872, s. 524, para. 1.

(*b*) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

Act X, 1872, s. 523, para. 5.

(*c*) fix a time within which they are to return their verdict.

Act X, 1872, ss. 523, para. 2, 526, para. 1.

139. If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

Procedure where jury finds Magistrate's order to be reasonable.

In other cases, no further proceedings shall be taken.

Act X, 1872, s. 526, para. 1.

140. When an order has been made absolute under section 136, section 137, or section 139, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Procedure on order being made absolute.

Act X, 1872, ss. 525, 526, para. 2.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

Consequences of disobedience to order.

No suit shall lie in respect of anything done in good faith under this section.

141. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

Procedure on failure to appoint jury or omission to return verdict.

Act X, 1872, s. 523, para. 4.

Act X, 1872, s. 528.

142. If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

Injunction pending inquiry.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Act X, 1872, s. 519. Penal Code, s. 291.

143. A District Magistrate or Sub-divisional Magistrate or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

Magistrate may prohibit repetition or continuance of public nuisances.

CHAPTER XI.

TEMPORARY ORDERS IN URGENT CASES OF NUISANCE.

Act X, 1872, s. 518 with Expl. 1 O'Kin. 58

144. In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate, or of any other Magistrate specially empowered by the Local Government or the District Magistrate to act under this section, immediate prevention or speedy remedy is desirable,

Power to issue order absolute at once in urgent cases of nuisance.

Act X, 1872, s. 518. 1 Ben. Ap. Cr. 20.

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

Act X, 1872, s. 518, Expl. 2.

An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice

Disputes as to Immoveable Property.

upon the person against whom the order is directed, be passed *ex parte*.

An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

Any Magistrate may rescind or alter any order made under this section by himself or any Magistrate subordinate to him or by his predecessor in office.

No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Local Government by notification in the official Gazette otherwise directs.

Act X, 1872, s. 518, Expl. III.

As to disobedience to such orders, see Penal Code, s. 188.

Act X, 1872, s. 518, Expl. IV.

5 Cal. 7.

4 Cal. 410.

CHAPTER XII.

DISPUTES AS TO IMMOVEABLE PROPERTY.

145. Whenever a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

Act X, 1872, s. 530.

3 Calc. 552.

I. L. R., 3 Cal. 320.

The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties is then in such possession of the said subject.

Inquiry as to possession.

If the Magistrate decides that one of the parties is then in such possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Party in possession to be continued until legally evicted.

1 O'Kin. 136.

2 O'Kin. 67, 264.

See 6 Calc. 206.

Nothing in this section shall preclude any party so required to attend from showing that no such dispute as aforesaid exists or has existed, and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed.

146. If the Magistrate decides that none of the parties is then in such possession, or is unable to satisfy himself as to which of them is then in such possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

Power to attach subject of dispute.

Act X, 1872, s. 531.

1 O'Kin. 86.

147. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or directing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done, obtains the decision of a competent Civil Court, adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be:

Disputes concerning easements, &c.

Act X, 1872, s. 532.

4 Cal. 324.

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry; or, where the right is exercisable only at particular seasons, unless the right has been exercised during the season next before such institution.

148. Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

Local inquiry.

Act X, 1872, s. 533.

The report of the person so deputed may be read as evidence in the case.

When any costs have been incurred by any party to a proceeding under this chapter for witnesses' or pleaders' fees or both, the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. All costs so directed to be paid may be recovered as if they were fines.

CHAPTER XIII.

PREVENTIVE ACTION OF THE POLICE.

149. Every Police-officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Police to prevent cognizable offences.

Act X, 1872, s. 95.

150. Every Police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Information of design to commit such offences.

Act X, 1872, s. 96.

151. A Police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Arrest to prevent such offences.

Act X, 1872, s. 97.

Act X, 1872, s. 98, para. 1.

152. A Police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Prevention of injury to public property.

Act X, 1872, s. 381.

153. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

Inspection of weights and measures.

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Act X, 1872, s. 112.

Cf. Penal Code, s. 180.

154. Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a Police-station, shall be reduced to writing by him or under his direction and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it; and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

Information in cognizable cases.

Act X, 1872, s. 113.

155. When information is given to an officer in charge of a Police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Information in non-cognizable cases.

Act X, 1872, s. 110.

No Police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial, or of a Presidency Magistrate.

Investigation into non-cognizable cases.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a Police-station may exercise in a cognizable case.

Act X, 1872, ss. 109, 114, para. 2; s. *infra*, s. 183.

156. Any officer in charge of a Police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to enquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

Investigation into cognizable cases.

No proceeding of a Police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

Act X, 1872, s. 114, last para.

157. If, from information received or otherwise, an officer in charge of a Police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender:

Procedure where cognizable offence suspected.

Act X, 1872, s. 114, para. 1.

See Nelson, 109.

Provided as follows:—

(*a*) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot:

Where local investigation dispensed with.

Act X, 1872, s. 116.

(*b*) if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

Where Police-officer in charge sees no sufficient ground for investigation.

Act X, 1872, s. 117, para. 1.

In each of the cases mentioned in clauses (*a*) and (*b*) the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first paragraph of this section.

158. Every report sent to a Magistrate under section 157 shall, if the Local Government so directs, be submitted through such superior officer of Police as the Local Government, by general or special order, appoints in that behalf.

Reports under section 157 how submitted.

Act X, 1872, s. 117, para. 2.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

159. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold an investigation or preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Power to hold investigation or preliminary inquiry.

Act X, 1872, s. 116.

160. Any Police-officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or

Police-officer's power to require attendance of witnesses.

Act X, 1872, s. 118.

any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Act X, 1872, ss. 118, 119, paras. 1 and 2, 121.

161. Any Police-officer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Examination of witnesses by police.

Such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Act X, 1872, ss. 119, para. 3, 121. 11 Bom. H. C. Rep., 120.

162. No statement, other than a dying declaration, made by any person to a Police-officer in the course of an investigation under this chapter shall, if reduced into writing, be signed by the person making it, or be used as evidence against the accused.

Statements to police not to be signed or admitted in evidence.

Nothing in this section shall be deemed to affect the provisions of section 27 of the Indian Evidence Act, 1872.

Act X, 1872, ss. 120, 184. Cf. Act I, 1872, s. 24. See 6, Calc. 293-297.

163. No Police-officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

No inducement to be offered.

Nelson, 113.

But no Police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Act X, 1872, s. 122. Act IV, 1877, s. 16. See 6 Cal. 293-297.

164. Any Magistrate not being a Police-officer may record any statement or confession made to him in the course of an investigation under this chapter, or at any time afterwards before the commencement of the inquiry or trial.

Power to record statements and confessions.

I. L. R., 1 Bom. 219.

Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he records any confession he shall make a memorandum at the foot of such record to the following effect:—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

"(*Signed*) A. B.,
"*Magistrate.*"

Act X, 1872, s. 379

165. Whenever an officer in charge of a Police-station, or a Police-officer making an investigation, considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and there is reason to believe that a person to whom a summons or order under section 94 has been or might be issued will not or would not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

Search by Police-officer.

Such officer shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

Act X, 1872, s. 380.

166. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

When officer in charge of Police-station may require another to issue search-warrant.

Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

Act X, 1872, s. 124, paras. 2, 3 and 4.

167. Whenever it appears that any investigation under this chapter cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police-station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

Procedure when investigation cannot be completed in twenty-four hours.

The Magistrate to whom an accused person is forwarded under this section may, whether he has

or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

Act X, 1872, s. 123, para 2.

168. When any subordinate Police-officer has made any investigation under this chapter, he shall report the result of such investigation to the officer in charge of the Police-station.

Report of investigation by subordinate Police-officer.

Act X, 1872, s. 125.

169. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report and to try the accused or commit him for trial.

Release of accused when evidence deficient.

Act X, 1872, ss. 123, para. 1, 12, para. 1, 130, paras. 1 to 4.

170. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report, and to try the accused or commit him for trial; or if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

Case to be sent to Magistrate when evidence is sufficient.

When the officer in charge of a Police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, it shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided notice of such reference be given to such complainant or persons.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

Act X, 1872, s. 130, last para.

171. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a Police-officer,

Complainants and witnesses not to be required to accompany Police-officer.

Act X, 1872, s. 131, para. 1.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Complainants and witnesses not to be subjected to restraint.

Act X, 1872, s. 131, para. 2.

Provided that, if any complainant or witness refuses to attend or to execute the bond as directed in section 170, the officer in charge of the Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Recusant complainant or witness may be forwarded in custody.

Act X, 1872, s. 126.

172. Every Police-officer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Diary of proceedings in investigation.

Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for them, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

Act X, 1872, ss. 125, 127, paras. 1 & 3.

173. Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to a Magistrate empowered to take cognizance of the offence on a police report a report in the form prescribed by the Local Government, setting forth the names of

Report of Police-officer.

the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Where a superior officer of police has been appointed under section 158, the report shall be submitted through him, and he may, pending the orders of the Magistrate, direct the officer in charge of the Police-station to make further investigation.

Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Act X, 1872, s. 133.

174. The officer in charge of a Police-station, on receiving information that a person—

Police to inquire and report on suicide, &c.

(*a*) has committed suicide, or

(*b*) has been killed by another, or by an animal, or by machinery, or by an accident, or

(*c*) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any) such marks appear to have been inflicted.

This power may be exercised so as to save Military Courts of Inquest.

The report shall be signed by such Police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, or when for any other reason the Police-officer considers it expedient so to do, he shall, subject to such rules as the Local Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

In the territories respectively administered by the Governors of Fort St. George and Bombay in Council, investigations under this section may be made by the Head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests; namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

175. An officer in charge of a Police-station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

Act X, 1872, s. 134.

Power to summon persons.

Penal Code, ss. 174, 179.

If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

176. When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and in any other case mentioned in section 174, clauses (*a*), (*b*) and (*c*) any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police-officer; and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed, according to the circumstances of the case.

Act X, 1872, s. 135.

Inquiry by Magistrate into cause of death.

Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

New. Cf. Act IV, 1871, s. 11.

Power to disinter corpse.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

177. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Act X, 1872, s. 63, para. 1, Act IV, 1877, s. 18.

Ordinary place of inquiry and trial.

178. Notwithstanding anything contained in section 177, the Local Government may direct that any cases or class of cases committed for trial in any district may be tried in any Sessions Division:

Act X, 1872, s. 63 para. 2.

Power to order cases to be tried in different Sessions Divisions.

Provided that such direction be not repugnant to any direction previously issued under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, or under this Code, section 526.

Act XI, 1874, s. 9. Act X, 1872, s. 65. Act IV, 1877, s. 19.

179. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Accused triable in district where act is done, or where consequence ensues.

Illustrations.

(*a*) A is wounded within the local limits of the jurisdiction of Court X and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into and tried either by X or Z.

(*b*) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into and tried by X, Y or Z.

(*c*) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into and tried either by X or Y.

Act X, 1872, s. 66, omitting illustration (*d*). Act IV, 1877, s. 20.

180. When an act is an offence by reason of its relation to any other act which is also an offence, or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into and tried by a Court within the local limits of whose jurisdiction either act was done.

Place of trial where act is offence by reason of relation to other offence.

Illustrations.

(*a*) A charge of abetment may be inquired into and tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen goods may be inquired into and tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into and tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Act X, 1872, s. 67, Illustration (*c*), s. 68. Act IV, 1877, s. 22.

181. The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into and tried by a Court within the local limits of whose jurisdiction the person charged is.

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

Act X, 1872, s. 67, Illustration (*e*).

The offence of criminal misappropriation or of criminal breach of trust may be inquired into and tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person, or the offence was committed.

Criminal misappropriation and criminal breach of trust.

The offence of stealing anything may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Stealing.

Act X, 1872, s. 67 Illustration (*f*). I. L. R. 1 Mad. 17.

182. When it is uncertain in which of several local areas an offence was committed, or

Place of inquiry and trial where scene of offence is uncertain,

Act XVIII, 1862, ss. 29-35. Act X, 1872, s. 67, omitting the illustrations. Act IV, 1877, s. 21.

or not in one district only;

where an offence is committed partly in one local area and partly in another, or

or where offence is continuing,

where an offence is a continuing one, and continues to be committed in more local areas than one, or

or consists of several acts.

where it consists of several acts done in different local areas,

it may be inquired into and tried by a Court having jurisdiction over any of such local areas.

Act X, 1872, s. 67, Illustration (*a*). 1 Mad., H. C. Rep. 193.

183. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into and tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Offence committed on a journey.

Act IV, 1877, s. 288. Act LII, 1868, repealed.

184. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office or Arms and Ammunition may be inquired into and tried in a Presidency-town, whether the offence is stated to have been committed within such town or not: Provided that the offender and all the witnesses necessary for his prosecution are to be found within such town.

Offences against Railway, Telegraph, Post-office and Arms Acts.

Act IV, 1877, s. 289.

Act X, 1872, s. 69. Act IV, 1877, s. 23.

185. Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this chapter be inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually is may decide by which Court the offence shall be inquired into or tried.

High Court to decide, in case of doubt, district where inquiry or trial shall take place.

In British Burma, when the offender is a European British subject, the Recorder of Rangoon, and in all other cases the Judicial Commissioner, shall for the purposes of this section be deemed to be the High Court.

Act X, 1872, s. 157. Act IV, 1877, s. 54.

186. When a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without British India) an offence which cannot, under the provisions of sections 177 to 184 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under

Power to issue summons or warrant for offence committed beyond local jurisdiction.

some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send him to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Act X, 1872, s. 174. Act IV, 1877, s. 55. Act XXIII, 1840, s. 7. Magistrate's procedure on arrest.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Act X, 1872, s. 175. Procedure where warrant issued by Subordinate Magistrate.

187. If the person has been arrested under a warrant issued under section 186 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District Magistrate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186, such Magistrate shall send such person to such Court.

Act XXI, 1879, s. 9. Liability of British subjects for offences committed out of British India.

188. When a European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Political Agent to certify fitness of inquiry into charge.

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there be one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India:

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar to further proceedings against him under the Foreign Jurisdiction and Extradition Act, 1879, in respect of the same offence in any territory beyond the limits of British India.

Act XXI, 1879, s. 10. Power to direct copies of depositions and exhibits to be received in evidence.

189. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

Act XXI, 1879, s. 3. "Political Agent" defined.

190. In sections 188 and 189 the expression "Political Agent" means and includes—

(*a*) the principal officer representing the British Indian Government in any territory beyond the limits of British India:

(*b*) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India.

B.—Conditions requisite for Initiation of Proceedings.

Act X, 1872, ss. 140, cl. (*a*), (*b*) and (*c*), 141, para. 1. Act IV, 1877, ss. 25, 28. Cognizance of offences by Magistrates.

191. Except as hereinafter provided, any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a police report of such facts;

Act X, 1872, ss. 140, cl. (*d*), 142, para. 1. Act IV, 1877, s. 46.

(*c*) upon information received from any person other than a Police-officer, or upon his own knowledge or suspicion that such offence has been committed.

Act X, 1872, ss. 23, 25, 27.

The Local Government, or the District Magistrate subject to the general or special orders of the Local Government, may empower any Magistrate to take cognizance under clause (*a*) or clause (*b*) of offences for which he may try or commit for trial.

Act X, 1872, ss. 25, 27.

The Local Government may empower any Magistrate of the first or second class to take cognizance under clause (*c*) of offences for which he may try or commit for trial.

Act X, 1872, ss. 44, para. 1, 141, para. 2. Act XI, 1874, s. 6. Transfer of cases by Magistrates.

192. Any District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him.

Act X, 1872, s. 141, para. 3.

Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his District who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

Act X, 1872, s. 231. Act XI, 1874, s. 18. Cognizance of offences by Courts of Session.

193. Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused has been committed to it by a Magistrate duly empowered in that behalf.

Act X, 1872, s. 17. Cases to be tried by Additional and Joint Sessions Judges;

Additional Sessions Judges and Joint Sessions Judges shall try such cases only as the Local Government by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Act X, 1872, s. 18. by Assistant Sessions Judges.

Assistant Sessions Judges shall try such cases only as the Sessions Judge of the Division by general or special order makes over to them for trial.

Act X, 1875, s. 145. Cognizance of offences by High Court.

194. The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Charter, 1865, clause 24.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

Act X, 1872, s. 467. Act X, 1875, s. 133. Act IV, 1877, ss. 40, 46. Prosecution for contempts of lawful authority of public servants.

195. No Court shall take cognizance—

(*a*) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned, or of some public servant to whom he is subordinate;

Act X, 1872, s. 468. Act IV, 1877, s. 41. Prosecution for certain offences against public justice.

(*b*) of any offence punishable under section 193 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Court of Subordinate Judge is subordinate to that of District Judge. I. L. R. 2 Bom. 481.

Act X, 1872, s. 469. Act IV, 1877, s. 42. Prosecution for certain offences relating to documents given in evidence.

(*c*) of any offence described in section 463, or punishable under section 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate.

Act X, 1872, s. 470, para. 1. Act X, 1875, s. 134. Act IV, 1877, s. 43. 11 Bom. 36, per West, J. No appeal from order according sanction, I. L. R. 1 All. 17. Nature of sanction necessary.

The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

Act X, 1872, s. 470, para. 2.

When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.

Any sanction given or refused under this section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate; and no such sanction shall remain in force for more than six months from the date on which it was given.

For the purposes of this section every Court, other than a Court of Small Causes, shall be deemed to be subordinate only to the Court to which appeals from the former Court ordinarily lie.

The Courts of Small Causes in the Presidency-towns shall be deemed to be subordinate to the High Court, and every other Court of Small Causes shall be deemed to be subordinate to the Court of Session for the Sessions division within which such Court is situate.

Act X, 1872, s. 465. Act X, 1875, s. 131. Act IV, 1877, ss. 38, 46. Prosecution for offences against the State.

196. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Act X, 1872, s. 466, paras. 1, 2, 3 and 4. Act X, 1875, s. 132. Act IV, 1877, ss. 39, 46. 7 Bom. 63. Prosecution of Judges and public servants.

197. When any Judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Power of Government as to prosecution.

Such Government may determine the person by whom, and the manner in which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Act X, 1872, s. 142, para. 2. Act IV, 1877, s. 29. Prosecution for breach of contract, defamation and offences against marriage.

198. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.

Act X, 1872, ss. 473, 476. Act IV, 1877, s. 45. See O'Kin. 524. Prosecution for adultery.

199. No Court shall take cognizance of an offence under section 497 or section 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

CHAPTER XVI.

Of Complaints to Magistrates.

Act X, 1872, s. 144. Examination of complainant.

200. A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and

Commencement of Proceedings before Magistrates.

shall be signed by the complainant, and also by the Magistrate:

Act X, 1872, s. 44, para. 2.

Provided as follows—

(*a*) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192:

Act IV, 1877, s. 30.

(*b*) where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and need not be reduced to writing; but the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

Act X, 1872, s. 44, para. 2.

(*c*) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

Act X, 1872, s. 145.

201. If the complaint has been made in writing and the Magistrate is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper tribunal with an endorsement to that effect.

Procedure by Magistrate not competent to take cognizance of the case.

Act X, 1872, s. 146.

202. If the Chief Presidency Magistrate, or any other Presidency Magistrate whom the Local Government may from time to time authorize in this behalf, or any Magistrate of the first or second class, sees reason to distrust the truth of a complaint of an offence of which he is authorized to take cognizance, he may, when the complainant has been examined, record his reasons for distrusting the truth of the complaint, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be made by any officer subordinate to such Magistrate or a Police-officer, or by such other person, not being a Magistrate or Police-officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

Postponement of issue of process.

If such investigation is made by some person not being a Magistrate or a Police-officer, he shall exercise all the powers conferred by this Code on an officer in charge of a Police-station, except that he shall not have power to arrest without warrant.

Act X, 1872, s. 147, para. 1.

Act IV, 1877, s. 32.

203. The Magistrate before whom a complaint is made or to whom it has been transferred may dismiss the complaint if, after examining the complainant and considering the result of the investigation (if any) made under section 202, there is in his judgment no sufficient ground for proceeding.

Dismissal of complaint.

CHAPTER XVII.

Of the Commencement of Proceedings before Magistrates.

Act X, 1872, ss. 147, para. 2, 148, para. 1, 149. Act XI, 1874, s. 1.

204. If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding and the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which according to that column a warrant should issue in the first instance, he may issue a warrant or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or some other Magistrate having jurisdiction.

Issue of process.

Act IV, 1877, ss. 27, 33, 34, 35.

Nothing in this section shall be deemed to affect the provisions of section 90.

Act X, 1872, ss. 148, para. 2, 150.

205. Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

Act X, 1872, s. 151. Act IV, 1877, s. 37.

Magistrate may dispense with personal attendance of accused.

But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

Act IV, 1877, s. 37.

CHAPTER XVIII.

Of Inquiry into Cases triable by the Court of Session or High Court.

206. Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

Act X, 1872, s. 143, extended to High Court.

Power to commit for trial.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

207. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court or, in the opinion of the Magistrate, ought to be tried by such Court.

Act X, 1872, s. 189. Act IV, 1877, s. 81.

Procedure in inquiries preparatory to commitment.

208. The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

Act X, 1872, s. 190. Act IV, 1877, s. 82.

Taking of evidence produced.

If the complainant or accused applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

Act X, 1872, ss. 357, para. 1, 362. Act IV, 1877, s. 83, para. 2.

Process for production of further evidence.

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

Act X, 1872, s. 195. Act XI, 1874, s. 14. Act IV, 1877, s. 87, omitting the Explanations.

209. When the evidence referred to in section 208, paragraphs 1 and 2, has been taken, and he has examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

When accused person to be discharged.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Act X, 1872, ss. 195, Expln. III, 196, 198, para. 1. Act IV, 1877, s. 88. Act IV, 1877, s. 89, omitting paras. 3 and 4.

210. When, upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged.

When charge is to be framed.

Act X, 1872, s. 199. Act X, 1875, s. 13. Act IV, 1877, s. 90.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall, if he so requires, be given to him free of cost.

Charge to be explained, and copy furnished, to accused.

Act X, 1872, s. 200, paras. 1 and 3. Act IV, 1877, s. 91.

211. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

List of witnesses for defence on trial.

The Magistrate may in his discretion allow the accused to give in any further list of witnesses at a subsequent time; and nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial before the High Court, to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Further list.

Act X, 1872, s. 200, para. 2. Act IV, 1877, s. 91.

212. The Magistrate may in his discretion summon and examine any witness named in any list given in to him under section 211.

Power of Magistrate to examine such witnesses.

Act X, 1872, ss. 198, para. 1, 200, para. 2. Act IV, 1877, ss. 89, para. 1, 91.

213. When the accused on being required to give in a list under section 211 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 212, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) shall also record briefly the reasons for such commitment.

Order of commitment.

214. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge arising out of the same transaction, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him to take his trial before the High Court, and not before the Court of Session.

Act X, 1872, s. 197, omitting the Explanation.

Person charged outside Presidency-towns jointly with European British subject.

215. A commitment once made under section 213 or 214 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

Act X, 1872, s. 197, Explanation and last para.

Quashing commitments under section 213 or 214.

216. When the accused has given in any list of witnesses under section 211 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself, to appear before the Court to which the accused has been committed:

Act X, 1872, s. 358. Act IV, 1877, s. 92.

Summons to witnesses for defence when accused is committed.

Provided that where the accused has been committed to the High Court, the Magistrate may in his discretion leave such witnesses to be summoned by the Clerk of the Crown, and such witnesses may be summoned accordingly:

Provided also that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that such witness is material, and if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Act X, 1872, s. 359. I. L. R. 1 Cal. 582.

Refusal to summon unnecessary witness unless deposit made.

217. Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session or High Court, to prosecute or to give evidence, as the case may be.

Act X, 1872, s. 360. Act IV, 1877, s. 93.

Bond of complainants and witnesses.

If any complainant or witness refuses to attend before the Court of Session or High Court, or to execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

Detention in custody in case of refusal to attend or to execute bond.

Act X, 1872, s. 202, para. 1.

218. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge;

Commitment when to be notified.

Act XI, 1874, s. 15.

Act X, 1872, s. 198, paras. 2, 3 and 4.

and shall send the charge, the record of the inquiry and any weapon or other moveable thing which is to be produced in evidence to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

Charge, &c., to be forwarded to High Court or Court of Session.

Act X, 1872, s. 198, para. 4.

When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

English translation to be forwarded to High Court.

Act X, 1872, s. 357, para. 2. Act IV, 1877, s. 91, para. 4.

219. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Power to summon supplementary witnesses.

Such examination shall, if possible, be taken in the presence of the accused, and, where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

Act X, 1875, s. 26. Act IV, 1877, s. 89, para. 2. See sec. 541, infra.

220. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

Custody of accused pending trial.

CHAPTER XIX.

OF THE CHARGE.

Form of Charges.

See s. 554, infra.

Act X, 1872, s. 439, paras. 5 to 6. Act IV, 1877, s. 94.

221. Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient description.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied in charge.

In the Presidency-towns the charge shall be written in English; elsewhere it shall be written either in English or in the language of the Court.

Language of charge.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous conviction must be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Previous conviction when to be set out.

Act X, 1875, s. 118. Act X, 1872, s. 439, last para. Act IV, 1877, s. 94, last para.

Illustrations.

Act X, 1872, s. 439, Illustrations. Act IV, 1877, s. 94, Illustrations.

(*a*) A is charged with the murder of B.
This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300, or that, if it did fall within Exception 1, one or other of the three provisos to that exception applied to it.

(*b*) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(*c*) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(*d*) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Act X, 1872, s. 440. Act IV, 1877, s. 95.

222. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

Particulars as to time, place and person.

Act X, 1872, s. 441. Act IV, 1877, s. 96.

223. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

When manner of committing offence must be stated.

Illustrations.

(*a*) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(*c*) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(*d*) A is accused of obstructing B, a public servant, in discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(*e*) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(*f*) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Act XVIII, 1862, s. 28.

224. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Words in charge taken in sense of law under which offence is punishable.

Act X, 1872, s. 443. Act X, 1875, s. 24. Act IV, 1877, s. 98.

225. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Effect of errors.

Illustrations.

(*a*) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d*) A is charged with the murder of Khoda Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e*) A was charged with murdering Haidar Baksh on the 20th January and Khoda Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

Act X, 1872, s. 446. Act X, 1875, ss. 7, 8.

226. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the Court, or, in the case of a High Court, the Clerk of the Crown, may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Code as to the form of charges.

Procedure on commitment without charge or with imperfect charge.

Act X, 1872, ss. 444, 445. Act X, 1875, ss. 9, 10. Act IV, 1877, ss. 99, 100.

227. Any Court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Session or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Court may alter charge.

Every such alteration shall be read and explained to the accused.

Act X, 1872, s. 447. Act X, 1875, s. 11. Act IV, 1877, s. 101.

228. If the charge framed or alteration made under either of the two last preceding sections is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may in its discretion, after such charge or alteration has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

When trial may proceed immediately after alteration.

Act X, 1872, s. 448. Act X, 1875, s. 12. Act IV, 1877, s. 102.

229. If the new or altered charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

When new trial may be directed, or trial suspended.

Act X, 1872, s. 450. Act X, 1875, s. 16. Act IV, 1877, s. 104.

230. If the offence stated in the new or altered charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

Act X, 1872, s. 449. Act X, 1875, s. 15, qualifying the rule. Act IV, 1877, s. 103.

231. Whenever a charge is altered by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration, any witness who may have been examined.

Recall of witnesses when charge altered.

Act X, 1872, s. 451.

232. If any Appellate Court, or the High Court in the exercise of its powers of revision or of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

Effect of material error.

If the Court is of opinion that the facts of the case are such that no valid charge could be pre-

ferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

Act XI, 1874, s. 40. A is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of Charges.

Act X, 1872, s. 452. Act X, 1875, s. 17. Act IV, 1877, s. 105. **233.** For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

Separate charges for distinct offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

Act X, 1872, s. 453. Act X, 1875, s. 18. 1 O'Kin. 480. L. R., 3 Calc. 540. Act IV, 1877, s. 106; cf. 24 & 25 Vic., c. 96, s. 5, and 71 Archbold p. 89. **234.** When a person is accused of more offences than one of the same kind, committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

Three offences of same kind within year may be charged together.

Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code, or of any special or local law.

Act X, 1872, s. 454, omitting Illustrations (*g*), (*h*), (*i*) and (*k*). Act X, 1875, s. 19. Act IV, 1877, s. 107. Penal Code, s. 26. **235.** I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

I.—Trial for more than one offence.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with and tried at one trial for each of such offences.

II.—Offence falling within two definitions.

III.—If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by such acts when combined, or for any offence constituted by any one, or more, of such acts.

III.—Acts constituting one offence, but constituting when combined a different offence.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations

to paragraph I—

(*a*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with and tried for offences under sections 225 and 333 of the Indian Penal Code.

(*b*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.

(*c*) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(*d*) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal, under section 473 of the Indian Penal Code.

(*e*) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code.

(*f*) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(*g*) A, with six others, commits the offences of rioting, grievous hurt, and of assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147 and 325 and 152 of the Indian Penal Code.

(*h*) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in illustrations (*a*) to (*h*) respectively may be tried at the same time.

to paragraph II—

(*i*) A wrongfully strikes B with a cane. A may b separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.

(*j*) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(*k*) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.

(*l*) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to paragraph III—

(*m*) A commits robbery on B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

Act X, 1872, s. 455. Act X, 1875, s. 20. Act IV, 1875, s. 108. N.W.P., 1875, p. 197. **236.** If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful what offence has been committed.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust, or cheating.

Act X, 1872, s. 456. Act X, 1875, s. 21. Act IV, 1877, s. 109. **237.** If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

When a person is charged with one offence, he can be convicted of another.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

Act X, 1872, s. 457. Act X, 1875, s. 22. Act IV, 1877, s. 110. 11 Bom. 241, per West, J. **238.** When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When offence proved included in offence charged.

When a person charged with an offence proves circumstances which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

Illustrations.

(*a*) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

23 Suth. Cr. R. 61. (*b*) A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

Act X, 1872, s. 458. Act X, 1875, s. 23. Act IV, 1877 s. 111. **239.** When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit; and the provisions contained in the former part of this chapter shall apply to all such charges.

What persons may be charged jointly.

Illustrations.

(*a*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

Act X, 1872, s. 459, omitting the first ten words "In trials before a Court of Session or High Court," and inserting "the complainant." Act X, 1875, s. 102. Act IV, 1877, s. 112. **240.** When more charges than one are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

Withdrawal of remaining charges on conviction on one of several charges.

New.

CHAPTER XX.

OF THE TRIAL OF SUMMONS-CASES BY MAGISTRATES.

Act X, 1872, s. 203, para. 1. Act IV, 1877, s. 114. **241.** The following procedure shall be observed by Magistrates in the trial of summons-cases.

Procedure in summons-cases.

Act X, 1872, ss. 203, para. 2. 206, first clause, para. 1. Act IV, 1877, s. 119. **242.** When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Substance of accusation to be stated.

Act IV, 1877, s. 120. **243.** If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Conviction on admission of truth of accusation.

Act X, 1872, s. 207. Act IV, 1877, s. 121. **244.** If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as

Procedure when no such admission is made.

Trial of Summons-cases by Magistrates.

may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

Act X, 1872, s. 361. Act IV, 1877, s. 142.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

Act X, 1872, s. 211, paras. 1 and 2. Act IV, 1877, s. 126.

245. If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

Act X, 1872, s. 203, para. 2, second clause. Act IV, 1877, s. 117. Nelson, 206.

246. A Magistrate may, under section 243 or section 245, convict the accused of any offence triable under this chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

Act X, 1872, ss. 205, 208, paras. 3, 212. Act IV, 1877, s. 118.

247. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Non-appearance of complainant.

Act X, 1872, s. 210. Act IV, 1877, s. 125.

248. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Withdrawal of complaint.

249. In any case instituted otherwise than upon complaint, a Presidency Magistrate or Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

Power to stop proceedings when no complainant.

Act X, 1872, s. 209, paras. 1 and 2. Act IV, 1877, s. 242.

250. If in any case instituted upon complaint a Magistrate acquits the accused under section 245 or section 247, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

Frivolous or vexatious complaints.

The sum so awarded shall be recoverable as if it were a fine: Provided that, if it cannot be realized, the imprisonment to be awarded shall be simple and for such term, not exceeding thirty days, as the Magistrate directs.

Recovery of compensation.

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER XXI.

OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES.

Trial of Warrant-cases by Magistrates.

Act X, 1872, s. 213.

251. The following procedure shall be observed by Magistrates in the trial of warrant-cases.

Procedure in warrant-cases.

Act X, 1872, s. 190. See I. L. R., 3 Calc., 389.

252. When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

Evidence for prosecution.

Act X, 1872, s. 362, para. 1. Act IV, 1877 s. 143, para 1.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

Act X, 1872 s. 215, with Expln. III. I. L. R., 1 Calc., 389.

253. If upon taking all the evidence referred to in section 252, and such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which if unrebutted would warrant his conviction, the Magistrate shall discharge him.

Discharge of accused.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Act X, 1872, s. 215, without Explanations I & II. Act XI, 1874, s. 16. Act IV, 1877, ss. 116, 122.

254. If, when such evidence and examination have been taken, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Charge to be framed when offence appears proved.

Act X, 1872, s. 217. Act V, 1877 ss. 120, 122.

255. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

Plea.

Cf. Act X, 1872 ss. 237, para 2, 324.

If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

Act X, 1872, s. 218. Act IV, 1877, s. 121.

256. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

Defence.

If the accused puts in any written statement, the Magistrate shall file it with the record.

Act X, 1872, s. 362, para. 2. Act IV, 1877, s. 143, para. 2. Cf. ss. 252 and 208, *supra*.

257. If the accused applies to the Magistrate to issue any process for compelling the attendance of any witness (whether he has or has not been previously examined in the case) for the purposes of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay, or for defeating the ends of justice. Such ground shall be recorded by him in writing.

Process for compelling production of evidence at instance of accused.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Act X, 1872, s. 220, omitting the Explanation. See *infra*, s. 347. Act IV, 1877, s. 126, first half.

258. If in any case under this chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law.

Conviction.

Act X, 1872, s. 219, Expl. I. Contrast. Act IV, 1877, s. 118; but see s. 133 of same.

259. When the proceedings have been instituted upon complaint and upon any day fixed for the hearing of the case the complainant is absent and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

Absence of complainant.

CHAPTER XXII.

OF SUMMARY TRIALS.

Act X, 1872, ss. 222, 223, 224.

260. Notwithstanding anything contained in this Code,

Power to try summarily.

(1) the District Magistrate,

(2) any Magistrate of the first class specially empowered in this behalf by the Local Government, and

(3) any Bench of Magistrates invested with the powers of a Magistrate of the first class and specially empowered in this behalf by the Local Government may try in a summary way all or any of the following offences:—

I. L. R., 3 Cal., 867.

(*a*) Offences not punishable with death, transportation, or imprisonment for a term exceeding six months;

(*b*) Offences relating to weights and measures, under sections 264, 265 and 266 of the Indian Penal Code;

(*c*) Hurt, under section 323 of the same Code;

(*d*) Theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees;

(*e*) Receiving or retaining stolen property, under section 411 of the same Code, where the value of such property does not exceed fifty rupees;

(*f*) Assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed fifty rupees;

(*g*) Mischief, under section 427 of the same Code;

(*h*) House-trespass, under section 448 of the same Code;

Act XI, 1874, s. 17.

(*i*) Insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code;

(*j*) Abetment of any of the foregoing offences;

(*k*) An attempt to commit any of the foregoing offences, when such attempt is an offence:

Provided that no case in which a District Magistrate exercises the special powers conferred by section 34 shall be tried in a summary way.

Act X, 1872, s. 225.

261. The Local Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

Power to invest Bench of Magistrates invested with less power.

(*a*) Offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447;

(*b*) Offences against Municipal Acts, and the conservancy-clauses of Police Acts, punishable only with fine, or with imprisonment for a term not exceeding one month;

New.

(*c*) Abetment of any of the foregoing offences;

New.

(*d*) An attempt to commit any of the foregoing offences, when such attempt is an offence.

Act X, 1872, s. 226.

262. In trials under this chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.

Procedure for summons and warrant-cases applicable.

Limit of imprisonment.

No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this chapter.

Act X, 1872, s. 227.

263. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the Local Government may direct the following particulars:—

Record in cases where there is no appeal.

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the report or complaint;

(*d*) the name of the complainant (if any);

(*e*) the name, parentage and residence of the accused;

(*f*) the offence complained of and the offence (if any) proved, and in cases coming under (*d*), (*e*) or (*f*) of section 260 the value of the property in respect of which the offence has been committed.

(*g*) the plea of the accused and his examination (if any);

(*h*) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*i*) the sentence or other final order; and

(*j*) the date on which the proceedings terminated.

Act X, 1872, s. 228.

264. In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 263.

Record in appealable cases.

Such judgment shall be the only record in cases coming within this section.

Act X, 1872, s. 229.

265. Records made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

Language of record and judgment.

Act X, 1872, s. 230.

The Local Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

Bench may be authorized to employ clerk.

CHAPTER XXIII.

OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION.

A.—Preliminary.

Act X, 1875, s. 3.

266. In this chapter, except in section 307, the expression "High Court" means a High Court of Judicature established or to be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, and includes the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may from time to time, by notification in the *Gazette of India*, declare to be High Courts for the purposes of this chapter.

"High Court" defined.

Act X, 1875, s. 32.

267. All trials under this chapter before a High Court shall be by jury;

Trials before High Court to be by jury.

and, notwithstanding anything herein contained, in all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, the trial may, if the High Court so direct, be by jury.

Act X, 1872, s. 232.

268. All trials before a Court of Session shall be either by jury, or with the aid of assessors.

Trials before Sessions Court to be by jury or with assessors.

Act X, 1872, s. 233, paras. 1 and 2.

269. The Local Government may by order in the official Gazette direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any District, and from time to time revoke or alter such order.

Local Government may order trials before Court of Session to be by jury.

When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for all such offences.

270. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

Act X, 1872, s. 235.

Trial before Court of Session to be conducted by Public Prosecutor.

B.—Commencement of Proceedings.

271. When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Act X, 1872, s. 237.

Commencement of trial.

Act X, 1875, ss. 28, 29.

If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Act X, 1875, s. 73.

Plea of guilty.

272. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and to try the case:

Act X, 1872, s. 238.

Act X, 1875, s. 30.

Refusal to plead or claim to be tried.

Provided that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

Act X, 1872, s. 265.

Act X, 1875, s. 34.

Trial by same jury or assessors of several offenders in succession.

273. In trials before the High Court when it appears to the High Court at any time before the commencement of the trial of the person charged, that any charge or any portion thereof is clearly unsustainable, the Judge may make on the charge an entry to that effect.

Act X, 1875, s. 14.

Entry on unsustainable charge.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

Effect of entry.

C.—Choosing a Jury.

274. In trials before the High Court the jury shall consist of nine persons.

Act X, 1875, s. 33.

Number of jury.

Act X, 1872, s. 236.

In trials by jury before the Court of Session, the jury shall consist of such uneven number not being less than three, or more than nine, as the Local Government, by order applicable to any particular district or to any particular class of offences in that district, may from time to time direct.

275. In a trial by jury, before the Court of Session, of a person not being an European or an American, a majority of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Act X, 1872, s. 241.

Jury for trial of persons not Europeans or Americans before Court of Session.

276. The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as the High Court may from time to time by rule direct:

Act X, 1872, s. 240.

Act X, 1875, s. 38.

Jurors to be chosen by lot.

As to practice in High Court, Bombay, see I. L. R., 1 Bom. 462.

Provided that—

Proviso.

Act X, 1875, s. 49.

1*st*, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed;

Existing practice maintained.

Act X, 1872, s. 243, para. 3.

Act X, 1875, s. 33.

2*nd*, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; and

Persons not summoned when eligible.

Act X, 1875, s. 38.

3*rd*, in the Presidency-towns—

Trials before special jurors.

(*a*) if the accused person is charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed.

Act X, 1872, s. 243, paras. 1 & 2.

Act X, 1875, s. 53.

277. As each juror is chosen, his name shall be called aloud, and upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Objection to jurors.

Act X, 1875, s. 47, para. 1.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Objection without grounds stated.

Act X, 1872, ss. 244, 405, 406.

Act X, 1875, ss. 47, 54.

278. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

Grounds of objection.

(*a*) some presumed or actual partiality in the juror;

(*b*) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, or being under the age of twenty-one or above the age of sixty years;

(*c*) his having by habit or religious vows relinquished all care of worldly affairs;

(*d*) his holding any office in or under the Court;

(*e*) his executing any duties of police or being entrusted with police-duties;

(*f*) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

(*g*) inability to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted;

(*h*) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

Act X, 1872, s. 243, para. 3. Act X, 1875, ss. 48, 55.

279. Every objection taken to a juror shall be decided by the Court, and such decision shall be recorded and be final.

Decision of objection.

Act X, 1872, s. 243, para. 4. Act X, 1875, s. 56.

If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 276; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 278 and allowed.

Supply of place of juror against whom objection allowed.

Act X, 1872, s. 246. Act X, 1875, s. 58.

280. When the jurors have been chosen, they shall appoint one of their number to be foreman.

Foreman of jury.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

New.

281. When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873.

Swearing of jurors.

Act X, 1872, s. 254.

282. If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

Procedure when juror ceases to attend, &c.

In each of such cases the trial shall commence anew.

Act X, 1872, s. 99.

283. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

Discharge of jury in case of sickness of prisoner.

D.—Choosing Assessors.

Act X, 1872, s. 239.

284. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Assessors how chosen.

Act X, 1872, s. 239.

285. If, in the course of a trial with the aid of assessors, at any time prior to the finding, any assessor is, from any sufficient cause, prevented from attending throughout

Procedure when assessor is unable to attend.

Trials before High Courts and Courts of Session.

the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

Act X, 1872, s. 247. Act XI, 1874, s. 19. Act X, 1875, s. 59.

286. When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

Opening case for prosecution.

The prosecutor shall then examine his witnesses.

Examination of witnesses.

Act X, 1872, s. 248. Act X, 1875, s. 60.

287. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Examination of accused before Magistrate to be evidence.

Act X, 1872, s. 249. Act XI, 1874, s. 20. Act X, 1875, s. [illegible]

288. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Evidence given at preliminary inquiry admissible.

Act X, 1872, s. 251, paras. 1 and 2. Act X, 1875, s. 62.

289. When the examination of the witnesses for the prosecution and the examination (if any) of the accused is concluded, the accused shall be asked whether he means to adduce evidence.

Procedure after examination of witnesses for prosecution.

If he says that he does not, the prosecutor may sum up his case; and if the Court considers that there is no evidence that the accused committed the offence, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused or any one of the accused (when there are several) says that he means to adduce evidence and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused, or any one of the accused (when there are several), says that he means to adduce evidence, and the Court considers that there is evidence that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence, the Court shall call on the accused to enter on his defence.

Act X, 1872, s. 251, para. 3. Act X, 1875, s. [illegible]

290. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Defence.

In such case it is not necessary to ask the assessors [illegible]

291. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in sections 211 and 231, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Right of accused as to examination and summoning of witnesses.

Act X, 1872, s. 363. Act X, 1875, s. 85. Act IV, 1877, s. 91.

292. If the accused, or any of the accused, has stated, when asked under section 289, that he means to adduce evidence, the prosecutor shall be entitled to reply.

Prosecutor's right of reply.

Act X, 1872, s. 252. Act X, 1875, s. 63.

293. Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

View by jury or assessors.

Act X, 1872, s. 253. Act X, 1875, s. 64. Taken from Livingston, Art. 357.

Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

294. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

When juror or assessor may be examined.

Act X, 1872, s. 258. Act X, 1875, s. 69.

295. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

Act X, 1872, s. 260. Act X, 1875, s. 67.

296. The High Court may from time to time make rules as to keeping the jury together during a [illegible] before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jury shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

Locking-up jury.

Act X, 1872, s. 66.

F.—Conclusion of Trial in Cases tried by Jury.

297. In cases tried by jury, when the case for the defence, and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Charge to jury.

Act X, 1872, s. 255, para. 1. Act X, 1875, s. 90.

298. In such cases, it is the duty of the Judge—

Duty of Judge.

Act X, 1872, s. 256. Act X, 1875, s. 91.

(*a*) to decide all questions of law arising in the course of the trial, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence or the propriety of questions asked by or on behalf

Trials before High Courts and Courts of Session.

of the parties, and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(*b*) to decide upon the meaning and construction of all documents given in evidence at the trial;

(*c*) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

(*d*) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a*) It is proposed to prove a statement made by a person not being a witness in the case on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b*) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Act X, 1872, s. 257. Act X, 1875, s. 93.

299. It is the duty of the jury—

Duty of jury.

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide its meaning.

Illustrations.

A is tried for the murder of *B*.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts *A* ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b*) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

Act X, 1872, s. [illegible]

300. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

[illegible]rement to consider.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

301. When the jury have considered their verdict, the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

Delivery of verdict.

Act X, 1872, s. 263, para. 1. Act X, 1875, s. 94.

302. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Procedure where jury differ.

Act X, 1872, s. 263, para. 3. Act X, 1875, s. 96. I. L. R., 6 Calc., 251 (where the jury were unanimous).

303. Unless otherwise ordered by the Court, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Verdict to be given on each charge. Judge may question jury.

Act X, 1872, s. 263, para. 2. Act X, 1875, s. [illegible]

Such questions and the answers to them shall be recorded.

Questions and answers to be recorded.

Act X, 1872, s. 263, para. 2, last sentence.

304. When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Amending verdict.

New. Deans, C. C. 228.

305. When in a case tried before a High Court the jury are unanimous in their opinion, or when not so many as six are of one opinion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

Verdict in High Court when to prevail.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

If the Judge disagrees with the majority, he shall at once discharge the jury.

Discharge of jury in other cases.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

306. When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

Verdict in Sessions Court when to prevail.

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

Act XI, 1874, s. 21.

307. If in any such case the Sessions Judge agrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, record-

Procedure where Sessions Judge disagrees with verdict.

Act X, 1872, s. 263, paras. 5 and 6. Act XI, 1874, s. 21. I. L. R., 2 Bom., 10. The disagreement must be [illegible] I. L. R., 3 Bom., [illegible]

ing the grounds of his opinion and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

I. L. R., 3 Calc., 623.

In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.

See Markby, J., in I. L. R., 3 Calc., 192.

G.—Re-trial of Accused after Discharge of Jury.

Act X, 1875, s. 100.

308. Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

Re-trial of accused after discharge of jury.

H.—Conclusion of Trial in Cases tried with Assessors.

Act X, 1872, s. 309.

309. When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion.

Delivery of opinions of assessors.

The Judge shall then give judgment; but in doing so shall not be bound to conform to the opinions of the assessors.

Judgment.

If the accused is convicted, the Judge shall pass sentence on him according to law.

I.—Procedure in Case of Previous Conviction.

310. In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction, for any offence, the procedure laid down in sections 271, 286, 305, 306 and 309 shall be modified as follows:—

Procedure in case of previous conviction.

(*a*) The part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(*b*) If he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge.

(*c*) If he answers that he has been so previously convicted the Judge may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury or the Court and the assessors (as the case may be) shall then inquire concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again.

J.—List of Jurors for High Court, and summoning Jurors for that Court.

Act X, 1875, s. 39.

311. In each Presidency-town, the jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as jurors under this chapter;

Jurors' book.

and those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

Act X, 1875, s. 41.

Act X, 1875, s. 40.

312. The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

Number of special jurors.

Act X, 1875, s. 42.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare—

Lists of common and special jurors.

(*a*) a list of all persons liable to serve as common jurors; and

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council in the case of the High Court at Calcutta, and, in the case of other High Courts, the Local Government, may exempt any salaried officer of Government from serving as a juror.

Act X, 1875, s. 44.

The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Discretion of officer preparing lists.

Act X, 1875, s. 44.

314. Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

Publication of preliminary lists.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

Act X, 1875, s. 45.

315. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions in each Presidency-town at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

Number of jurors to be summoned in Presidency-town.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Supplementary summons.

Act X, 1875, s. 50.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the Presidency-towns for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Summoning jurors outside the Presidency-towns.

Act X, 1875, s. 5.

317. In addition to the persons so summoned as jurors, the said Court of Session shall, if it think needful, after communication with the Commanding Officer, cause to be summoned such number of commissioned and non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

Military jurors.

All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Act X, 1875, s. 46.

318. Any person summoned under section 315, 316 or 317, who without lawful excuse fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

Failure of jurors to attend.

K.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

Act X, 1872, s. 404.

319. All male persons between the ages of twenty-one and sixty shall, except as next hereinafter mentioned, be liable to serve as jurors or assessors at any trial held within the District in which they reside.

Liability to serve jurors or assessors.

Act X, 1872, ss. 405, 406, Sch. II, cl. 1.

320. The following persons are exempt from liability to serve as jurors or assessors, namely:—

Exemptions.

(*a*) Officers in civil employ superior in rank to a District Magistrate;

(*b*) Judges;

(*c*) Commissioners and Collectors of Revenue or Customs;

(*d*) Persons engaged in the Preventive Service in the Customs Department;

(*e*) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty;

(*f*) Persons actually officiating as priests or ministers of their respective religions;

(*g*) Persons in Her Majesty's Army, except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors;

(*h*) Surgeons and others who openly and constantly practise the medical profession;

(*i*) Persons employed in the Post-office and Telegraph Departments;

(*j*) Persons exempted by the Local Government from liability to serve as jurors or assessors, and persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641.

Act X, 1872, s. 400.

321. The Sessions Judge and the Collector of the District, or such other officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors and qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, and not likely to be successfully objected to under section 278, clauses (*b*) to (*h*), both inclusive.

List of jurors and assessors.

The list shall contain the name, place of abode and quality or business of every such person; and if the person is an European or an American, the list shall mention the race to which he belongs.

Act X, s. 401, 1.

322. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside.

Publication of list.

Act X, 1872, s. 401, para. 2.

323. To every such copy shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the Sessions Court-house, and at a time to be mentioned in the notice.

Objections to list.

Act X, 1872, s. 402.

324. For the hearing of such objections, the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service.

Revision of list.

In the event of a difference of opinion between the Collector or other officer as aforesaid and the Sessions Judge, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Trials before High Courts and Courts of Session.

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Act X, 1872, s. 403.

325. The list so prepared and revised shall be again revised once in every year.

Annual revision of list.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Act X, 1872, s. 407.

326. The Sessions Judge shall ordinarily, three days at least before the day which he may from time to time fix for holding the sessions, send a letter to the District Magistrate requesting him to summon as many persons named in the said revised list as seem to the Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any such trial.

District Magistrate to summon jurors and assessors.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Power to summon another set of jurors or assessors.

Act X, 1872, s. [illegible], para. 1.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

Form and service of summons.

X, 1872, 411.

329. If any person summoned to serve as a juror or assessor be in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appear, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

When Government or Railway servant may be excused.

Act X, 1872, s. 412.

330. The Court of Session may for reasonable cause excuse any juror or assessor from attendance at any particular session.

Court may excuse attendance of juror or assessor.

Act X, 1872, s. 413.

331. At each session, the said Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session.

List of jurors and assessors attending.

Such list shall be kept with the list of the jurors and assessors as revised under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

332. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable, by order of the Court of Session, to a fine not exceeding one hundred rupees.

Act X, 1872, s. 414.

Penalty for non-attendance of juror or assessor.

Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may by order of the Court of Session be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

L.—Special Provisions for High Courts.

333. At any stage of any trial before a High Court under this Code before the return of the verdict, the Advocate General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs.

Act X, 1875, s. 146. Cf. s. 259, *supra*.

Power of Advocate General to stay prosecution.

334. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Act X, 1875, s. 4.

Time of holding sittings.

335. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct.

Act X, 1875

Place of holding sittings.

But it may from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, and in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of

Notice of sittings.

the original criminal jurisdiction of the High Court.

336. The High Court may direct that all European British subjects and persons liable to be tried by it under section 214, who have been committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court;

Place of trial of European British subjects.

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

Act X, 1872, s. 347. Act IV, 1877, s. 150.

337. In the case of any offence triable exclusively by the Court of Session or High Court the District Magistrate, a Presidency Magistrate, any Magistrate of the first class inquiring into the offence, or, with the sanction of the District Magistrate, any other Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof.

Tender of pardon to accomplice.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial by the Court of Session or High Court, as the case may be.

Every Magistrate, other than a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when any Magistrate has made such tender and examined the person to whom it has been made, he shall not try the case himself although the offence which the accused appears to have committed may be triable by such Magistrate.

Act X, 1872, s. 348, omitting "as a Court of Revision" Act X, 1875, s. 77.

338. At any time after commitment, but before judgment is passed, the Court to which the commitment is made may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or the District Magistrate to tender, a pardon on the same condition to such person.

Power to direct tender of pardon.

339. Where a pardon has been tendered under section 337 or 338, and any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

Act X, 1872, s. 349. Act X, 1875, s. 78. Act IV, 1877, s. 151. 7 Calc., 66.

Commitment of person to whom pardon has been tendered.

The statement made by a person under pardon may be given in evidence against him when the pardon has been withdrawn under this section.

No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

Act X, 1872, s. 186, paras. 1 and 2. Act XI, 1874, s. 13. Act X, 1875, s. 31. Act IV, 1877, s. 180.

Right of accused to be defended.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Act X, 1872, s. 186, para. 3. Act X, 1875, s. 130. Act IV, 1877, s. 181.

Procedure where accused does not understand proceedings.

342. For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

Act X, 1872, ss. 188, para. 1, 209, Act X, 1875, s. 342. 6 Calc., 1 Calc.,

Power to examine the accused.

The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just.

Act X, 1872, ss. 193, 209, 2, 343; Act I, 1872, s. 114, (h).

The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answer may tend to show he has committed.

Act X, 1872, s. 193, pln.

No oath shall be administered to the accused.

Act X, 1872, s. 345.

343. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Act X, 1872, s. 344. Act IV, 1877, s. 149.

No influence to be used to induce disclosures.

Act X, 1872, ss. 194, para. 1 and Expln., 208, para. 1, 219, 264. Act X, 1875, s. 66. Act IV, 1877, ss. 86, 124. 11 & 12 Vic. c. 42, s. 21.

344. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order in writing, stating the reasons therefor, from time to time postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and by a warrant remand the accused if in custody :

Power to postpone or adjourn proceedings.

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge or Magistrate.

EXPLANATION.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Reasonable cause for remand.

Act IV, 1877, s. 189. Compare N. Y. Crim. Proc. Code, s. 731.

345. The offences punishable under the sections of the Indian Penal Code described in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table :—

Compounding offences.

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Uttering words &c., with deliberate intent to wound the religious feelings of any person.	298	The person whose religious feelings are intended to be wounded.
Causing hurt ...	323, 334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person.	341, 342	The person restrained or confined.
Assault or use of criminal force.	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour.	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person.	426, 427	The person to whom the loss or damage is caused.
Criminal trespass ...	447	The person in possession of the property trespassed upon.
House-trespass ...	448	
Criminal Breach of Contract of service.	490, 491, 492	The person with whom the offender has contracted.
Adultery ...	497	The husband of the woman.
Enticing or taking away or detaining with a criminal intent a married woman ...	498	
Defamation ...	500	The person defamed.
Printing or engraving matter knowing it to be defamatory ...	501	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter ...	502	
Insult intended to provoke a breach of the peace ...	504	The person insulted.
Criminal Intimidation, except when the offence is punishable with imprisonment for seven years ...	506	The person intimidated.

The offence of voluntarily causing hurt, voluntarily causing grievous hurt, causing hurt by an act which endangers life, or causing grievous hurt by an act which endangers life, punishable under section 324, section 335, section 337, or section 338 of the Indian Penal Code may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

The composition of an offence under this section shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

Act X, 1872, s. 45, paras. 1 and 2. Madras H. C. ruling cited Nelson, 63.

346. If, in the course of an inquiry or trial before a Magistrate in any district outside the Presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

Procedure of provincial Magistrate in cases which he cannot dispose of.

The Magistrate to whom the case is submitted may, if so empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or commit the accused for trial.

Act X, 1872, ss. 46, para. 3, 221, 436, para. 3. Act IV, 1877, s. 127.

347. If in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

Procedure when after commencement of inquiry or trial Magistrate finds case should be committed.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

Act X, 1872, s. 315. Act IV, 1877, s. 128.

348. Whoever, having been convicted of an offence punishable under Chapter XII or XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him an habitual offender, be committed to the Court of Session or High Court, as the case may be ; or, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

Trial of persons previously convicted of offences against coinage, stamp-law and property.

Act X, 1872, s. 46, paras. 1 and 2, inserting "different in kind from or."

349. Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion after hearing the evidence for the prosecution and the accused that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

Procedure when Magistrate cannot pass sentence sufficiently severe.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case; and may call for and take any further evidence, and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law : Provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 32 and 33.

e.g., he may order committal to Sessions Court; I. L. R., 1 Mad., 289. See I. L. R., 4 Bom. 260.

Act X, 1872, ss. 328, 329. Act IV 1877, s. 156. See 4 Calc. 452, and sec. 558, *infra*.

350. Whenever any Magistrate, after having heard the whole or any part of the evidence in an inquiry or trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the inquiry or trial :

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

Provided as follows :—

(*a*) In any trial the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard :

(*b*) The High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby ; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

351. Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed; and may be proceeded against as though he had been arrested or summoned.

Detention of offenders attending Court.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

Act X, 1872, s. 167. Act X, 1875, s. 150. Act IV, 1877, s. 132.

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them :

Courts to be open.

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case

that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

Act X, 1872, s. 191, para. 1. Act IV, 1878, s. 83, para. 1.

353. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Evidence to be taken in presence of accused.

Act X, 1872, s. 332.

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Manner of recording evidence outside Presidency-towns.

355. In summons-cases tried before a Magistrate, other than a Presidency Magistrate, and in cases of the offences mentioned in section 260, clauses (*b*) to (*k*), both inclusive, when tried by a Magistrate of the first or second class, the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Record in summons-cases, and in trials of certain offences by first and second class Magistrates.

Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

Act X, 1872, s. 334. XI B. L. R. Appx. p. 5.

356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapters XII and XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

Record in other cases outside Presidency-towns.

No exception of cases in which no appeal lies. 11 Ben. Appx. 6.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Evidence given in English.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Act X, 1872, s. 335.

357. The Local Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence of each witness shall in the cases referred to in section 356 be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

Language of record of evidence.

The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Local Government may direct the Sessions Judge or Magistrate to take down the evidence in the English language, or in the language of the Court, although such language is not his mother-tongue.

Act X, 1872, s. 336.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Option to Magistrate in cases under section 355.

Act X, 1872, s. 338.

359. Evidence taken under section 356 or 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

Mode of recording evidence under section 356 or 357.

The Magistrate or Sessions Judge may in his discretion take down, or cause to be taken down, any particular question and answer.

Act X, 1872, s. 330.

360. As the evidence of each witness taken under section 356 or 357 is completed, it shall be read over to him in the presence of

Procedure in regard to such evidence when completed.

the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

Act X, 1872, s. 340.

361. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

Interpretation of evidence to accused or his pleader.

If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Act X, 1872, s. 335. Act IV, 1877, s. 115.

362. In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall be part of the record.

Record of evidence in Presidency Magistrates' Courts.

Act X, 1872, s. 338. Act IV, 1877, s. 115.

Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Act X, 1872, s. 341.

363. When a Sessions Judge or Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Remarks respecting demeanour of witness.

Act X, 1872, ss. 346, paras. 1, 2, 3 and 4. Act IV, 1877, ss. 84, 128.

364. Whenever the accused is examined by any Magistrate or by any Court other than a High Court established by Royal Charter or the Chief Court of the Panjáb, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or English; and such record shall be shown or read to him, or if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

Examination of accused how recorded.

When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

Act X, 1872, s. 68, including Chief Court.

365. Every High Court established by Royal Charter and the Chief Court of the Panjáb may from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

Record of evidence in High Court.

CHAPTER XXVI.

OF THE JUDGMENT.

Act VIII, 1859, s. 183. Act X, 1872, ss. 211, para. 3, 462.

366. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in custody shall be required to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

Mode of delivering judgment.

Act X, 1872, s. 463. Cf. Act X, 1877, s. 206.

367. Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English; and shall contain the point or points for determination, the decision thereon, and the

Language of judgment.

Act X, 1872, s. 464, para. 1. Cf. Act VIII, 1859, s.
Contents of judgment.

reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it.

Act X, 1872, ss. 461, cl. 1, 464, para. 1. It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Act X, 1872, s. 461, cl. 2. When the conviction is under the Indian Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

Judgment in alternative.

If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

Act X, 1872, s. 287, para. 2. If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed:

Act X, 1872, s. 2[illegible] Act X, 1875, s. 116.

Provided that, in trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury.

368. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of death.

Act X, 1872, s. 319. No sentence of transportation shall specify the place to which the person sentenced is to be transported.

Sentence of transportation.

Act X, 1872, s. 464, para. 1, second sentence. **369.** No Court other than a High Court when it has signed its judgment shall alter or review the same, except as provided in section 395 or to correct a clerical error.

Court not to alter judgment.

Act IV, 1877, s. 114. **370.** Instead of recording a judgment in manner hereinbefore provided, a Presidency Magistrate shall record the following particulars:—

Presidency Magistrate's judgment.

(*a*) the serial number of the case;
(*b*) the date of the commission of the offence;
(*c*) the name of the complainant (if any);
(*d*) the name of the accused person, and (except in the case of an European British subject) his parentage and residence;
(*e*) the offence complained of or proved;
(*f*) the plea of the accused and his examination (if any);
(*g*) the final order;
(*h*) the date of such order; and
(*i*) in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

Act IV, 1877, s. 126.

Act XI, 1874, s. 41, para. 1. **371.** The judgment shall be explained to the accused, and on his application a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. Such copy shall, in any case other than a summons-case, be given free of cost.

Judgment to be explained and copy given to accused.

In trials by jury in a Court of Session, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Act XI, 1874, s. 22.

Case of person sentenced to death.

Act X, 1872, s. 464, para. 2. **372.** The original judgment shall be filed with the record of proceedings, and where the original is recorded in a different language from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

Judgment when to be translated.

Act X, 1872, s. 302, para. 1. **373.** In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

Court of Session to send copy of finding and sentence to District Magistrate.

CHAPTER XXVII.

OF THE SUBMISSION OF SENTENCES FOR CONFIRMATION.

Act X, 1872, s. 287, para. 1. **374.** When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Sentence of death to be submitted by Court of Session.

Act X, 1872, s. 289. **375.** If when such proceedings are submitted the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself or direct it to be made or taken by the Court of Session.

Power to direct further inquiry to be made or additional evidence to be taken.

Such inquiry shall not be made nor shall such evidence be taken in the presence of jurors or assessors, and, unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is made or taken.

The result of such inquiry and the evidence when it is not made or taken by the High Court shall be certified to such Court.

Act X, 1872, s. 288. **376.** In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

Power of High Court to confirm sentence or annul conviction.

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or

(*b*) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(*c*) may acquit the accused person:

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Act X, 1872, s. 290. **377.** In every case so submitted, the confirmation of the sentence or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be made, passed, and signed by at least two of them.

Confirmation or new sentence to be signed by two Judges.

Act X, 1872, s. 271 B. (Act XI, 1874, s. 22.) **378.** When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in case of difference of opinion.

Act X, 1872, s. 301, para. 1. **379.** In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to the Court of Session.

Procedure in cases submitted to High Court for confirmation.

Act X, 1872, ss. 18, 36. Act XI, 1874, s. 3. **380.** When a sentence passed by an Assistant Sessions Judge or by a District Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge—

Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 34.

I.L.R., 4 Bom., 239. (*a*) may confirm the sentence, or pass any other sentence which the lower Court might have passed; or

(*b*) may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge; or

(*c*) may acquit the accused; or

(*d*) if he thinks further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

Unless the Sessions Court otherwise directs the presence of the convicted person may be dispensed with when such inquiry is made or evidence taken; and when the sentence has been submitted by an Assistant Sessions Judge, such inquiry shall not be made nor shall such evidence be taken in the presence of jurors or assessors.

The result of such evidence shall be certified to the Sessions Court.

CHAPTER XXVIII.

OF EXECUTION.

Act X, 1872, s. 301, para. 2. **381.** When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Execution of order passed under section 376.

Act X, 1872, s. 306. Act X, 1875, s. 114, adding "to transportation for life." **382.** If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence to transportation for life.

Postponement of capital sentence on pregnant woman.

Act X, 1872, s. 3[illegible] Act X, 1875, s. 116, cl. 1, (Act [illegible] s. 12[illegible] **383.** Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court passing the sentence shall forthwith forward a warrant to the jail in which he is to be confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Execution of sentences of transportation or imprisonment in other cases.

Act X, 1872, s. 303. Act X, 1875, ss. 103, 104. Act IV, 1877, s. 184. **384.** Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Direction of warrant for execution.

Act X, 1872, s. 304. Act X, 1875, s. 104. **385.** When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant with whom to be lodged.

Act X, 1872, s. 307, para. 1. Act X, 1875, s. 105. Act IV, 1877, s. 185. **386.** Whenever an offender is sentenced to pay a fine, the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Warrant for levy of fine.

Act X, 1872, s. 307, para. 2. Act X, 1875, s. 105. Act IV, 1877, s. 185. **387.** Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

Effect of warrant.

Act IV, 1877, s. 185. **388.** When an offender has been sentenced to fine only, and to imprisonment in default of payment of the fine, and the Court issues a warrant under section 386, it may suspend the execution of the sentence of imprisonment and may release the offender

Suspension of execution of sentence of imprisonment.

on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realized the Court may direct the sentence of imprisonment to be carried into execution at once.

Act X, 1872, s. 307, last para. Act IV, 1877, s. 185, last sentence.

389. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence or by his successor in office.

Who may issue warrant.

Act X, 1872, s. 302A, cl. 2. (Act XI, 1874, s. 32.) Act IV, 1877, s. 183.

390. Where the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

Execution of sentence of whipping only.

Act X, 1872, s. 310. Act IV, 1877, s. 187.

391. When the accused is sentenced to whipping in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal be made within that time, until the sentence is confirmed by the appellate Court: but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the appellate Court confirming the sentence.

Execution of sentence of whipping, in addition to imprisonment.

Act X, 1872, s. 311, para. 3. Act XI, 1874, s. 33, para. 1.

The whipping shall be inflicted in the presence of the officer in charge of the jail: unless the Judge or Magistrate orders it to be inflicted in his own presence.

Act X, 1872, s. 311, para. 1. Act X, 1875, s. 108. Act IV, 1877, s. 188.

392. In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light ratan not less than half an inch in diameter, in such mode, and on such part of the person, as the Local Government directs; and in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Mode of inflicting punishment.

Act X, 1872, s. 311, para. 2. See précis, paras. 249—251.

In no case shall such punishment exceed thirty stripes.

Limit of number of stripes.

Act X, 1872, s. 312, para. 3. Act IV, 1877, s. 190.

393. No sentence of whipping shall be executed by instalments; and none of the following persons shall be punishable with whipping: namely,—

Not to be executed by instalments.

Exemptions.

(*a*) females;

(*b*) males sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years;

(*c*) males whom the Court considers to be more than forty-five years of age.

Act X, 1872, s. 312, paras. 1 and 2. Act XI, 1874, s. 33, para. 2. Act X, 1875, s. 108. Act IV, 1877, s. 189.

394. The punishment of whipping shall not be inflicted unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Whipping not to be inflicted if offender not in fit state of health.

If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Stay of execution.

Act X, 1872, s. 313. Act X, 1875, s. 108. Act IV, 1877, s. 191.

395. In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Procedure if punishment cannot be inflicted under the last section.

Nothing in this section shall be deemed to authorize any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

Act X, 1872, s. 316. Act X, 1875, s. 110. Act IV, 1877, s. 192.

396. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say:—

Execution of sentence on escaped convicts.

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

EXPLANATION.—For the purpose of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

Act X, 1872, s. 317. Act X, 1875, s. 111. Act IV, 1877, s. 193.

397. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced:

Sentence on offender already sentenced for another offence.

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

Act X, 1872, s. 317, proviso.

398. Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Saving as to sections 396 and 397.

Act X, 1872, s. 318. Act X, 1875, s. 112. Act V of 1876 has not yet come into force anywhere except—

399. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

Confinement of youthful offenders in reformatories.

All persons confined under this section shall be subject to the rules so prescribed.

Act X, 1879, s. 305.

400. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

Return of warrant on execution of sentence.

CHAPTER XXIX.

OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES.

Act X, 1872, s. 322, para. 1.

401. When any person has been sentenced to punishment for an offence, the Governor General in Council, or the Local Government, may at any time, without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Power to suspend or remit sentences.

Act XI, 1874, s. 34, cl. 1.

New.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion.

If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor General in Council or the Local Government, the Governor General in Council or the Local Government, as the case may be, may cancel such suspension or remission, whereupon such person may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

Act X, 1872, s. 322, para. 2.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites, or remissions of punishment.

Act XI, 1874, s. 34, cl. 2.

402. The Governor General in Council, or the Local Government, may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it:—

Act X, 1872, s. 322, para. 3.

Power to commute punishment.

death, transportation, penal servitude, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

CHAPTER XXX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

Act X, 1872, s. 460. Act X, 1875, s. 117. Act IV, 1877, s. 113. Cf. N. Y. Code of Crim. Proc., s. 13. Form of plea under this section, N.-W. P., 1875, p. 378.

403. A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

Person once convicted or acquitted not to be tried for same offence.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Act X, 1872, ss. 147, para. 2, 195, Expls, 215, Expl. 2. Act X, 1875, s. 14.

EXPLANATION.—The dismissal of a complaint, the stopping of proceedings under section 249, the discharge of the accused, or any entry made upon a charge under section 273, is not an acquittal for the purposes of this section.

Illustrations.

(*a*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(*b*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(*d*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(*e*) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph three of this section.

(*f*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.

OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.

OF APPEALS.

Act X, 1872, ss. 282, para. 2, 286, on it- lustrations. Act IV, 1877, s. 180.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Unless otherwise provided, no appeal to lie.

405. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeal from order rejecting application for restoration of attached property.

Act X, 1872, s. 267.

406. Any person required by a Magistrate, other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 118, may appeal to the District Magistrate.

Appeal from order requiring security for good behaviour.

Act X, 1872, s. 266, omitting "or to a Magistrate of first class empowered."

407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced under section 349, by a Sub-divisional Magistrate of the second class, may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the second or third class.

The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented to the District Magistrate shall be transferred to such Subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.

Act X, 1872, s. 47, para. 2.

Transfer of appeals to first class Magistrate.

Act X, 1872, ss. 269, para. 1, 270, para. 2.

408. Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session:

Appeal from sentence of Assistant Sessions Judge or Magistrate of the first class.

Provided as follows:—

Act X, 1872, s. 270, paras. 1 and 3.

(*a*) when in any case an Assistant Sessions Judge or a District Magistrate passes any sentence which is subject to the confirmation of the Sessions Court, every appeal in such case shall lie to the High Court, but shall not be presented until the case has been disposed of by the Sessions Court;

Act X, 1872, s. 79.

(*b*) any European British subject so convicted may at his option appeal either to the High Court or the Court of Session.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional or Joint Sessions Judge.

Appeals to Court of Session how heard.

Act X, 1872, ss. 80, 270, para. 3, 271. Act XI, 1874, s. 22, cl. 1.

410. Any person convicted on a trial held by a Sessions Judge, or Additional or Joint Sessions Judge, may appeal to the High Court.

Appeal from sentence of Sessions Court.

411. Any person convicted on a trial held by [illegible], a Presidency Magistrate [illegible] appeal to the High Court [illegible] the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees.

[illegible], 1877,

Appeal from sentence of Presidency Magistrate.

Act X, 1872, s. 273, last para. Act IV, 1877, s. 167.

412. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Session or a Presidency Magistrate on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in certain cases when accused pleads guilty.

Act X, 1872, s. 273, para. 1.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

No appeal in petty cases.

Act X, 1872, s. 273, para. 2.

EXPLANATION.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed.

Act X, 1872, s. 274, paras 1.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases tried summarily in which a Magistrate empowered to act under section 260 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

No appeal from certain summary convictions.

Act X, 1872, s. 274, para. 2.

415. An appeal may be brought against any sentence referred to in section 413 or 414 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

Proviso to sections 413 and 414.

Act XI, 1874, s. 24.

EXPLANATION.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Act X, 1872, s. 274, para. 3.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed under Chapter XXXIII on European British subjects.

Saving of sentences on European British subjects.

Act X, 1872, s. 272, paras. 1 and 2. Act IV, 1877, s. 168, para. 1.

417. The Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

Appeal on behalf of Government in case of acquittal.

Act X, 1872, s. 271, last para. Act XI, 1874, s. 22. Compare Act X, 1877, s. 541.

418. An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall be admissible on a matter of law only.

Appeal on what matters admissible.

EXPLANATION.—The alleged severity of a sentence shall for the purposes of this section be deemed to be a matter of law.

Act [illegible] s. 274, Act IV, 1877, s. 169.

419. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against, and in cases tried by a jury a copy of the heads of the charge recorded under section 367.

[illegible] petition of appeal.

Act X, 1872, s. 277. Act IV, 1877, s. 171.

420. If the appellant is in jail, he may present his petition of appeal, and the copies accompanying the same, to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Procedure when appellant in jail.

Act X, 1872, s. 278, paras. 1 and 2. Act IV, 1877, s. 172, omitting last sentence. I. L. R. 4 Bom. 101.

421. On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and if it considers that there is no sufficient ground for interfering, it may reject the appeal summarily: Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Summary rejection of appeal.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

Act X, 1872, ss. 62, 269, para. 2, 279. Act IV, 1877, s. 173.

422. If the Appellate Court does not reject the appeal summarily, it shall cause notice to be given to the appellant or his pleader and to such officer as the Local Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal;

Notice of appeal.

Act XI, 1874, s. 27.

and in cases of appeals under section 417, the Appellate Court shall cause a like notice to be given to the accused.

Act X, 1872, ss. 272, para. 3, 280. Act IV, 1877, ss. 174, 179.

423. The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, the Court may, if it considers there is no sufficient ground for interfering, dismiss the appeal or may—

Powers of Appellate Court in disposing of appeal.

(*a*) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

Act X, 1872, s. 284.

(*b*) in an appeal from a conviction (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court, or committed for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or (3) with or without such reduction and with or without altering the finding alter the nature of the sentence but not so as to enhance the same;

(*c*) in an appeal from any other order, alter or reverse such order:

Act X, 1872, s. 271, extended to appeals by the Crown. Act X, 1872, s. 299, para. 3.

(*d*) Nothing herein contained shall authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge, or to a misunderstanding on the part of the jury of the law as laid down by him.

Act X, 1872, s. 272, para. 4.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court:

Judgments of subordinate Appellate Courts.

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

Act X, 1872, s. 299, paras. 1 and 2.

425. Whenever a case is decided on appeal by the High Court under this chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the

Order on appeal to be certified to lower Court.

District Magistrate, the certificate shall be sent through the District Magistrate.

The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court; and, if necessary, the record shall be amended in accordance therewith.

Act X, 1872, sec. 281, and s. 297, para. 8, in case of Court of Revision. Act IV, 1877, s. 175.

426. Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, if he is in confinement, that he be released on bail or on his own bond.

Suspension of sentence pending appeal. Release of appellant on bail.

The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

When the appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

Act IV, 1877, s. 168, para. 3, I. L. R. 1 Calc. 281.

427. When an appeal is presented under section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Arrest of accused in appeal from acquittal.

Act X, 1872, s. 282, paras. 1, 3 and 4, and s. 289. Act IV, 1877, s. 176.

428. In dealing with any appeal under this chapter, the Appellate Court, if it thinks additional evidence to be necessary, may either take such evidence itself, or may direct it to be taken by a Magistrate, or, when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

Appellate Court may take further evidence or direct it to be taken.

When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

The taking of evidence under this section shall for the purposes of Chapter XXV be deemed to be an inquiry.

Act X, 1872, s. 271 B. (Act XI, 1874, s. 22.)

429. When the Judges composing the Court of appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such examination and such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure where Judges of Court of appeal, are equally divided.

Act X, 1872, s. 285.

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 417 and Chapter XXXII.

Finality of orders on appeal.

431. Every appeal under section 417 finally abates on the death of the accused, and every other appeal under this chapter finally abates on the death of the appellant.

Abatement of appeals. I. L. R. 2 Bom., 564.

CHAPTER XXXII.

Of Reference and Revision.

432. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.

Act IV, 1877, s. 240.

Reference by Presidency Magistrate to High Court.

433. When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

Act IV, 1877, s. 241.

Disposal of case according to decision of High Court.

The High Court may direct by whom the costs of such reference shall be paid.

Direction as to costs.

434. When any person has, in a trial before a Judge of a High Court consisting of more Judges than one and acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.

Act X, 1872, s. 101.

Power to reserve questions arising in original jurisdiction of High Court.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail or, if the Judge thinks fit, be admitted to bail,

Procedure when question reserved.

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment or order as the High Court thinks fit.

435. The High Court or any Court of Session or District Magistrate, or any Sub-divisional Magistrate empowered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction, for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.

Act X, 1872, ss. 294, 295, para. 1. 12 Ben. 253.

Power to call for records of inferior Courts.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence

or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

Act X, 1872, s. 520. See I. L. R. 2 Calc. 295.

Orders made under sections 143 and 144 and proceedings under section 176 are not proceedings within the meaning of this section.

Act X, 1872, s. 296, paras. 2 and 3. (Act XI, 1874, s. 29.) 10 Ben. 289. 1 O'Kin. 93.

436. When, on examining the record of any case under section 435 or otherwise, the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Power to order commitment.

Provided as follows—

(*a*) that the accused has had an opportunity of showing cause to such Court or Magistrate why the commitment should not be made:

Act XI, 1874, s. 29.

(*b*) that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

Act X, 1872, s. 298. (Act XI, 1874, s. 31.)

437. On examining any record under section 435 or otherwise, the High Court or Court of Session may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 203, or into the case of any accused person who has been discharged.

Power to order inquiry.

Act X, 1872, s. 296, paras. 1.

438. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the results of such examination, and when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.

Report to High Court.

Act X, 1872, s. 297. I. L. R. 2 Calc., 113. 1 All., I, 139. 1 Bom. 125; Nelson, 287. 1 O'Kin. 84. This will empower High Court to reduce amount of forfeited recognizances? 2 O'K. 408.

439. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428, or on a Court by section 338, and may enhance the sentence, and when the Judges composing the Court of revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

High Court's powers of revision.

No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

Where the sentence dealt with under this section has been passed by a Magistrate acting otherwise than under section 30, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class.

Nothing in this section applies to an entry made under section 273 or shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction.

Act X, 1872, s. 297, last para.

440. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision: Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader.

Optional with Court to hear parties.

Act IV, 1877, s. 182.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision or order.

Statement by Presidency Magistrate of grounds of his decision to be considered by High Court.

Act X, 1872, s. 299, paras. 1 & 2.

442. When a case is revised under this chapter by the High Court it shall certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified, and, if necessary, the record shall be amended in accordance therewith.

High Court's order to be certified to lower Court or District Magistrate.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

Criminal Proceedings against Europeans and Americans.

Act X, 1872, ss. 72, paras. 1 & 2, 74, para. 1.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, shall inquire into or try any charge against an European British subject.

Magistrates who may inquire into and try charges against European British subjects.

Act X, 1872, ss. 72, para. 1, 76, para. 1.

444. No Judge presiding in a Court of Session shall exercise jurisdiction over an European British subject unless he himself is an European British subject; and if he is an Assistant Sessions Judge, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Sessions Judge to be an European British subject.

Assistant Sessions Judge to have held office for three years and to be specially empowered.

Act X, 1872, ss. 72, 73, 438.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Cognizance of offence committed by European British subject.

Provided that, if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Act X, 1872, s. 74, para. 2.

446. Notwithstanding anything contained in section 32 or section 34, no Magistrate other than a Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both.

Sentences which may be passed by Mufassal Magistrates.

Act X, 1872, ss. 75, para. 1, 438, para. 2.

447. When an European British subject is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session or, in the case of a Presidency Magistrate, to the High Court.

When commitment is to be to Court of Session and when to High Court.

Act XI, 1874, s. 12, para. 1.

When the offence which appears to have been committed is punishable with death or transportation for life, the commitment shall be to the High Court.

Act XI, 1874, s. 12, para. 2.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Trial of offences of which one is, and the others are not, punishable with death or transportation.

Act X, 1872, s. 76.

449. Notwithstanding anything contained in section 31, no Court of Session shall pass on any European British subject any sentence other than a sentence of imprisonment for a term which may extend to one year, or fine, or both.

Sentences which may be passed by Court of Session.

If, at any time after the commitment and before signing judgment, the presiding Judge thinks that the offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Procedure when Sessions Judge finds his powers inadequate.

Act X, 1872.

450. If the Judge of the Sessions Division within which the offence is ordinarily triable is not an European British subject, the case shall be reported by the committing Magistrate for the orders of the highest Court of criminal appeal for the province within which such division is situate.

Procedure when Sessions Judge is not an European British subject.

In British Burma the Court of the Recorder of Rangoon shall, for the purposes of this section, be deemed to be the highest Court of criminal appeal.

451. In trials of European British subjects before a High Court or Court of Session, if before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, or by a mixed set of assessors, not less than half the number of the jurors or assessors shall be Europeans or Americans, or both Europeans and Americans.

Mixed jury for trial of European British subjects.

Act X, 1872, s. 78, para. 2. Act X, 1875, s. 35.

Act X, 1875, s. 36.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately:

Trial of European British subject and Native jointly accused.

Act X, 1875, s. 37.

Provided that, if the European British subject requires under section 451 to be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

When native may claim separate trial.

Act X, 1872, s. 88.

453. When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's said decision was wrong shall lie upon him.

Procedure on claim of European British subject to be dealt with as such.

When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall after such further enquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

Act X, 1872, s. 84.

454. If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before, and disallowed by, the committing Magistrate, it is not again made before the Court to which he is committed, he shall be held to have relinquished his right as such European British subject, and shall not assert it in any subsequent stage of the same case.

Failure to plead status a waiver.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

6 Calc. Rep., 465.

Act X, 1872, s. 85.

455. Where a person who is not an European British subject is dealt with as such under this chapter, and does not object, the inquiry, commitment, trial or sentence (as the case may be) shall not, by reason of such dealing, be invalid.

Trial under this chapter of person not an European British subject.

Act X, 1872, s. 81, para. 1, cl. 1.

456. When any European British subject is unlawfully detained in custody by any person, such European British subject or any person on his behalf may apply to the High Court which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

Right of European British subject under detention to apply for order to produce his person.

Act X, 1872, s. 81, para. 1, cl. 2.

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or it may issue the order in the first instance and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

Procedure on such application.

Act X, 1872, s. 81, para. 2.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may from time to time direct.

Territories throughout which High Court may issue such orders.

Act XXII, 1870, ss. 2, 4.

459. Unless there be something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer on Magistrates or on the Court of Session jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

Application of Acts conferring jurisdiction on Magistrates or the Sessions Courts.

Nothing in this section shall be deemed to authorize any Court to exceed the limits prescribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate not being a Justice of the Peace or on any Magistrate or Sessions Judge outside the Presidency-towns not being an European British subject.

Act X, 1872, s. 234, para. 1, cl. 2.

460. In every case triable by jury or with the aid of assessors, in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans.

Jury for trial of Europeans or Americans.

Act X, 1872, s. 242.

461. Whenever an European or American is charged before the Court of Session jointly with a person not an European or American, and in compliance with a claim made under section 460 is tried by a jury or with the aid of a set of assessors, of which at least one-half consists of Europeans and Americans, the latter person shall, if he so claims, be tried separately.

Jury when European or American charged jointly with one of another race.

Act X, 1872, s. 408, paras. 1, 2 & 3.

462. When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 451, or section 460, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

Summoning and empannelling jurors under section 451 or 460.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 276, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained:

Act X, 1872, s. 406, last clause.

Provided that in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

Act X, 1872, s. 87.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans, before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

Conduct of criminal proceedings against European British subjects.

CHAPTER XXXIV.

LUNATICS.

Act X, 1872, ss. 423, 424, para. 3. Act IV, 1877, s. 194.

464. When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall

Procedure in case of accused being lunatic.

inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

Act X, 1872, s. 425. Act X, 1875, s. 120.

Procedure in case of person committed before Court of Session or High Court being lunatic.

465. If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the Court with the aid of assessors shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

Act XI, 1874, s. 39.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Act X, 1872, s. 426. Act X, 1875, s. 121. Act IV, 1877, s. 196.

Release of lunatic pending investigation or trial.

466. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order the accused to be confined in a lunatic asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Custody of lunatic.

I. L. R., 2 Calc., 356.

Act X, 1872, s. 427. Act X, 1875, s. 122. Act IV, 1877, s. 197.

Resumption of inquiry or trial.

467. Whenever an inquiry or trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Act X, 1872, s. 428. Act X, 1875, s. 123. Act IV, 1877, s. 198.

Procedure on accused appearing before Magistrate or Court.

468. If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

Act X, 1872, s. 424, paras. 1 and 2. Act IV, 1877, s. 195.

When accused appears to have been insane.

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case and, if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

Act X, 1872, s. 429. Act X, 1875, s. 124. Act IV, 1877, s. 199. 39 & 40 Geo. III, c. 94. *Reg.* v. *Macnaughten*, 10 Cl. & Fin. 200.

Judgment of acquittal on ground of lunacy.

470. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Act X, 1872, s. 430. Act X, 1875, s. 125. Act IV, 1877, s. 200.

Person acquitted on such ground to be kept in safe custody.

471. Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

The Local Government may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

Act X, 1872, s. 431. Act X, 1875, s. 127. Act IV, 1877, s. 202.

Lunatic prisoners to be visited by Inspector General.

472. When any person is confined under the provisions of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the lunatic asylums or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

Act X, 1872, s. 432. Act X, 1875, s. 126. Act IV, 1877, s. 201.

Procedure where lunatic prisoner is reported capable of making his defence.

473. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Act X, 1872, s. 433. Act X, 1875, s. 128. Act IV, 1877, s. 203.

Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.

474. If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and in case it orders him to be transferred to an asylum, may appoint a commission, consisting of a judicial and two medical officers.

And such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, which may order his discharge or detention as it thinks fit.

Act X, 1872, s. 434. Act X, 1875, s. 129. Act IV, 1877, s. 204.

Delivery of lunatic to care of relative.

475. Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

CHAPTER XXXV.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Act X, 1872, ss. 471, 477. Act X, 1875, s. 135. Act IV, 1877, s. 44, omitting last para. I. L. R. 1 Calc. 454. I. L. R. 1 All. 181, 198. Cf. 14 & 15 Vic., c. 100, s. 19. 2 O'Kin. 217.

Procedure in cases mentioned in section 195.

476. When any Civil, Criminal or Revenue Court is of opinion that there is ground for enquiring into any offence referred to in section 195, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such trial or inquiry.

Such Magistrate shall thereupon proceed according to law, and may, if he is authorized under section 192 to transfer cases, transfer the inquiry or trial to some other competent Magistrate.

Act X, 1872, s. 472, paras. 1 and 3. *Reg.* v. *Nomiel*, 1 Ben. L. R. 1.

Power of Sessions Court as to such offences committed before itself.

477. Subject to the provisions of section 444, a Court of Session may charge a person for any offence referred to in section 195 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

Act X, 1872, s. 474, paras. 1 and 2. See I. L. R. 4 Bom. 287.

Power of Civil Courts to complete investigation and commit to High Court or Sessions Court.

478. When any such offence is committed before any Civil or Revenue Court, or brought under the notice of any Civil or Revenue Court in the course of a judicial proceeding, and the case is triable exclusively by the High Court or Court of Session, or such Civil or Revenue Court thinks that it ought to be tried by the High Court or Court of Session, such Civil or Revenue Court may, instead of sending the case under section 476 to a Magistrate for inquiry, itself complete the inquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

See I. L. R. 4 Bom. 289.

Act X, 1872, s. 476.

For the purposes of an inquiry under this section, the Civil or Revenue Court may, subject to the provisions of section 443, exercise all the powers of a Magistrate; and its proceedings in such inquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

Act X, 1872, s. 475.

Procedure of Civil Court in such cases.

479. When any such commitment is made by a Civil or Revenue Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

Act X, 1872, s. 435, para 1. Act IV, 1877, s. 205.

Procedure in certain cases of contempt.

480. When any such offence as is described in section 175, 178, 179, 180, or 228 of the Indian Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender, whether he is an European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day* may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not

* Pollard's case, L. R. 2 P. C. 106.

Proceedings in case of certain offences affecting Administration of Justice.

exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Nothing in section 443 shall be deemed to apply to proceedings under this section.

Act X, 1872, s. 485, paras. 2 and 3.

481. In every such case, the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

Record in such cases.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Act X, 1872, s. 436, paras. 1 and 2. Act IV, 1877, s. 206.

482. If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

Procedure where Court considers that case should not be dealt with under section 480.

The Magistrate to whom any person is forwarded under this section shall proceed to hear the complaint against him in manner hereinbefore provided.

New. 13 Bengal App. 40.

483. When the Local Government so directs, any Registrar or any Sub-Registrar appointed under the Indian Registration Act, 1877, shall be deemed to be a Court within the meaning of sections 480 and 482.

Registrar to be deemed a Civil Court within sections 480 and 482.

Act X, 1872, s. 437. Act IV, 1877, s. 207.

484. When any Court has under section 480 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of offender on submission or apology.

Act X, 1872, ss. 356, 364. Act X, 1875, s. 85. Act IV, 1877, s. 141.

485. If any witness before a Court refuses to answer such questions as are put to him or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or 482, and in the case of a Court established by Royal Charter shall be deemed guilty of a contempt.

Imprisonment or committal of person refusing to answer or produce document.

Act X, 1872, s. 268.

486. Any person convicted by any Court under section 480 or section 482 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

Appeals from convictions in contempt-cases.

The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding or sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by any other Court of Small Causes shall lie to the Court of Session for the Sessions Division within which such Court is situate.

New.

An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, or, in the Presidency-towns, to the High Court.

Act X, 1872, s. 473. I. L. R. 1 Bom. 389. 1 All. 162, 625. 7 Mad. XVI App. Pro. See I. L. R. 1 Mad. 305. I. L. R. 1 All. 625.

487. Except as provided in sections 477, 480 and 485, no Judge of a Criminal Court or Magistrate other than a Judge of a High Court, the Recorder of Rangoon, and the Presidency Magistrates, shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

Certain Judges and Magistrates not to try offences referred to in section 195 when committed before themselves.

Nothing in section 476 or 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from himself committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for inquiry to another Magistrate.

CHAPTER XXXVI.

Of the Maintenance of Wives and Children.

Act X, 1872, s. 536. Act IV, 1877, s. 34.

488. If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the [District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Order for maintenance of wives and children.

Such allowance shall be payable from the date of the order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month:

Enforcement of order.

O'Kin. 89.

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

All evidence under this chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases.

Act X, 1872, s. 537. Act IV, 1877, s. 235.

489. On proof of a change in the circumstances of any person receiving under section 488 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Alteration in allowance.

Act X, 1872, s. 538. Act IV, 1877, s. 36.

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

Enforcement of order of maintenance.

Maintenance of Wives and Children.

Public Prosecutor.

CHAPTER XXXVII.

Directions of the Nature of a Habeas Corpus.

Act X, 1872, s. 82. Act X, 1875, s. 148.

491. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

Power to issue directions of the nature of a *habeas corpus*.

(*a*) that a person within the limits of its ordinary original civil jurisdiction be brought up before the Court to be dealt with according to law;

(*b*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(*c*) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(*d*) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;

(*e*) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and

(*f*) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Each of the said High Courts may from time to time frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819 or Bombay Regulation XXV of 1827, or the Acts of the Governor General in Council No. XXXIV of 1850 or No. III of 1858.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXVIII.

Of the Public Prosecutor.

Act X, 1872, ss. 5[illegible].

492. The Governor General in Council or the Local Government may appoint, generally or in each case, or for any specified class of cases, in any local area one or more officers to be called Public Prosecutors.

Power to appoint Public Prosecutors.

Act X, 1872, s. 202, para. 2. In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below the rank of Assistant District Superintendent to be Public Prosecutor for the purpose of such case.

Act X, 1872, s. 60.

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Public Prosecutor may plead in all Courts in cases under his charge.

Pleaders, privately instructed, to be under his direction.

Act X, 1872, s. 61.

494. Any Public Prosecutor appointed by the Governor General in Council or the Local Government may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person; and upon such withdrawal,

Effect of withdrawal from prosecution.

(*a*) if it is made before a charge has been framed the accused shall be discharged;

New. (*b*) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted.

Act X, 1872, s. 59. Act XI, 1874, s. 8. Act IV, 1877, s. 129. **495.** Any Magistrate inquiring into or trying any case may permit any person other than an officer of police below the rank of Police Inspector to conduct the prosecution; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

Permission to conduct prosecution.

Any person conducting the prosecution may do so personally or by a pleader.

CHAPTER XXXIX.

OF BAIL.

Act X, 1872, ss. 128, para. 3, 194, para. 2, 204, para. 1, 388, 393. Act IV, 1877, ss. 73, 74. N.-W. P., 1874, p. 371. **496.** When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

Bail to be taken in case of bailable offence.

Act X, 1872, ss. 128, para. 1, 194, para. 2, 389. Act IV, 1877, s. 71. **497.** When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

When bail may be taken in case of non-bailable offence.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Act X, 1872, ss. 390, 508. Act X, 1875, s. 136. I. L. R. 1 All. 151. **498.** The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

Power to direct admission to bail or reduction of bail.

Act X, 1872, s. 391. Act IV, 1877, s. 72. **499.** Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police-officer or Court, as the case may be.

Bond of accused and sureties.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

Act X, 1872, s. 394. Act IV, 1877, s. 73. **500.** As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and when he is in jail the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

Discharge from custody.

Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Act X, 1872, s. 392. Act IV, 1877, s. 76. **501.** If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it, and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

Power to order sufficient bail when that first taken is insufficient.

Act X, 1872, s. 395. Act IV, 1877, s. 76. **502.** All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

Discharge of sureties.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and if he fails to do so, may commit him to custody.

CHAPTER XL.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

Act X, 1872, s. 330, paras. 1 & 2. Act X, 1875, s. 76, para. 1. Act IV, 1877, s. 157. Act IV, 1877, s. 158. **503.** Whenever, in the course of an inquiry, trial or other proceeding under this Code, it appears to a Presidency Magistrate, a District Magistrate, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

When attendance of witness may be dispensed with.

Issue of commission, and procedure thereunder.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

Act XI, 1874, s. 35, para. 1. Act X, 1875, s. 76, para. 4. **504.** If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Commission in case of witness being within Presidency-town.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

Act X, 1872, s. 330, para. 4. Act XI, 1874, s. 35, para. 2. Act X, 1875, s. 76, para. 5. **505.** The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate or officer to whom the commission is directed shall examine the witness upon such interrogatories.

Parties may examine witness.

Any such party may appear before such Magistrate or officer by pleader or, if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Act X, 1872, s. 330, para. 5. **506.** Whenever, in the course of an inquiry or trial or other proceeding under this Code before any Magistrate other than a Presidency Magistrate or District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Power of provincial Subordinate Magistrate to apply for issue of commission.

As in s. 503.

Act XI, 1874, s. 35, last para. Act X, 1875, s. 76, para. 6. **507.** After any commission issued under section 503 or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition of such witness shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

Return of commission.

N. Y. Crim. Proc. Code, s. 708. **508.** In every case in which a commission is directed under section 503 or section 506, the inquiry,

Adjournment of inquiry or trial.

trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLI.

Special Rules of Evidence.

Act X, 1872, s. 323. Act X, 1875, s. 71. Act IV, 1877, s. 152.

509. The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Deposition of medical witness.

The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Power to summon medical witness.

Act X, 1872, s. 325, para. 1. Act X, 1875, s. 72. Act IV, 1877, s. 153.

510. Any document purporting to be a report under the hand of the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Report of Chemical Examiner.

Act X, 1872, ss. 326, 515, last clause. Act X, 1875, s. 119. Act IV, 1877, ss. 154, 230.

511. In any inquiry, trial or other proceeding under this Code a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,—

Previous conviction or acquittal how proved.

(*a*) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered;

(*c*) and in either of such cases by evidence as to the identity of the accused person with the person so convicted or acquitted.

Act X, 1872, s. 327. Act X, 1875, s. 74. Act IV, 1877, s. 155.

512. If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

Record of evidence in absence of accused.

CHAPTER XLII.

Provisions as to Bonds.

Act X, 1872, s. 399. Act X, 1875, s. 139. Act IV, 1877, s. 80.

513. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

Deposit instead of recognizance.

Act X, 1872, ss. 396, 397, 398, paras. 1 & 2, 502, paras. 1 to 5 & 7, 503, 514. Act XI, 1874, ss. 37, 41. Act X, 1875, ss. 137, 138. Act IV, 1877, ss. 77, 78, 79, 228, 229.

514. Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class,

Procedure on forfeiture of bond.

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

4 Calc. 243.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

Act X, 1872, s. 398, penultimate para.

515. All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Appeals from, and revision of, orders under section 514.

Act X, 1872, s. 398, last para. Act X, 1875, s. 138, last para.

516. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

Power to direct levy of amount due on certain recognizances.

CHAPTER XLIII.

Of the Disposal of Property.

Act X, 1872, s. 418. Act X, 1875, s. 115. Act IV, 1877, ss. 243, 244. Act XI, 1874, s. 38. High Court Rule, *Bombay Government Gazette*, 13th Sept., 1877, p. 828.

517. When an inquiry or trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

Order for disposal of property regarding which offence committed.

When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is livestock or subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been disposed of.

EXPLANATION.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Act X, 1872, s. 420.

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Order may take form of reference to District or Sub-divisional Magistrate.

30 & 31 Vic., c. 35, s. 10.

519. When any person is convicted of any offence which includes, or amounts to theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Payment to innocent purchaser of money found on accused.

Act X, 1872, s. 419. I. L. R., 3 Calc., 379. 'Court of appeal.'

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518, or section 519 passed by a Court subordinate thereto, to be stayed pending consideration by the former Court; and may modify, alter or annul such order.

Stay of order under section 517, 518 or 519.

Livingston, p. 480.

521. On a conviction under the Indian Penal Code, section 292, 293, 501 or 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

Destruction of libellous and other matter.

The Court may in like manner, on a conviction under the Indian Penal Code, section 272, 273, 274 or 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

Act X, 1872, s. 534. Act X, 1875, s. 142. Act IV, 1877, s. 233.

522. Whenever a person is convicted of an offence attended by criminal force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

Power to restore possession of immoveable property.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

Act X, 1872, ss. 387, para. 2, 415. Act IV, 1877, s. 244.

523. The seizure by any Police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

Procedure by police upon seizure of property taken under section 51 or stolen.

Act X, 1872, s. 416.

If the person so entitled is known, the Magistrate may order the property to be delivered to him on such condition (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

Act X, 1872, s. 417. Act IV, 1877, s. 244.

524. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate or of a Magistrate of the first class empowered by the Local Government in this behalf.

Procedure where no claimant appears within six months.

In the case of every order passed under this section, an appeal shall be allowed to the Court to which appeals against sentences of the Court passing such order would lie.

Act X, 1872, s. 415, para. 2.

525. If the person entitled to the possession of such property is unknown or absent, and the property is subject to speedy and natural decay, or the Magistrate is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be, apply to the nett proceeds of such sale.

Power to sell perishable property.

CHAPTER XLIV.

Of the Transfer of Criminal Cases.

Act X, 1872, s. 64. Act X, 1875, s. 147.

526. Whenever it is made to appear to the High Court—

High Court may transfer case, or itself try it.

(*a*) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory enquiry into or trial of the same, or

(*d*) that an order under this section will tend to the general convenience of the parties or witnesses,

it may order—

(1) that any offence be enquired into or tried by any Court not empowered under sections 177 to 184, but in other respects competent to enquire into or try such offence;

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction; or

(3) that any particular criminal case or appeal be transferred to and tried before itself.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

I. L. R. 1 Calc. 223.

When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the costs of the prosecutor.

Archb. 88.

Act IV, 1877, s. 181.

Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Notice to Public Prosecutor of application under this section.

Nothing in this section shall be deemed to affect any order made under section 197.

Act X, 1872, s. 64A. (Act XI, 1874, s. 11.)

527. The Governor General in Council may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

Power of Government of India to transfer criminal cases and appeals.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

Act X, 1872, ss. 44, last para., 47, para. 1. Act XI, 1874, s. 6.

528. Any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

District or Sub-divisional Magistrate may withdraw or refer cases.

Act X, 1872, s. 48.

The Local Government may authorize the District Magistrate to withdraw from the Magistrates subordinate to him either such classes of cases as he thinks proper, or particular classes of cases,

Power to authorize District Magistrate to withdraw classes of cases.

CHAPTER XLV.

Of irregular Proceedings.

Act X, 1872, ss. 32, 34 cl. (9). Nelson, p. 54.

529. If any Magistrate not empowered by law to do any of the following things, namely:—

Irregularities which do not vitiate proceedings.

(*a*) to issue a search-warrant, under section 98;

(*b*) to order, under section 155, the police to investigate an offence;

(*c*) to hold an inquest under section 176;

(*d*) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(*e*) to take cognizance of an offence under section 191, clause (*a*) or clause (*b*);

(*f*) to transfer a case under section 192;

(*g*) to tender a pardon under section 337 or section 338;

(*h*) to sell property under section 524 or section 525; or

(*i*) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

Act X, 1872, s. 34, excepting cl. (9).

530. If any Magistrate, not being empowered by law in this behalf, does any of the following things (namely):—

Irregularities which vitiate proceedings.

(*a*) passes a sentence under section 349, on proceedings recorded by another Magistrate;

(*b*) takes cognizance under section 191, clause (*c*), of an offence;

(*c*) attaches and sells property under section 88;

(*d*) tries an offender;

(*e*) tries an offender summarily;

(*f*) decides an appeal;

(*g*) calls under section 435 for proceedings;

(*h*) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department;

(*i*) revises under section 515 an order passed under section 514;

(*j*) demands security to keep the peace;

(*k*) discharges bonds to keep the peace;

(*l*) demands security for good behaviour;

(*m*) discharges a person lawfully bound to be of good behaviour;

(*n*) makes an order under section 133 as to a local nuisance;

(*o*) issues an order under section 144;

(*p*) prohibits under section 143 the repetition or continuance of a public nuisance;

(*q*) makes an order under Chapter XII; or

(*r*) makes an order for maintenance;

his proceedings shall be void.

Act X, 1872, s. 70. Act IV, 1877, s. 24.

531. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error occasioned a failure of justice.

Proceedings in wrong place.

Act X, 1872, s. 33. Act X, 1875, s. 25.

532. If any Magistrate or other authority purporting to exercise powers duly conferred, but not being so conferred, commits an accused person to take his trial before a Court of Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been prejudiced, unless objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority during the inquiry and before the order of commitment.

When irregular commitments may be validated.

If such Court considers that the accused was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

Act X, 1872, s. 346, last para.

533. If any Court before which a confession or other statement of an accused person recorded under section 164 or 364 is tendered in evidence finds that the provisions of such section have not been fully complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and notwithstanding anything contained in the Indian Evidence Act, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

Non-compliance with provisions of section 164 or 364.

Act X, 1872, s. 85.

534. An omission to ask any person whether he is an European British subject in a case to which the second clause of section 454 applies shall not affect the validity of any proceeding, although it appears that he was aware of the rights claimable under this Code by him as such subject.

Omission to ask question prescribed by section 454, clause 2.

Act X, 1872, s. 216, Expln. I.

535. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

Effect of omission to prepare charge.

Act X, 1872, s. 216, Expln. II.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Trial by jury of offence triable with assessors.

536. If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground be invalid.

Trial with assessors of offence triable by jury.

If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

Act X, 1872, ss. 203, para. 3, 283, paras. 1 and 2, 300, 464, paras. 6 and 7. (Act XI, 1874, s. 41.) 11 & 12 Vic., c. 43, s. 9. Act IV, 1877, ss. 117, 177. I. L. R. 1 All. 610. Act IV, 1877, ss. 31, 178. 11 Bom. 238.

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

537. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account—

of any error, omission or irregularity in the complaint, summons, warrant, charge, judgment or other proceedings before or during trial or in any inquiry or other proceeding under this Code, or

of the want of any sanction required by section 195, or

of the omission to revise any list of jurors or assessors in accordance with section 324, or

of any misdirection in any charge to a jury;

unless such error, omission, irregularity, want or misdirection has occasioned a failure of justice.

Act IV, 1877, s. 185, para. 5.

Distress not illegal nor distrainer a trespasser for defect of form in proceedings.

538. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

Provide for succession to abolished Court? See *précis*, paras. 617 & 618.

CHAPTER XLVI.

MISCELLANEOUS.

Act X, 1875, s. 149.

Courts and persons before whom affidavits may be sworn.

539. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Act X, 1872, s. 272, last para. Act X, 1875, ss. 142, 540. Act X, 1875, s. 80. Act IV, 1877, ss. 85, 134.

Power to summon material witness, or examine person present.

540. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power to appoint place of imprisonment.

541. Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Act X, 1872, s. 139.

Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.

542. Notwithstanding anything contained in the Prisoners' Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

Act X, 1872, s. 272, Act X, 1875, s. 142.

Interpreter to be bound to interpret truthfully.

543. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Act X, 1872, s. 281. Act X, 1875, s. 142. Act IV, 1877, s. 246.

Expenses of complainants and witnesses.

544. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

Act X, 1872, s. 308, paras. 1, 2 & 3. Act X, 1875, s. 106. Act IV, 1877, s. 186.

Power of Court to pay expenses or compensation out of fine.

545. Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal or revision a sentence of fine, or a sentence of which fine forms a part, the Court may when passing judgment order the whole or any part of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Act X, 1872, s. 308, last para. Act X, 1875, s. 106, last para.

Payments to be taken into account in subsequent suit.

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545.

22 Suth. W. R., Civil Rulings, 336.

Moneys ordered to be paid recoverable as fines.

547. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Act X, 1872, ss. 201, 276. Act XI, 1874, s. 25. Act X, 1875, s. 13. Act IV, 1877, s. 170.

Copies of proceedings.

548. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: Provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Ben. Reg. XX, 1806.

Delivery to Military authorities of persons liable to be tried by Court-martial.

549. The Governor General in Council may from time to time make rules, consistent with this Code and the Army Act, 1881, or any similar law for the time being in force, as to the cases in which persons subject to military law shall be tried by a Court under this Code or by Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, 1881, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being tried by Court-martial.

Apprehension of such persons.

Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Act X, 1872, s. 137.

Powers of superior officers of Police.

550. Police-officers superior in rank to an officer in charge of a Police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of this station.

Act IV, 1877, s. 17.

Power to compel restoration of abducted females.

551. Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge or government of such child, and may compel compliance with such order, using such force as may be necessary.

Act IV, 1877, s. 242, omitting provision as to complaints, which is made elsewhere.

Compensation to person groundlessly given in charge in Presidency-town.

552. Whenever any person causes a Police-officer to arrest another person in a Presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

In such cases, if more persons than one are arrested or complained against, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

Act X, 1872, ss. 292, 293.

Power of chartered High Courts to make rules for inspection of records of subordinate Courts.

553. With the previous sanction of the Governor General in Council, the High Court at Fort William, and with the previous sanction of the Local Government, any other High Court established by Royal Charter, may from time to time make rules for the inspection of the records of subordinate Courts.

Power of other High Courts to make rules for other purposes.

Every High Court not established by Royal Charter may from time to time and with the previous sanction of the Local Government,

(*a*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(*b*) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

(*c*) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(*d*) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the official Gazette.

Act X, 1872, ss. 442, 493, paras. 1, 509, para. 2; and Act IV, 1877, s. 97.

Forms.

554. Subject to the power conferred by section 553, and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fifth schedule hereto annexed, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

New.

Case in which Judge or Magistrate is personally interested.

555. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from the Court of such Judge or Magistrate, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation.—A Judge or Magistrate shall not be deemed to be a party or personally interested within the meaning of this section, to or in any case merely because he is a Municipal Commissioner.

Power to decide language of Courts.

556. The Local Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than High Courts established by Royal Charter.

Powers of Local Government exercisable from time to time.

557. All powers conferred by this Code on the Local Government may be exercised from time to time as occasion requires.

Pending cases.

558. The provisions of this Code shall apply, so far as may be, to all cases pending in any Criminal Court when this Code comes into force.

SCHEDULE I.

ENACTMENTS REPEALED.

(*a*).—*Statutes.*

Year, reign and chapter.	Title.	Extent of repeal.
13 Geo. III, chapter 63	An Act for establishing certain Regulations for the better management of the affairs of the East India Company as well in India as in Europe.	Section 38.

(*b*).—*Acts of the Governor General in Council.*

Number and year.	Subject.	Extent of repeal.
XXIII of 1840 ...	Execution of process	So much as has not been repealed.
XLV of 1860 ...	Penal Code	The illustrations to section 214.
Act V of 1861 ...	Police Act	Section 6 and the last nine words of section 24. Section 35, down to and including the words "Provided that." Sections 37 to 40, both inclusive.
XVIII of 1862 ...	Criminal Procedure, Supreme Courts ...	So much as has not been repealed.
VI of 1864 ...	Whipping	Section 7.
II of 1869 ...	Justices of the Peace	So much as has not been repealed.
XXII of 1870 ...	Application to European British subjects of Acts conferring summary jurisdiction.	So much as has not been repealed.
IV of 1872 ...	Panjáb Laws	So far as it relates to Bengal Regulation XX of 1825.
X of 1872 ...	The Code of Criminal Procedure ...	So much as has not been repealed.
XI of 1874 ...	Amending the Code of Criminal Procedure	The whole.
XV of 1874 ...	Laws Local Extent	So far as it relates to Bengal Regulation XX of 1825.
X of 1875 ...	High Courts' Criminal Procedure ...	The whole Act, except section 144 and so much of section 146 as relates to informations.

SCHEDULE I—*continued.*

ENACTMENTS REPEALED—(*continued*).

(*b*).—*Acts of the Governor General in Council*, continued.

Number and year.	Subject.	Extent of repeal.
XX of 1875 ...	Central Provinces Laws	So far as it relates to Bengal Regulation XX of 1825.
XVIII of 1876 ...	Oudh Laws	Ditto.
IV of 1877 ...	Presidency Magistrates	The whole Act except section 57.
XXI of 1879 ...	Extradition	Chapter III.
X of 1881 ...	Coroners	Sections 8 and 9.

(*c*).—*Regulations.*

Number and Year.	Subject.	Extent of repeal.
Bengal Regulation XX of 1825.	Jurisdiction of Courts Martial ...	So much as has not been repealed.
III of 1872 ...	Santhál Parganas Settlement	So far as it relates to Act X of 1872.
IX of 1874 ...	Arakan Hills District Laws	So far as it relates to Acts II of 1869, X of 1872 and XI of 1874.
II of 1877 ...	Ajmer Laws	So far as it relates to Bengal Regulation XX of 1825.

(*d*).—*Acts of the Governor of Fort St. George in Council.*

Number and Year.	Subject.	Extent of repeal.
VIII of 1867 ...	Police	Section 9 and so much of section 4 as refers to the Criminal Procedure Code.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

The third column of this schedule applies to the Police in the towns of Calcutta and Bombay.

CHAPTER V.—OF ABETMENT.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto ..	Ditto ...	Ditto ..	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed.	Ditto ...	Ditto ...	Ditto ...	Dit o ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER V.—OF ABETMENT—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 3 years, or fine, or both.	The Court by which the offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed ...	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the offence be not committed...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VI.—OFFENCES AGAINST THE STATE—(*concluded*).

1 ection.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to scape.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
135	Abetment of the desertion of an officer, soldier or sailor.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
147	Rioting.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
148	Rioting armed with a deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Ditto ...	The same as for the offence ...	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto ...	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Presidency Magistrate or Magistrate of the first or second class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
162	Taking a gratification in order by corrupt, or illegal means to influence, a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
178	Refusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto. ...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	Ditto ...	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not	7 Punishment under the Indian Penal Code.	8 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first class.
209	False claim in a Court of Justice...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
210	Fradulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If offence charged be capital, or punishable with transportation for life, or with imprisonment for a term exceeding 7 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If punishable with imprisonment for 1 year and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
215	**Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.**	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	**Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.**	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
217	**Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.**	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	**Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.**	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	**Public servant in a judicial proceeding making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.**	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	**Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.**	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	**Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.**	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*(continued)*.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If charged with a capital offence...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If under sentence of death ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 6 months, or fine. of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV of this Code.
229	Personation of a juror or assessor...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or imprisonment of either description for 10 years and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
236	Abetting in India the counterfeiting out of British India of coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Persons employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto ...	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink for man, intended for sale, so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Any Magistrate.
286	So dealing with any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Any Magistrate.
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—*(concluded)*.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
293	Having in possession obscene book, &c., for sale or exhibition.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
294	Obscene songs	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294A	Keeping a lottery-office ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Ditto.
CHAPTER XV.—OFFENCES RELATING TO RELIGION.							
295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in place of worship or sepulchre, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Compoundable.	Ditto	Ditto.
CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.							
Of offences affecting Life.							
302	Murder	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, transportation for life and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of offences affecting Life—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, or imprisonment for 10 years and fine.	Court of Session.
306	Abetting the commission of suicide	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year and fine.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug ...	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
323	Voluntarily causing hurt ...	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
328	Administering stupefying drug with intent to cause hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ..	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.
	Of Wrongful Restraint and Wrongful Confinement.						
341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any erson	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret ...	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Criminal Force and Assault.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable.	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery and Forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*concluded*).

Of Kidnapping, Forcible Abduction, Slavery and Forced Labour—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
371	Habitual dealing in slaves ...	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
372	Selling or letting to hire minor for the purpose of prostitution.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same purpose ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour ...	Ditto ...	Ditto ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	Of Rape.						
376	Rape	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
	Of Unnatural Offences.						
377	Unnatural offences ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel	Ditto. ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.
389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.

Of Robbery and Dacoity.

392	Robbery	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Ditto.
395	Dacoity	Ditto ..	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for 10 years and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Rigorous imprisonment for not less than 7 years.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Robbery and Dacoity—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for not less than 7 years.	Court of Session.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

Of Cheating.

417	Cheating	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Fraudulent Deeds and Dispositions of Property.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	* May arrest without warrant.	Ditto ...	Ditto ...	Not compoundable.	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

* See Act XI of 1874, section 4.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Mischief—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
	Of Criminal Trespass.						
447	Criminal trespass	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

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SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*concluded*).

Of Criminal Trespass—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Presidency Magistrate or Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery ...	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Ditto ...	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the document is a valuable security or will.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
	Of Trade and Property-Marks.						
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
488	Making use of any such false mark.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—DEFAMATION.

500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XXI.—DEFAMATION—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Ditto	Presidency Magistrate or Magistrate of the first or second class.
506	Criminal intimidation ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Ditto	Ditto.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compoundable.	Transportation or imprisonment not exceeding half of the longest term, and of the description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.

SCHEDULE II—*concluded.*

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	.....	According to the provisions of section 29 of this Code.
	If punishable with imprisonment for three years and upwards but less than seven.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	.....	
				Except in cases under the Indian Arms Act, 1878, section 19, which shall be bailable.			
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	Ditto ...	.....	
	If punishable with fine only ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	.....	

SCHEDULE III.

ORDINARY POWERS OF PROVINCIAL MAGISTRATES.

I.—Ordinary Powers of a Magistrate of the Third Class.

(1) Power to arrest, or direct the arrest in his presence of an offender; section 65.
(2) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant; sections 83, 84 & 86.
(3) Power to issue proclamations in cases judicially before him, section 87.
(4) Power to attach and sell property in cases judicially before him, section 88.
(5) Power to restore attached property, section 89.
(6) Power to endorse a search-warrant and order delivery of thing found, section 99.
(7) Power to record confessions or statements during a police-investigation, section 164.
(8) Power to authorize detention of a person during a police-investigation, section 167.
(9) Power to detain an offender found in Court, section 351.
(10) Power to sell perishable property of a suspected character, section 525.

II.—Ordinary Powers of a Magistrate of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.
(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

III.—Ordinary Powers of a Magistrate of the First Class.

(1) The ordinary powers of a Magistrate of the second class.
(2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.
(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.
(4) Power to require security to keep the peace, section 107.
(5) Power to require security for good behaviour, section 109.
(6) Power to make orders, &c., in possession-cases; sections 145, 146, 147.
(7) Power to commit for trial, section 206.
(8) Power to stop proceedings when no complainant, section 249.
(9) Power to make orders of maintenance, sections 488 & 489.

IV.—Ordinary Powers of a Sub-divisional Magistrate.

(1) The ordinary powers of a Magistrate of the first class.
(2) Power to direct warrants to landholders, section 78.
(3) Power to make orders as to local nuisances, section 133.
(4) Power to make orders prohibiting repetitions of nuisances, section 143.
(5) Power to make orders under section 144.
(6) Power to hold inquests, section 174.
(7) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
(8) Power to entertain complaints, section 191.
(9) Power to receive police-reports, section 191.
(10) Power to entertain cases without complaint, section 191.
(11) Power to transfer cases to a Subordinate Magistrate, section 192.
(12) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
(13) Power to sell property alleged or suspected to have been stolen, &c., section 524.
(14) Power to withdraw cases other than appeals, and to try or refer them for trial; section 528.

V.—Ordinary Powers of a District Magistrate.

(1) The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first class.
(2) Power to issue search-warrants for documents in Post-office or Telegraph Department, section 96.
(3) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.
(4) Power to cancel bond for keeping the peace, section 125.
(5) Power to try summarily, section 260.
(6) Power to quash convictions in certain cases, section 350.
(7) Power to withdraw or refer appeals from convictions by Magistrates of the second and third classes, section 406.
(8) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407.
(9) Power to call for records, section 435.
(10) Power to revise orders passed under section 514; section 515.

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH PROVINCIAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A MAGISTRATE OF THE FIRST CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to require security for good behaviour, section 110: (2) Power to make orders as to local nuisances, section 133: (3) Power to make orders prohibiting repetitions of nuisances, section 143: (4) Power to make orders under section 144: (5) Power to hold inquests, section 174: (6) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186: (7) Power to take cognizance of offences upon complaint, section 191: (8) Power to take cognizance of offences upon police reports, section 191: (9) Power to take cognizance of offences upon information, section 191: (10) Power to try summarily, section 260: (11) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407: (12) Power to sell property alleged or suspected to have been stolen, &c., section 524.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to transfer cases, section 192.
POWERS WITH WHICH A MAGISTRATE OF THE SECOND CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to pass sentences of whipping, section 32: (2) Power to make orders prohibiting repetitions of nuisances, section 143: (3) Power to make orders under section 144: (4) Power to hold inquests, section 174: (5) Power to take cognizance of offences upon complaint, section 191: (6) Power to take cognizance of offences upon police reports, section 191: (7) Power to take cognizance of offences upon information, section 191: (8) Power to commit for trial, section 206:
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.

SCHEDULE IV—*concluded.*

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to commit for trial, section 206: (2) Power to make orders prohibiting repetitions of nuisances, section 143: (3) Power to make orders under section 144: (4) Power to hold inquests, section 174: (5) Power to take cognizance of offences upon complaint, section 191: (6) Power to take cognizance of offences upon police reports, section 191.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.
POWERS WITH WHICH A SUB-DIVISIONAL MAGISTRATE MAY BE INVESTED	BY THE LOCAL GOVERNMENT	Power to call for records, section 435.

SCHEDULE V.

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(*See section 68.*)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or* by pleader, *as the case may be*) before the (*Magistrate*) of , on the day of . Herein fail not.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

II.—WARRANT OF ARREST.

(*See section 75.*)

To (*name and designation of the person or persons who are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

(*Seal.*)

(*Signature.*)

(*See section 76.*)

This warrant may be endorsed as follows:—

If the said shall give bail himself in the sum of , with one surety in the sum of (*or* two sureties each in the sum of), to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of , 18 .

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(*See section 86.*)

I, (*name*), of , being brought before the District Magistrate of (*or as the case may be*) under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I do hereby declare myself surety for the abovenamed of , that he shall attend before in the Court of on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear before this Court (*or* before me) to answer the said complaint within days from this date.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear before the Court of on the day of . next at o'clock, to be examined touching , the offence complained of.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VI.—ORDER OF ATTACHMENT.

(*See section 88.*)

To the Police-officer in charge of the Police-station at .

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees (*see sections and*) which you may find within the District of and to hold the said property under attachment

SCHEDULE V—*continued.* FORMS.

pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

WARRANT OF ATTACHMENT TO COMPEL APPEARANCE.

(*See section 88.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation has been duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than the land paying revenue to Government in the village (*or* town) of , in the District of , *viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(*See section 88.*)

To the Deputy Commissioner of the District of .

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation has been duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the village (*or* town) of in the District of ;

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(*See section 90.*)

To (*name and designation of the Police-officer or other person or persons to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to arrest the said (*name*) and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(*See section 97.*)

To (*name and designation of the Police-officer or other person or persons to execute the warrant*).

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (*or* suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the enquiry now being made (*or* about to be made) into the said offence (*or* suspected offence);

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place, or part thereof, to which the search is to be confined*), and, if found, to produce the same forthwith before this Court; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(*See section 98.*)

To (*name and designation of a Police-officer above the rank of a Constable*).

WHEREAS information has been laid before me, and on due enquiry thereupon had I have been led to believe that the house (*describe the house or other place*) is used as a place for the deposit (*or* sale) of stolen property (*or, if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or, if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or* documents, *or* stamps, *or* seals, *or* coins, *as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or* counterfeit stamps, *or* false seals, *or* counterfeit coin (*as the case may be*)] and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

X.—BOND TO KEEP THE PEACE.

(*See section 106.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XI.—BOND FOR GOOD BEHAVIOUR.

(*See sections 109 and 110.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

Dated this day of , 18 .

(*Signature.*)

(*Where a bond with sureties is to be executed, add*) We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and in case of his making default therein we bind ourselves, jointly and severally, to forfeit to Her Majesty the sum of rupees.

Dated this day of , 18 .

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(*See section 114.*)

To of

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*) and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (*or* by a duly authorized agent) at the Office of Magistrate on the day of , 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [*when sureties are required, add* and also to give security by the bond of one (*or* two *as the case may be*) surety in the sum of rupees (*each, if more than one*)], that you will keep the peace for the term of

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name and address*) appeared before me in person (*or* by his authorized agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (*or* a bond with two sureties each in rupees), that he the said (*name*) would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his sureties entering into the said bond, in which case the same shall be received, and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the District of having no ostensible means of subsistence (*or*, and that he is unable to give any satisfactory account of himself);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is an habitual robber (*or* house-breaker, &c., *as the case may be*);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or* two or more sureties, *as the case may be*), himself for rupees and the said surety (*or* each of the said sureties) for rupees , and the said (*name*) has failed to comply with the said order, and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the same (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless he shall in the meantime comply

FORMS. SCHEDULE V—*continued.*

with the said order by himself and his sureties entering into the said bond, in which case the same shall be received and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See sections 124 and 125.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since duly given security under section of the Code of Criminal Procedure,

or

and sufficient cause has been shewn to me for his release from further imprisonment,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without any hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

(*See section 133.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or* nuisance) to persons using the public roadway (*or other public place*), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or* nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade and the place where it is carried on*), and that the same is injurious to the public health (*or* comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or* are in possession of *or* have the control over) a certain tank (*or* well *or* excavation) adjacent to the public passage (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or* well *or* excavation) being without a fence (*or* insecurely fenced);

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to remove (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on to (*specify the more suitable place by a limit of distance or local description*), or to appear, &c.;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c.

or

I do hereby direct and require you, &c., &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS.

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(*See section 138.*)

WHEREAS on the day of , 18 , an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me by a petition bearing date the day of for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, &c., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See section 140.*)

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING ENQUIRY BY JURY.

(*See section 142.*)

To (*name, description and address*).

WHEREAS the enquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local enquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, &C., OF A NUISANCE.

(*See section 143.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that, &c. (*state the proper recital, guided by Form No. XXI*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, &C.

(*See section 144.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (*or* have the management) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public

FORMS. SCHEDULE V—*continued.*

street, &c. (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from your land in any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &C., IN DISPUTE.

(*See section 145.*)

IT appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only, if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due enquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true,

I do decide and declare that he is (*or* they are) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or* their) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, &C.

(*See section 146.*)

To the Police-officer in charge of the Police-station at [*or*, To the Collector of] .

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only, if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANY THING ON LAND OR WATER.

(*See section 147.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or* water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due enquiry into the same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or class of persons, describe him or them*), and (*if the use can be enjoyed throughout the year*) that the said use has been ordinarily enjoyed within three months of the

SCHEDULE V—*continued.* FORMS.

institution of the said enquiry (*or if the use is enjoyable only at particular seasons, say* "during the last of the seasons at which the same is capable of being enjoyed");

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or* retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or* they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY ENQUIRY BEFORE A POLICE-OFFICER.

(*See section 169.*)

I, (*name*), of , being charged with the offence of and after enquiry required to appear before the Magistrate of ,

or

and after enquiry called upon to enter into my own recognizance to appear when required,

do hereby bind myself to appear at , in the Court of , on the day of next (*or* on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the above-said that he shall attend at , in the Court of , on the day of next (*or* on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and in case of his making default therein, I hereby bind myself (*or* we hereby bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(*See section 170.*)

I, (*name*), of (*place*), do hereby bind myself to attend at , in the Court of , at o'clock on the day of next, and then and there to prosecute (*or, as the case may be*, to prosecute and give evidence, *or* to give evidence) in the matter of a charge of against one *A. B.*, and, in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(*See section 218.*)

The Magistrate of hereby gives notice that he has committed one for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence as in the charge*).

Dated this day of , 18 .

(*Signature.*)

XXVIII.—CHARGES.

(*See sections 221, 222, 223.*)

(I).—CHARGES WITH ONE HEAD.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

(*b*) That you, on or about the day of , at , waged war against Her Majesty the Queen, Empress of India, and there by committed an offence punishable under section 121 of the Indian

On Penal Code, section 121.

FORMS. SCHEDULE V—*continued.*

Penal Code, and within the cognizance of the Court of Session [*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

(2) That you, on or about the day of , at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 124.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 161.

(4) That you, on or about the day of , at , did [*or* omitted to do, *as the case may be*] such conduct being contrary to the provisions of Act , section , and was known by you to be prejudicial to , and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 166.

(5) That you, on or about the day of , at , in the course of the trial of , before stated in evidence that " ," which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 193.

(6) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 304.

(7) That you, on or about the day of , at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 306.

(8) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 325.

(9) That you, on or about the day of , at , robbed [*state the name*] and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 392.

(10) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 395.

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(II).—CHARGES WITH TWO OR MORE HEADS.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows :—

(*b*) *First.*—That you, on or about the day of , at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 241 and 242.

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as

SCHEDULE V—*continued.* FORMS

genuine, and thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

(2) *First.*—That you, onorabout the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 302 and 304.

Secondly.—That you, onorabout the day of , at , by causing the death of , committed culpable homicide, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(3) *First.*—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 379 and 382.

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(4) That you, on or about the day of , at , in the course of the enquiry into before , stated in evidence that " ," and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ," one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Alternative charges on section 193.

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(III).—CHARGE FOR THEFT AFTER A PREVIOUS CONVICTION.

I (*name and office of Magistrate, &c.,*) hereby charge you (*name of accused person*) as follows :—

That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code and within the cognizance of the Court of Session [*or* { High Court, Magistrate, } *as the case may be.*]

And you the said (*name of accused*) stand further charged that you, before the committing of the said offence, that is to say, on the day of , had been convicted by the (*state Court by which conviction was had*) at of an offence punishable under

FORMS. SCHEDULE V—*continued.*

Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections 245 and 258.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or* sections) of the Penal Code (*or* of Act), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you, the said Superintendent (*or* Keeper) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(*See section 250.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous (*or* vexatious), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (*name of complainant*) and an order has been made for his imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXI.—SUMMONS TO A WITNESS.

(*See sections 68 and 252.*)

To of .

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*state the offence concisely, with time and place*) and it appears to me that you are likely to give material evidence for the prosecution;

SCHEDULE V—*continued.* FORMS.

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(*See section 326.*)

To the District Magistrate of .

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court, you are hereby required to summon the said persons to attend at the said Court of Session at 10 A. M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(*Here enter the names of Jurors and Assessors.*)

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIII.—SUMMONS TO JUROR OR ASSESSOR.

(*See section 328.*)

To (*name*) of (*place*).

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as an Assessor (*or* Juror) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at ten o'clock in the forenoon on the day of next.

Given under my hand and seal of office, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(*See section 374.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at the Sessions held before me on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

XXXV.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(*See section 381.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Sessions held before me on the day of , 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorize and require you the said Superintendent (*or* Keeper) to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(*See sections 381, 382.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Session held on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Sessions, was convicted of the offence of , punishable under section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or, as the case may be*);

This is to authorize and to require you, the said Superintendent (*or* Keeper), safely to keep the said (*prisoner's name*) in your custody in the said jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said jail," "and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(*See section 386.*)

To (*name and designation of the Police-officer or other person, or persons, to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the day of , 18 , convicted before me of the offence of (*mention the offence concisely*) and sentenced to pay a fine of rupees , and whereas the said (*name*), although required to pay the said fine, hath not paid the same or any part thereof;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the District of ; and, if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS

XXXVIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court committed wilful contempt,

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*) unless the said fine be sooner paid; and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIX.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.

(*See section 485.*)

To (*name and designation of Police Constable*) at the Police-station of .

WHEREAS (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or* certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in the Lock-up of the said station for the space of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XL.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(*See section 488.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [*or* his child (*name*)], who is by reason of (*state the reason*) unable to maintain (herself *or* himself) and to have neglected (*or* refused) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees , and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of : And thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment in the said jail for the period of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said

FORMS. SCHEDULE V—*continued.*

order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLI.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(*See section 488.*)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS an order has been duly made requiring (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees , and whereas the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of ;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLII.—BOND AND BAIL-BOND ON A PRELIMINARY ENQUIRY BEFORE A MAGISTRATE.

(*See sections 496, 499.*)

I, (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Sessions Court, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary enquiry into the said charge, and should the case be sent for trial by the Sessions Court to be, and appear, before the said Court when called upon to answer the charge against me; and in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the said (*name*) that he shall attend at the Court of on every day of the preliminary enquiry into the offence charged against him, and should the case be sent for trial by the Sessions Court, that he shall be and appear before the said Court to answer the charge against him, and in case of his making default therein, I bind myself (*or* we bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, (see form 25) the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XLIII.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 500.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of and has since with his surety (*or* sureties) duly executed a bond,

or

and sufficient cause has been shewn to me for his release from further imprisonment,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without any hazard to the community;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of , 18 .

(*Signature.*)

XLIV.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(*See section 514.*)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*);

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the district of , by seizure and detention, and if the said amount be not paid within three days to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLV.—NOTICE TO SURETY ON BREACH OF A BOND.

(*See section 514.*)

To of .

WHEREAS on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees , you are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVI.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See section 514.*)

To of .

WHEREAS on the day of , 18 , you became surety by a bond for (*name*) of (*place*) that he would keep the peace for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(*See section 514.*)

To .

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*);

FORMS. SCHEDULE V—*continued.*

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the district of , by seizure and detention; and if the said amount be not paid within three days, to sell property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVIII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*), and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India, and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why it should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his confinement in jail for (*specify the period*);

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIX.—NOTICE OF FORFEITURE OF A BOND TO KEEP THE PEACE TO THE PRINCIPAL.

(*See section 514.*)

To (*name, description and address*).

WHEREAS on the day of , 18 , you entered into a bond not to commit, &c. (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

L.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name and designation of Police-officer*) at the Police-station of .

WHEREAS (*name and description*) did on the day of , 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace, &c. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

FORMS. SCHEDULE V—*continued.*

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*), to the value of rupees which you may find within the District of , and if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LI.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you, the said Superintendent (*or* Keeper), of the said Civil Jail to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LII.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LIII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof of the breach of the said bond has been given before me and duly

FORMS. SCHEDULE V—*concluded.*

recorded, whereby the said (*name*) has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*) ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) ; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

Table shewing correspondence of the section-numbers of Act X of 1872, as amended by Act XI of 1874, with those of the Bill.

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[1] See Act XI, 1874, s. 1.

[2] See Act XI, 1874, s. 2.

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[1] and [2] See Act XI, 1874, s. 3.
[3] See Act XI, 1874, s. 4.
[4] Ditto ditto s. 5.
[5] and [7] See Act XI, 1874, s. 6.
[6] Ditto ditto, s. 7.

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Ditto ditto, s. 9.
[2] Repealed by Act XI, 1874, s. 10.
[4] See Act XI, 1874, s. 11.
[5] and [6] See Act XI, 1874, s. 12.

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[1] See Act XI, 1874, s. 13.
Ditto ditto, s. 14.

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[1] See Act XI, 1874, s. 15.
[2] See Act XI, 1874, s. 16.
[3] Ditto ditto, s. 17.
[4] Ditto ditto, s. 18.

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[1] See Act XI, 1874, s. 19.
Ditto ditto, s. 20.

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[3, 4 and 5] See Act XI, 1874, s. 21.

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[1, 2, 3, 4 and 5] See Act XI, 1874, s. 22.
[6] Ditto ditto, s. 23.
[7 and 8] Ditto ditto, s. 24.
[9] See Act XI, 1874, s. 25.
[10] Ditto ditto, s. 26.
[11] Ditto ditto, s. 27.
[12] Ditto ditto, s. 28.
[13 and 14] See Act XI, 1874, s. 29.
[15] Ditto ditto, s. 30.

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[1] See Act XI, 1874, s. 31.
[2] Ditto ditto, s. 32.
[3] See Act XI, 1874, s. 33, para. 1.
[4] Ditto ditto, s. 33, para. 2.
[5, 6, and 7] Ditto ditto, s. 34.

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[1, 2, and 3] See Act XI, 1874, s. 35.

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[1] See Act XI, 1874, s. 36.

[2] See Act XI, 1874, s. 37.

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[1] and [2] See Act XI, 1874, s. 38.

[3] Ditto ditto, s. 39.

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(*g*) ...	(*h*)
(*h*) ...	.....
(*i*) ...	.....
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(*k*) ...	.....
(*l*) ...	235, *Ill.* (*j*)
(*m*) ...	(*l*)
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Act X of 1872.	Bill.
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(*p*) ...	(*c*)
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(*b*) ...	(*b*)
(*c*) ...	(*c*)
(*d*) ...	.....
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(*g*) ...	(*f*)
(*h*) ...	(*g*)
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464, para. 1 ...	367, paras. 1, 2 & 4 369
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[1] See Act XI, 1874, s. 40.

[2] See Act XI, 1874, s. 41.

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[1] See Act XI, 1874, s. 41.
[2] Ditto ditto, s. 42.
[3] See Act XI, 1874, s. 43.

Act X of 1872.	Bill.
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506 ...	110
507, para. 1 ...	123, para. 2
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508 ...	123, para. 3
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Act X of 1872.	Bill.
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[1] See Act XI, 1874, s. 44.

[2] See Act XI, 1874, s. 45.

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Table shewing correspondence of the section-numbers of Act XI of 1874 separately with those of the Bill.

Act XI of 1874.	Bill.
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4 ...	7, para. 1, cl. 2, para. 3
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8 ...	425
9 ...	178, *Proviso.*
10 ...	.....
11 ...	527
12 ...	447, para. 2, 448
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15 ...	218, cl. 1
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17 ...	260, cl. (*i*)
18 ...	193, para. 1
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20 ...	288
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2 ...	418, 423, cl. (*d*)
3 ...	371, para. 3
4 ...	.....
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23 ...	.....
24, cl. 1 ...	.....
2 ...	415, *Expln.*
25 ...	548
26 ...	Om., see secs. 421, 423
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31 ...	437
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33 ...	391, para. 2, 394
34, cl. 1 ...	401, para. 1
2 ...	4
3 ...	.....
35 ...	504, para. 1, 505, 507
36 ...	165, para. 4
37 ...	514, para. 5
38 ...	517, para. 1 & *Expln.*
39 ...	465, para. 2
40 ...	232, *Ill.*
41 ...	371, para. 1, 548
42 ...	4, last para.
43 ...	Chapter IX
44 ...	514, para. 4
45 ...	137, para. 2

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1 ...	...	31 ...	340
2 ...	2	32 ...	267
3 ...	4, 266	33 ...	274, 276
4 ...	334	34 ...	272
5 ...	335	35 ...	451
6 ...	5	36 ...	452
7 ...	226	37 ...	452
8 ...	226	38 ...	276
9 ...	227	39 ...	311
10 ...	227	40 ...	312
11 ...	228	41 ...	312
12 ...	229	42 ...	313
13 ...	210, 548	43 ...	313
14 ...	273, 403	44 ...	314
15 ...	231	45 ...	315
16 ...	230	46 ...	318
17 ...	233	47 ...	277, 278
18 ...	234	48 ...	279
19 ...	235	49 ...	276
20 ...	236	50 ...	316
21 ...	237	51 ...	317
22 ...	238	52 ...	.....
23 ...	239	53 ...	277
24 ...	225	54 ...	278
25 ...	534	55 ...	279
26 ...	220	56 ...	279
27 ...	336	57 ...	278
28 ...	271	58 ...	280
29 ...	271	59 ...	286
30 ...	272	60 ...	287

Act X of 1875.	Bill.	Act X of 1875.	Bill.
61 ...	342	92 ...	300
62 ...	289, 290	93 ...	299
63 ...	292	94 ...	301
64 ...	293	95 ...	303
65 ...	296	96 ...	302
66 ...	344	97 ...	305
67 ...	295	98 ...	305
68 ...	365	99 ...	283
69 ...	294	100 ...	308
70 ...	543	101 ...	434
71 ...	509	102 ...	240
72 ...	510	103 ...	384
73 ...	.....	104 ...	384, 385
74 ...	512	105 ...	386, 387
75 ...	288	106 ...	545, 546
76 ...	503, 504, 505, 507	107 ...	.....
77 ...	338	108 ...	392, 394, 395
78 ...	339	109 ...	35
79 ...	.....	110 ...	396
80 ...	540	111 ...	397
81 ...	90	112 ...	399
82 ...	87	113 ...	368
83 ...	89	114 ...	382
84 ...	90	115 ...	517
85 ...	291	116 ...	544
86 ...	94	117 ...	403
87 ...	96	118 ...	211
88 ...	104	119 ...	511
89 ...	485	120 ...	465
90 ...	297	121 ...	466
91 ...	293	122 ...	467

Act X of 1875.	Bill.	Act X of 1875.	Bill.
123 ...	468	139 ...	513
124 ...	470	140 ...	106
125 ...	471	141 ...	106
126 ...	473	142 ...	522
127 ...	472	143 ...	1
128 ...	474	144 ...	.....
129 ...	475	145 ...	194
130 ...	341	146 ...	338
131 ...	196	147 ...	526
132 ...	197	148 ...	491
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134 ...	195	150 ...	352
135 ...	476	151 ...	345
136 ...	498	152 ...	25
137 ...	514	153 ...	558
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2 ...	.....	32 ...	203
3 ...	1	33 ...	204
4 ...	.....	34 ...	90, 204
5 ...	342, 558	35 ...	204
6 ...	4	36 ...	90
7 ...	.....	37 ...	205
8 ...	7, 18, 19, 20, 25	38 ...	196
9 ...	18, 20, 21	39 ...	197
10 ...	3	40 ...	195
11 ...	32	41 ...	195
12 ...	33	42 ...	195
13 ...	35	43 ...	195
14 ...	5	44 ...	476
15 ...	64	45 ...	199
16 ...	164	46 ...	195, 196, 197
17 ...	551	47 ...	68
18 ...	177	48 ...	69
19 ...	179	49 ...	70
20 ...	180	50 ...	73
21 ...	182	51 ...	74
22 ...	181	52 ...	93
23 ...	185	53 ...	90
24 ...	531	54 ...	186
25 ...	191	55 ...	186
26 ...	.....	56 ...	75, 77
27 ...	204	57 ...	.....
28 ...	191	58 ...	76
29 ...	198	59 ...	77
30 ...	200	60 ...	79

Act IV of 1877.	Bill.	Act IV of 1877.	Bill.
61 ...	.....	92 ...	216
62 ...	65	93 ...	217
63 ...	82	94 ...	221
64 ...	83, 84	95 ...	222
65 ...	85, 86	96 ...	223
66 ...	.....	97 ...	554
67 ...	87	98 ...	225
68 ...	88	99 ...	227
69 ...	89	100 ...	227
70 ...	63, 496	101 ...	228
71 ...	497	102 ...	229
72 ...	499	103 ...	231
73 ...	500	104 ...	230
74 ...	496	105 ...	233
75 ...	501	106 ...	234
76 ...	502	107 ...	235
77 ...	514	108 ...	236
78 ...	514	109 ...	237
79 ...	514	110 ...	238
80 ...	513	111 ...	239
81 ...	207	112 ...	240
82 ...	208	113 ...	403
83 ...	208, 353	114 ...	241, 370
84 ...	364	115 ...	362
85 ...	540	116 ...	254
86 ...	344	117 ...	246, 537
87 ...	209	118 ...	247, 259
88 ...	210	119 ...	242
89 ...	210, 213, 220	120 ...	243, 255
90 ...	210	121 ...	244, 256
91 ...	211, 212, 213, 219, 291	122 ...	254, 255
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Act IV of 1877.	Bill.	Act IV of 1877.	Bill.
124 ...	92, 344	155 ...	512
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127 ...	347	158 ...	503
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150 ...	337	181 ...	526
151 ...	339	182 ...	441
152 ...	509	183 ...	383, 390
153 ...	510	184 ...	384
154 ...	511	185 ...	386, 387, 388, 389, 538

Act IV of 1877.	Bill.	Act IV of 1877.	Bill.
186 ...	535	217 ...	90, 114
187 ...	391	218 ...	116
188 ...	392	219 ...	119
189 ...	394	220 ...	118
190 ...	393	221 ...	123
191 ...	395	222 ...	112
192 ...	396	223 ...	123
193 ...	397	224 ...	120
194 ...	464	225 ...	124
195 ...	469	226 ...	126
196 ...	466	227 ...	121
197 ...	467	228 ...	514
198 ...	468	229 ...	514
199 ...	470	230 ...	511
200 ...	471	231 ...	107, 109, 110
201 ...	473	232 ...	111
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204 ...	475	235 ...	489
205 ...	480	236 ...	490
206 ...	246, 482	237 ...	558
207 ...	481	238 ...	184
208 ...	106	239 ...	184
209 ...	106	240 ...	432
210 ...	120	241 ...	433
211 ...	.....	242 ...	250, 563
212 ...	109	243 ...	517
213 ...	110	244 ...	517, 523, 524
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215 ...	107	246 ...	44
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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1882, and is hereby promulgated for general information :—

Act No. VIII of 1882.

An Act to amend the Indian Penal Code.

[illegible] purpose of amending the Indian Penal Code; It is hereby enacted as follows :—

Amendment of section [illegible] of Indian Penal Code.

[illegible] the second clause of section 40 of the said Code, before the figure "109," the figures "64, 65, 66, 71," shall be inserted.

Amendment of section 64 of same Code.

2. In section 64 of the said Code, for the first twelve words, the following shall be substituted, namely :—

"In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

"and in every case of an offence punishable with fine only, in which the offender is sentenced to a fine."

Amendment of section 67 of same Code.

3. In section 67, after the words "fine only," the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

Addition to section 71 of same Code.

4. To section 71 of the said Code, the following clause shall be added :—

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

"where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

"the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences."

Amendment of section 73 of same Code.

5. In section 73 of the said Code, for the words "be less than a" the words "shall not exceed one" shall be substituted.

New Exception to section 214 of same Code.

6. In section 214 of the said Code, for the Exception, the following shall be substituted, namely :—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

Amendment of section 309 of same Code.

7. In section 309 of the said Code, for the last seven words the words "or with fine or with both" shall be substituted.

Amendment of section 335 of same Code.

8. In section 335 of the said Code, before the word "causes" the word "voluntarily" shall be inserted.

Amendment of section 410 of same Code.

9. In section 410 of the said Code, after the words "designated as 'stolen property'" the following words shall be inserted, namely :—"whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without British India"; and the words "offence of" shall be omitted.

Addition to section 435 of same Code.

10. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely :—

"or (where the property is agricultural produce) ten rupees or upwards."

Local extent. Commencement.

11. This Act extends to the whole of British India; and shall come into force on the first day of January, 1883.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1882, and is hereby promulgated for general information :—

ACT No. IX OF 1882.

An Act to amend the Prisoners' Act, 1871.

Preamble.

WHEREAS it is expedient to amend Act No. V of 1871 (*to consolidate the laws relating to Prisoners confined by order of a Court*); It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Prisoners' Act Amendment Act, 1882":

Local extent.

it extends to the whole of British India;

Commencement.

and it shall come into force on the first day of January, 1883.

Section substituted for section 33, Act V of 1871.

2. For section thirty-three of the said Act the following shall be substituted (namely) :—

Governor General in Council to appoint places to which persons sentenced to transportation shall be sent.

"33. The Governor General in Council may, from time to time, appoint places within British India to which persons sentenced to transportation shall be sent: and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed,

Local Government to direct removal of such persons to places appointed.

except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence."

R. J. CROSTHWAITE;

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th March, 1882, and is hereby promulgated for general information :—

ACT No. X 1882.

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CHAPTER II.

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An Act to consolidate and amend the law relating to Criminal Procedure.

Preamble.

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

PART I.

PRELIMINARY.

CHAPTER I.

Short title. Commencement.

1. This Act may be called "The Code of Criminal Procedure, 1882": and shall come into force on the first day of January, 1883;

Local extent.

It extends to the whole of British India; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law now in force, or shall apply to—

(*a*) the Commissioners of Police in the towns of Calcutta, Madras and Bombay, or the police in the towns of Calcutta and Bombay;

(*b*) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the Presidencies of Fort St. George and Bombay respectively;

(*c*) heads of villages in the Presidency of Fort Saint George; or

(*d*) village Police-officers in the Presidency of Bombay:

(*e*) and nothing in sections 174, 175 and 176 shall apply to the police in the town of Madras.

Repeal of enactments.

2. On and from the first day of January, 1883, the enactments mentioned in the first schedule shall be repealed to the extent specified in the third column thereof, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Notifications, &c., under repealed Acts.

All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding section of this Code.

References to Code of Criminal Procedure and other repealed enactments.

3. In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of, the Code of Criminal Procedure, Act No. XXV of 1861, or Act No. X of 1872, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding chapter or section.

Expressions in former Acts.

In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate", "Subordinate Magistrate, first class", and "Subordinate Magistrate, second class", shall respectively be deemed to mean "Magistrate of the first class", "Magistrate of the second class", and "Magistrate of the third class"; the expression "Magistrate of a division of a district" shall be deemed to mean "Sub-divisional Magistrate", the expression "Magistrate of the district" shall be deemed to mean "District Magistrate", and the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate."

Interpretation-clause.

4. In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

"Complaint":

(*a*) "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence; but does not include the report of a Police-officer:

"Investigation":

(*b*) "Investigation" includes all the proceedings under this Code for the collection of evidence conducted by the police or by any person (other than a Magistrate or Police-officer) who is authorized by a Magistrate in this behalf:

"Inquiry":

(*c*) "Inquiry" includes every inquiry conducted under this Code by a Magistrate or Court:

"Judicial proceeding":

(*d*) "Judicial proceeding" means any proceeding in the course of which evidence is or may be legally taken:

"Writing and "written":

(*e*) "Writing" and "written" include "printing", "lithography", "photography", "engraving", and every other mode in which words or figures can be expressed on paper or on any substance:

"Sub-division":

(*f*) "Sub-division" means a sub-division made under this Code of a District:

"Province":

(*g*) "Province" means the territories for the time being under the administration of any Local Government:

"Presidency-town":

(*h*) "Presidency-town" means the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay:

"High Court":

(*i*) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Panjab and the Recorder of Rangoon:

In other cases "High Court" means the highest Court of criminal appeal or revision for any local area;

or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may appoint in this behalf:

"Chief Justice":

(*j*) "Chief Justice" includes also the senior Judge of a Chief Court:

"Advocate General":

(*k*) "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such officer as the Local Government may, from time to time, appoint in this behalf:

"Clerk of the Crown":

(*l*) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

"Public Prosecutor":

(*m*) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor; and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction:

"Pleader":

(*n*) "Pleader" used with reference to any proceeding in any Court, means a pleader authorized under any law for the time being in force to practise in such Court, and includes (1) an advocate, a vakíl and an attorney of a High Court so authorized, and (2) any mukhtár or other person appointed with the permission of the Court to act in such proceeding:

"Police-station":

(*o*) "Police-station" means any post declared, generally or specially, by the Local Government to be a Police-station for the purposes of this Code, and includes any local area specified by the Local Government in this behalf; and "Officer in charge of a Police-station" includes, when the officer in charge of the Police-station is absent therefrom or unable from illness to perform his duties, the Police-officer present at the Police-station who is next in rank to such officer and is above the rank of constable, or, when the Local Government so directs, any other Police-officer so present:

"Offence":

(*p*) "Offence" means any act or omission made punishable by any law for the time being in force:

"Cognizable offence": "Cognizable case":

(*q*) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant:

"Non-cognizable offence": "Non-cognizable case":

"Non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may not arrest without warrant:

"Bailable offence": "Non-bailable offence":

(*r*) "Bailable offence" means an offence shewn as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

"Warrant-case":

(*s*) "Warrant-case" means a case relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months:

"Summons-case":

(*t*) "Summons-case" means a case relating to an offence not so punishable:

(*u*) "European British subject" means—

"European British subject":

(1) any subject of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(2) any child or grand-child of any such person by legitimate descent:

"Chapter": "Schedule":

(*v*) "Chapter" means a chapter of this Code; and "Schedule" means a schedule hereto annexed:

"Place."

(*w*) "Place" includes also a house, building, tent and vessel.

Words referring to acts.

Words which refer to acts done extend also to illegal omissions; and

Words to have same meaning as in Penal Code.

all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

Trial of offences under Penal Code.

5. All offences under the Indian Penal Code shall be inquired into and tried according to the provisions hereinafter contained; and all offences under any other law shall be inquired into and tried according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of inquiring into or trying such offences.

Trial of offences against other laws.

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

Classes of Criminal Courts.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely :—

I.—Courts of Session :
II.—Courts of Presidency Magistrates :
III.—Courts of Magistrates of the first class :
IV.—Courts of Magistrates of the second class :
V.—Courts of Magistrates of the third class.

B.—Territorial Divisions.

Sessions Divisions :

7. Every Province (excluding the Presidency-towns) shall be a Sessions Division, or shall consist of Sessions Divisions ;

Districts.

and every Sessions Division shall, for the purposes of this Code, be a District or consist of Districts.

Power to alter Divisions and Districts.

The Local Government may alter the limits, or, with the previous sanction of the Governor General in Council, the number, of such Divisions and Districts.

Existing Divisions and Districts maintained till altered.

The Sessions Divisions and Districts existing when this Code comes into force shall be Sessions Divisions and Districts respectively, unless and until they are so altered.

Presidency-towns to be deemed Districts.

Every Presidency-town shall, for the purposes of this Code, be deemed to be a District.

Power to divide Districts into Sub-divisions.

8. The Local Government may divide any District outside the Presidency-towns into Sub-divisions, or make any portion of any such District a Sub-division, and may alter the limits of any Sub-division.

Existing Sub-divisions maintained.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

C.—Courts and Offices outside the Presidency-towns.

Court of Session.

9. The Local Government shall establish a Court of Session for every Sessions Division, and appoint a Judge of such Court.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

District Magistrate.

10. In every District outside the Presidency-towns, the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

Officers temporarily succeeding to vacancies in office of District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Subordinate Magistrates.

12. The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns ; and the Local Government, or the District Magistrate subject to the control of the Local Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Local limits of their jurisdiction.

Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such District.

Power to put Magistrate in charge of Sub-division.

13. The Local Government may place any Magistrate of the first or second class in charge of a Sub-division, and relieve him of the charge as occasion requires.

Such Magistrates shall be called Sub-divisional Magistrates.

Delegation of powers to District Magistrate.

The Local Government may delegate its powers under this section to the District Magistrate.

Special Magistrates.

14. The Local Government may confer upon any person all or any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Such Magistrates shall be called Special Magistrates.

With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Benches of Magistrates.

15. The Local Government may direct any two or more Magistrates in any place outside the Presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Local Government thinks fit.

Powers exercisable by Bench in absence of special direction.

Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members who is present taking part in the proceedings as a member of the Bench belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches.

16. The Local Government may, or, subject to the control of the Local Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any District respecting the following subjects :—

(*a*) the classes of cases to be tried ;

(*b*) the times and places of sitting ;

(*c*) the constitution of the Bench for conducting trials ;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of Magistrates and Benches to District Magistrate ;

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Magistrates and Benches ; and

to Sub-divisional Magistrate.

every Magistrate (other than a Sub-divisional Magistrate) and every Bench exercising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

Subordination of Assistant Sessions Judges to Sessions Judge.

All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

Appointment of Presidency Magistrates.

18. The Local Government shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a Bench.

Local limits of their jurisdiction.

19. Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Bombay Court of Petty Sessions.

20. Every Presidency Magistrate in the town of Bombay shall exercise all jurisdiction which, under any law in force immediately before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions :

Provided that appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

Chief Magistrate.

21. Every Chief Magistrate shall exercise within the local limits of his jurisdiction all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Magistrate, and may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town ;

(*b*) the times and places at which Benches of Magistrates shall sit ;

(*c*) the constitution of such Benches ; and

(*d*) the mode of settling differences of opinion which may arise between Magistrates in session.

E.—Justices of the Peace.

Justices of the Peace for the Mufassal.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the Presidency-towns,

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and for the territories mentioned in such notification

Justices of the Peace for the Presidency-towns.

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

Present Justices of the Peace.

24. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the said towns.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

Ex officio Justices of the Peace.

25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General, the Judges of the High Courts and the Recorder of Rangoon are Justices of the Peace within and for the whole of British India, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

F.—Suspension and Removal.

Suspension and removal of Judges and Magistrates.

26. All Judges of Criminal Courts other than the High Courts established by Royal Charter, and all Magistrates, may be suspended or removed from office by the Local Government:

Provided that such Judges and Magistrates as now are liable to be suspended or removed from office by the Governor General in Council only shall not be suspended or removed from office by any other authority.

Suspension and removal of Justices of the Peace.

27. The Governor General in Council may suspend or remove from office any Justice of the Peace appointed by him, and the Local Government may suspend or remove from office any Justice of the Peace appointed by it.

CHAPTER III.

POWERS OF COURTS.

A.—Description of Offences cognizable by each Court.

Offences under Penal Code.

28. Subject to the other provisions of this Code, any offence under the Indian Penal Code may be tried by the High Court or Court of Session or by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.

Offences under other laws.

29. Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

When no Court is so mentioned, it may be tried by the High Court or by any Court constituted under this Code: Provided that—

(*a*) no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years;

(*b*) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(*c*) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

Offences not punishable with death.

30. In the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

Sentences which High Courts and Sessions Judges may pass.

31. A High Court may pass any sentence authorized by law.

A Sessions Judge, Additional Sessions Judge or Joint Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

An Assistant Sessions Judge may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding three years passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge.

Sentences which Magistrates may pass.

32. The Courts of Magistrates may pass the following sentences, namely:—

(*a*) Courts of Presidency Magistrates and of Magistrates of the first class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law; Fine not exceeding one thousand rupees: Whipping.
(*b*) Courts of Magistrates of the second class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorized by law; Fine not exceeding two hundred rupees; Whipping.
(*c*) Courts of Magistrates of the third class.	Imprisonment for a term not exceeding one month; Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

No Court of any Magistrate of the second class shall pass a sentence of whipping unless he is specially empowered in this behalf by the Local Government.

Power of Magistrates to sentence to imprisonment in default of fine.

33. The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorized by law in case of such default: Provided that the term is not in excess of the Magistrate's powers under this Code:

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso as to certain cases.

The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Higher powers of certain District Magistrates.

34. The Court of a District Magistrate specially empowered under section 30 may pass any sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or of any combination of these punishments authorized by law.

But any sentence of imprisonment for a term exceeding three years passed by any such Court shall be subject to the confirmation of the Sessions Judge.

Sentence in cases of conviction of several offences at one trial.

35. When a person is convicted, at one trial, of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum term of punishment.

Provided as follows:—

(*a*) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years:

(*b*) if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

For the purpose of confirmation or appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

C.—Ordinary and Additional Powers.

Ordinary powers of Magistrates.

36. All District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third classes have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers".

Additional powers conferrible on Magistrates.

37. In addition to his ordinary powers, any Sub-divisional Magistrate or any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which he may be invested by the Local Government or the District Magistrate.

Control of District Magistrates' investing power.

38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Local Government.

D.—Conferment, Continuance and Cancellation of Powers.

Mode of conferring powers.

39. In conferring powers under this Code, the Local Government may by order empower persons specially by name or in virtue of their office, or classes of officials generally by their official titles.

Aid and information to Magistrates, the police and persons making arrests.

Every such order shall take effect from the date on which it is communicated to the person so empowered.

Continuance of powers of officers transferred.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an equal or higher office of the same nature within a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

Powers may be cancelled.

41. The Local Government may withdraw any powers conferred under this Code on any person by it or by any officer subordinate to it.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

Public when to assist Magistrates and police.

42. Every person is bound to assist a Magistrate or Police-officer reasonably demanding his aid, whether within or without the Presidency-towns,

(*a*) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest;

(*b*) in the prevention of a breach of the peace, or of any injury attempted to be committed to any railway, canal, telegraph or public property; or

(*c*) in the suppression of a riot or an affray.

Aid to person other than Police-officer, executing warrant.

43. When a warrant is directed to a person other than a Police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Public to give information of certain offences.

44. Every person, whether within or without the Presidency-towns, aware of the commission of, or of the intention of any other person to commit, any offence punishable under the following sections of the Indian Penal Code (namely) 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or Police-officer of such commission or intention.

Village-headmen, landholders and others bound to report certain matters.

45. Every village-headman, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, whichever is the nearer, any information which he may obtain respecting—

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, watchman or Police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;

(*c*) the commission of or intention to commit any non-bailable offence in or near such village;

(*d*) the occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances.

EXPLANATION.—In this section "village" includes village-lands.

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

Arrest how made.

46. In making an arrest, the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death, or with transportation for life.

Search of place entered by person sought to be arrested.

47. If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to

be arrested an opportunity of escape, for a Police-officer, to enter such place and search therein, and

in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Breaking open zanána.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation.

49. Any Police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint.

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

51. Whenever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

Mode of searching women.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Power to seize offensive weapons.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which [illegible] about his person, and shall deliver all weapons taken to the Court or officer before which [illegible] officer or person making the arrest is [illegible] this Code to produce the person arrested.

B.—Arrest without Warrant.

When police may arrest without warrant.

54. Any Police-officer may, without an order from a Magistrate and without a warrant, arrest—

first—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking;

thirdly—any person who has been proclaimed as an offender either under this Code or by order of the Local Government;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly—any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; and

sixthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy.

This section applies to the police in the towns of Calcutta and Bombay.

Arrest of vagabonds, habitual robbers, &c.

55. Any officer in charge of a Police-station may, in like manner, arrest or cause to be arrested—

(*a*) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Procedure when Police-officer deputes subordinate to arrest without warrant.

56. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence for which the arrest is to be made.

Refusal to give name and residence.

57. When any person in the presence of a Police-officer commits or is accused of committing a non-cognizable offence, and refuses on

demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained; and he shall, within twenty-four hours from the arrest, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

58. A Police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this chapter, pursue such person into any place in British India.

Pursuit of offenders into other jurisdictions.

59. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;

Arrest by private persons.

and shall, without unnecessary delay, make over any person so arrested to a Police-officer; or, in the absence of a Police-officer, take such person to the nearest Police-station.

Procedure on such arrest.

If there is reason to believe that such person comes under the provisions of section 54, a Police-officer shall re-arrest him.

If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no reason to believe that he has committed any offence, he shall be at once discharged.

60. A Police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

61. No Police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Person arrested not to be detained more than 24 hours.

62. Officers in charge of Police-stations shall report to the District Magistrate, or, if he so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Police to report apprehensions.

63. No person who has been arrested by a Police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Discharge of person apprehended.

64. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Offence committed in Magistrate's presence.

65. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Arrest by or in presence of Magistrate.

66. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in British India.

Power, on escape, to pursue and retake.

67. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a Police-officer having authority to arrest.

Provisions of sections 47, 48 and 49 to apply to arrests under section 66.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—Summons.

68. Every summons issued by a Court under this Code shall be in writing in duplicate signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may, from time to time, by rule, direct.

Form of summons.

Such summons shall be served by a Police-officer; or, subject to such rules consistent with this Code as the Local Government may prescribe in this behalf, by an officer of the Court issuing it.

Summons by whom served.

This section applies to the police in the towns of Calcutta and Bombay.

69. The summons shall if practicable be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Summons how served.

Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Signature of receipt for summons.

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male

Service when person summoned cannot be found.

his family, or, in a Presidency-town, with his servant residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

71. If the signature mentioned in sections 69 and 70 cannot by the exercise of due diligence be obtained, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Procedure when receipt cannot be obtained.

72. Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court with the endorsement required by that section.

Service on servant of Government or of Railway Company.

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Service of summons outside local limits.

74. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

Proof of service in such cases, and when serving officer not present.

The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.—Warrant of Arrest.

75. Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or, in the case of a Bench of Magistrates, by any member of such Bench; and shall bear the seal of the Court.

Form of warrant of arrest.

Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

Continuance of warrant

76. Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

Court may direct security to be taken.

The endorsement shall state (*a*) the number of sureties, (*b*) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (*c*) the time at which he is to attend before the Court.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the bond to the Court.

Recognizance to be forwarded.

77. A warrant of arrest shall ordinarily be directed to one or more Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

Warrants to whom directed.

When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrant to several persons.

78. A District Magistrate or Sub-divisional Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Warrant may be directed to landholders, &c.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

79. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Warrant directed to Police-officer.

80. The Police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Notification of substance of warrant.

81. The Police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Person arrested to be brought before Court without delay.

82. A warrant of arrest may be executed at any place in British India.

Where warrant may be executed.

83. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

Warrant forwarded to Magistrate for execution outside jurisdiction.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.

84. When a warrant directed to a Police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Warrant directed to Police-officer for execution outside jurisdiction.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

This section applies to the police in the towns of Calcutta and Bombay.

85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Procedure on arrest of person against whom warrant issued.

86. Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

Procedure by Magistrate before whom person arrested is brought.

Nothing in this section shall be deemed to prevent a Police-officer from taking security under section 76.

C.—Proclamation and Attachment.

87. If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

Proclamation for person absconding.

The proclamation shall be published as follows:—

(*a*) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(*b*) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides, or to some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

88. The Court may, after issuing a proclamation under section 87, order the attachment of any property, moveable or immoveable, or both, belonging to the proclaimed person.

Attachment of property of person absconding.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate within whose district such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made—

(*a*) by seizure; or

(*b*) by the appointment of a receiver; or

(*c*) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

(*d*) by all or any two of such methods, as the Court thinks fit.

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases—

(*e*) by taking possession; or

(*f*) by the appointment of a receiver; or

(*g*) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(*h*) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

89. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government under the last paragraph of section 88 appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

Restoration of attached property.

D.—Other rules regarding processes.

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest—

Issue of warrant in lieu of or in addition to summons.

(*a*) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Power to take bond for appearance.

92. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Arrest on breach of bond for appearance.

93. The provisions contained in this chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

Provisions in this chapter generally applicable to summonses and warrants of arrest.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—Summons to produce.

94. Whenever any Court, or, in any place beyond the limits of the towns of Calcutta and Bombay, any officer in charge of a Police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

Summons to produce document or other thing.

Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to a letter, post-card, telegram or other document in the custody of the Postal or Telegraph authorities.

95. If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require

Procedure as to letters and telegrams.

the Postal or Telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court directs.

If any such document is, in the opinion of any other Magistrate, or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

96. Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, paragraph one, has been or might be addressed will not or would not produce the document or other thing as required by such summons or requisition,

When search-warrant may be issued.

or where such document or other thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

Nothing herein contained shall authorize any Magistrate, other than a District Magistrate or Chief Presidency Magistrate, to grant a warrant to search for a document in the custody of the Postal or Telegraph authorities.

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Power to restrict warrant.

98. If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

Search of house suspected to contain stolen property, forged documents, &c.

or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same in manner specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

Disposal of things found in search beyond jurisdiction.

C.—Discovery of persons wrongfully confined.

100. If any Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

Search for persons wrongfully confined.

D.—General Provisions relating to searches.

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply to all search-warrants issued under section 96, section 98 or section 100.

Direction, &c., of search-warrants.

102. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Persons in charge of closed place to allow search.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

103. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

Search to be made in presence of witnesses.

The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses, but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

Occupant of place searched may attend.

E.—Miscellaneous.

104. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Power to impound document, &c., produced.

105. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search to be in his presence.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

Of Security for keeping the Peace and for Good Behaviour.

A.—Security for keeping the Peace on Conviction.

106. Whenever any person accused of rioting, assault or other breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation by threatening injury to person or property, is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

Security for keeping the peace on conviction.

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

107. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information that any person is likely to commit a breach of the peace, or to do any wrongful act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

Security for keeping the peace in other cases.

108. When any Magistrate not empowered to proceed under section 107, or a Court of Session or High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case under section 107.

Procedure of Magistrate, &c., not empowered to act under section 107.

A Magistrate before whom a person is sent under this section may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed.

109. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

Security for good behaviour from vagrants and suspected persons.

(*a*) that any person is taking precautions to conceal his presence within the local limits of such

Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

110. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government receives information that any person within the local limits of his jurisdiction is an habitual robber, housebreaker or thief, or an habitual receiver of stolen property knowing the same to have been stolen, or that he habitually commits extortion, or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury,

Security for good behaviour from habitual offenders.

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate thinks fit to fix.

111. The provisions of sections 109 and 110 do not apply to European British subjects in cases where they may be dealt with under the European Vagrancy Act, 1874.

Provisions as to European vagrants.

112. When a Magistrate acting under section 107, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Order to be made.

113. If the person in respect of whom such order is made is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

Procedure in respect of person present in Court.

114. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him, before the Court:

Summons or warrant in case of person not so present.

Provided that, whenever it appears to such Magistrate, upon the report of a Police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

115. Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Copy of order under section 112 to accompany summons or warrant.

116. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Power to dispense with personal attendance.

117. When an order under section 112 has been read or explained under section 113, to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which he has acted, and to take such further evidence as may appear necessary.

Inquiry as to truth of information.

Such inquiry shall be made, as nearly as may be practicable, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be framed.

For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

118. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:

Order to give security.

Provided—

first—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112:

secondly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

thirdly—that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

119. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

Discharge of person informed against.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

120. If any person in respect of whom an order requiring security is made under section 106 or section 118 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

Commencement of period for which security is required.

In other cases such period shall commence on the date of such order.

121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Contents of bond.

122. A Magistrate may refuse to accept any surety for good behaviour offered under this chapter, on the ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

Power to reject sureties.

123. If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security to the Court or Magistrate which or who made the order requiring it, or to the officer in charge of the jail in which the person so ordered is detained.

Imprisonment in default of security.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Proceedings when to be laid before High Court or Court of Session.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

Imprisonment for failure to give security for keeping the peace shall be simple.

Kind of imprisonment.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

124. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Power to release persons imprisoned for failing to give security.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such hazard, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

125. The District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace executed under this chapter by order of any Court in his District not superior to his Court.

Power of District Magistrate to cancel any bond for keeping the peace.

126. Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class to cancel any bond executed under this chapter within the local limits of his jurisdiction.

Discharge of sureties.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

CHAPTER IX.

UNLAWFUL ASSEMBLIES.

127. Any Magistrate or officer in charge of a Police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a

Assembly to disperse on command of Magistrate or Police-officer.

disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

This section applies to the police in the towns of Calcutta and Bombay.

Use of civil force to disperse.

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of military force.

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

Duty of officer commanding troops required by Magistrate to disperse assembly.

130. When a Magistrate determines to disperse any such assembly by military force, he may require any Commissioned or Non-commissioned officer in command of any soldiers in Her Majesty's Army or of any volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by military force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of Commissioned Military officers to disperse assembly.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any Commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but, if while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under this chapter.

132. No prosecution against any Magistrate, Military officer, Police-officer, soldier or volunteer for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council; and

(*a*) no Magistrate or Police-officer acting under this chapter in good faith,

(*b*) no officer acting under section 131 in good faith,

(*c*) no person doing any act in good faith in compliance with a requisition under section 128 or section 130, and

(*d*) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

PUBLIC NUISANCES.

Conditional order for removal of nuisance.

133. Whenever a District Magistrate, a Sub-divisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being injurious to the health or physical comfort of the community, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence its removal, repair or support is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, substance, tank, well or excavation, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, repair or support it; or

to alter the disposal of such substance; or

to fence such tank, well or excavation, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

EXPLANATION.—A "public place" includes also property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

Service or notification of order.

134. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Local Government may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey,

135. The person against whom such order is made shall—

(*a*) perform, within the time specified in the order, the act directed thereby; or

or show cause or claim jury.

(*b*) appear in accordance with such order, and either show cause against the same, or apply to the Magistrate by whom it was made to appoint a jury to try whether the same is reasonable and proper.

Consequence of his failing to do so.

136. If such person does not perform such act or appear and show cause or apply for the appointment of a jury as required by section 135, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code; and the order shall be made absolute.

Procedure where he appears to show cause.

137. If he appears and shows cause against the order, the Magistrate shall take evidence in the matter.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

Procedure where he claims jury.

138. On receiving an application under section 135 to appoint a jury, the Magistrate shall—

(*a*) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

(*b*) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

(*c*) fix a time within which they are to return their verdict.

Procedure where jury finds Magistrate's order to be reasonable.

139. If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

In other cases, no further proceedings shall be taken.

Procedure on order being made absolute.

140. When an order has been made absolute under section 136, section 137 or section 139, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Consequences of disobedience to order.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

No suit shall lie in respect of anything done in good faith under this section.

Procedure on failure to appoint jury or omission to return verdict.

141. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

Injunction pending inquiry.

142. If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public,

Temporary orders in urgent cases of Nuisance.

Disputes as to Immoveable Property.

he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisances.

143. A District Magistrate or Sub-divisional Magistrate, or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

CHAPTER XI.

Temporary Orders in Urgent Cases of Nuisance.

Power to issue order absolute at once in urgent cases of nuisance.

144. In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or of any other Magistrate specially empowered by the Local Government or the District Magistrate to act under this section, immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex parte*.

An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

Any Magistrate may rescind or alter any order made under this section by himself or any Magistrate subordinate to him or by his predecessor in office.

No order under this section shall remain in force for more than two months from the making thereof; unless; in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Local Government, by notification in the official Gazette, otherwise directs.

CHAPTER XII.

Disputes as to Immoveable Property.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

145. Whenever a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

Inquiry as to possession.

The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties is then in such possession of the said subject.

Party in possession to retain possession until legally evicted.

If the Magistrate decides that one of the parties is then in such possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Nothing in this section shall preclude any party so required to attend from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed.

Power to attach subject of dispute.

146. If the Magistrate decides that none of the parties is then in such possession, or is unable to satisfy himself as to which of them is then in such possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

Disputes concerning easements, &c.

147. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or directing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done obtains the decision of a competent Civil Court adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be:

Preventive Action of the Police.

Information to the Police and their powers to investigate.

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry; or, where the right is exercisable only at particular seasons, unless the right has been exercised during the season next before such institution.

Local inquiry.

148. Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

The report of the person so deputed may be read as evidence in the case.

Order as to costs.

When any costs have been incurred by any party to a proceeding under this chapter for witnesses' or pleaders' fees, or both, the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. All costs so directed to be paid may be recovered as if they were fines.

CHAPTER XIII.

Preventive Action of the Police.

Police to prevent cognizable offences.

149. Every Police-officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Information of design to commit such offences.

150. Every Police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences.

151. A Police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

152. A Police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Inspection of weights and measures.

153. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Information in cognizable cases.

154. Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a Police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

Information in non-cognizable cases.

155. When information is given to an officer in charge of a Police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

No Police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial, or of a Presidency Magistrate.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a Police-station may exercise in a cognizable case.

Investigation into cognizable cases.

156. Any officer in charge of a Police-station may, without the order of a Magistrate, investigate any cognizable case which a Court

having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

No proceeding of a Police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

157. If, from information received or otherwise, an officer in charge of a Police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender:

Procedure where cognizable offence suspected.

Provided as follows:—

(*a*) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot:

Where local investigation dispensed with.

(*b*) if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

Where Police-officer in charge sees no sufficient ground for investigation.

In each of the cases mentioned in clauses (*a*) and (*b*), the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first paragraph of this section.

158. Every report sent to a Magistrate under section 157 shall, if the Local Government so directs, be submitted through such superior officer of police as the Local Government, by general or special order, appoints in that behalf.

Reports under section 157 how submitted.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

159. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold an investigation or preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Power to hold investigation or preliminary inquiry.

160. Any Police-officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Police-officer's power to require attendance of witnesses.

161. Any Police-officer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Examination of witnesses by police.

Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

162. No statement, other than a dying declaration, made by any person to a Police-officer in the course of an investigation under this chapter shall, if reduced to writing, be signed by the person making it, or be used as evidence against the accused.

Statements to police not to be signed or admitted in evidence.

Nothing in this section shall be deemed to affect the provisions of section 27 of the Indian Evidence Act, 1872.

163. No Police-officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

No inducement to be offered.

But no Police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

164. Any Magistrate not being a Police-officer may record any statement or confession made to him in the course of an investigation under this chapter, or at any time afterwards before the commencement of the inquiry or trial.

Power to record statements and confessions.

Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he records any confession he shall make

a memorandum at the foot of such record to the following effect:—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

"(*Signed*) A. B.,
"*Magistrate.*"

165. Whenever an officer in charge of a Police-station, or a Police-officer making an investigation, considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and there is reason to believe that a person to whom a summons or order under section 94 has been or might be issued will not or would not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

Search by Police-officer.

Such officer shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

166. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

When officer in charge of Police-station may require another to issue search-warrant.

Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

167. Whenever it appears that any investigation under this chapter cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police-station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

Procedure when investigation cannot be completed in twenty-four hours.

The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

168. When any subordinate Police-officer has made any investigation under this chapter, he shall report the result of such investigation to the officer in charge of the Police-station.

Report of investigation by subordinate Police-officer.

169. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report and to try the accused or commit him for trial.

Release of accused when evidence deficient.

170. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial; or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

Case to be sent to Magistrate when evidence is sufficient.

When the officer in charge of a Police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so

many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference be given to such complainant or persons.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

171. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a Police-officer,

Complainants and witnesses not to be required to accompany Police-officer.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Complainants and witnesses not to be subjected to restraint.

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Recusant complainant or witness may be forwarded in custody.

172. Every Police-officer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Diary of proceedings in investigation.

Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

173. Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to a Magistrate empowered to take cognizance of the offence on a police report a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Report of Police-officer.

Where a superior officer of police has been appointed under section 158, the report shall be submitted through him, and he may, pending the orders of the Magistrate, direct the officer in charge of the Police-station to make further investigation.

Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

174. Every officer in charge of a Police-station, on receiving information that a person—

Police to inquire and report on suicide, &c.

(*a*) has committed suicide, or

(*b*) has been killed by another, or by an animal, or by machinery, or by an accident, or

(*c*) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

The report shall be signed by such Police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, or when for any other reason the Police-officer considers it expedient so to do, he shall, subject to such rules as the Local Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such

putrefaction on the road as would render such examination useless.

In the Presidencies of Fort St. George and Bombay, investigations under this section may be made by the Head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests; namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

175. An officer in charge of a Police-station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

Power to summon persons.

If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

176. When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (*a*), (*b*) and (*c*), any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police-officer; and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed, according to the circumstances of the case.

Inquiry by Magistrate into cause of death.

Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

Power to disinter corpse.

PART VI.
PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.
OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

177. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Ordinary place of inquiry and trial.

178. Notwithstanding anything contained in section 177, the Local Government may direct that any cases or class of cases committed for trial in any district may be tried in any Sessions Division:

Power to order cases to be tried in different Sessions Divisions.

Provided that such direction be not repugnant to any direction previously issued under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, or under this Code, section 523.

179. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Accused triable in district where act is done, or where consequence ensues.

Illustrations.

(*a*) A is wounded within the local limits of the jurisdiction of Court X and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried either by X or Z.

(*b*) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(*c*) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

180. When an act is an offence by reason of its relation to any other act which is also an offence, or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

Place of trial where act is offence by reason of relation to other offence.

Illustrations.

(*a*) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

181. The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits,

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust.

The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person, or the offence was committed.

Stealing.

The offence of stealing anything may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Place of inquiry or trial where scene of offence is uncertain,

182. When it is uncertain in which of several local areas an offence was committed, or

or not in one district only;

where an offence is committed partly in one local area and partly in another, or

or where offence is continuing,

where an offence is a continuing one, and continues to be committed in more local areas than one, or

or consists of several acts.

where it consists of several acts done in different local areas,

it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

Offence committed on a journey.

183. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Offences against Railway, Telegraph, Post-office and Arms Acts.

184. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office or Arms and Ammunition may be inquired into or tried in a Presidency-town, whether the offence is stated to have been committed within such town or not: Provided that the offender and all the witnesses necessary for his prosecution are to be found within such town.

High Court to decide, in case of doubt, district where inquiry or trial shall take place.

185. Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this chapter be inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually is may decide by which Court the offence shall be inquired into or tried.

In British Burma, when the offender is an European British subject, the Recorder of Rangoon, and in all other cases the Judicial Commissioner, shall for the purposes of this section be deemed to be the High Court.

Power to issue summons or warrant for offence committed beyond local jurisdiction.

186. When a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without British India) an offence which cannot, under the provisions of sections 177 to 184 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Magistrate's procedure on arrest.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Procedure where warrant issued by Subordinate Magistrate.

187. If the person has been arrested under a warrant issued under section 186 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186, such Magistrate shall send such person to such Court.

Liability of British subjects for offences committed out of British India.

188. When an European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Provided that no charge as to any such offence

Political Agent to certify fitness of inquiry into charge.

shall be inquired into in British India unless the Political Agent, if there be one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India:

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar to further proceedings against him under the Foreign Jurisdiction and Extradition Act, 1879, in respect of the same offence in any territory beyond the limits of British India.

Power to direct copies of depositions and exhibits to be received in evidence.

189. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

"Political Agent" defined.

190. In sections 188 and 189 the expression "Political Agent" means and includes—

(*a*) the principal officer representing the British Indian Government in any territory beyond the limits of British India;

(*b*) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India.

B.—Conditions requisite for Initiation of Proceedings.

Cognizance of offences by Magistrates.

191. Except as hereinafter provided, any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a police report of such facts;

(*c*) upon information received from any person other than a Police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

The Local Government, or the District Magistrate subject to the general or special orders of the Local Government, may empower any Magistrate to take cognizance under clause (*a*) or clause (*b*) of offences for which he may try or commit for trial.

The Local Government may empower any Magistrate of the first or second class to take cognizance under clause (*c*) of offences for which he may try or commit for trial.

Transfer of cases by Magistrates.

192. Any District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him.

Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his District who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

Cognizance of offences by Courts of Session.

193. Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused has been committed to it by a Magistrate duly empowered in that behalf.

Cases to be tried by Additional and Joint Sessions Judges;

Additional Sessions Judges and Joint Sessions Judges shall try such cases only as the Local Government by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

by Assistant Sessions Judges.

Assistant Sessions Judges shall try such cases only as the Sessions Judge of the Division by general or special order makes over to them for trial.

Cognizance of offences by High Court.

194. The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

195. No Court shall take cognizance—

Prosecution for contempts of lawful authority of public servants.

(*a*) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned, or of some public servant to whom he is subordinate;

Prosecution for certain offences against public justice.

(*b*) of any offence punishable under section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

(c) of any offence described in section 463, or punishable under section 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate.

Prosecution for certain offences relating to documents given in evidence.

The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

Nature of sanction necessary.

When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.

Any sanction given or refused under this section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate; and no such sanction shall remain in force for more than six months from the date on which it was given.

For the purposes of this section, every Court, other than a Court of Small Causes, shall be deemed to be subordinate only to the Court to which appeals from the former Court ordinarily lie.

The Courts of Small Causes in the Presidency-towns shall be deemed to be subordinate to the High Court, and every other Court of Small Causes shall be deemed to be subordinate to the Court of Session for the Sessions Division within which such Court is situate.

196. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Prosecution for offences against the State.

197. When any Judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Prosecution of Judges and public servants.

Such Government may determine the person by whom, and the manner in which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Power of Government as to prosecution.

198. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.

Prosecution for breach of contract, defamation and offences against marriage.

199. No Court shall take cognizance of an offence under section 497 or section 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

Prosecution for adultery or enticing a married woman.

CHAPTER XVI.

Of Complaints to Magistrates.

200. A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate:

Examination of complainant.

Provided as follows—

(a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192:

(b) where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and need not be reduced to writing; but the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

(c) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

201. If the complaint has been made in writing and the Magistrate is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper tribunal with an endorsement to that effect.

Procedure by Magistrate not competent to take cognizance of the case.

202. If the Chief Presidency Magistrate, or any other Presidency Magistrate whom the Local Government may from time to

Postponement of issue of process.

time authorize in this behalf, or any Magistrate of the first or second class, sees reason to distrust the truth of a complaint of an offence of which he is authorized to take cognizance, he may, when the complainant has been examined, record his reasons for distrusting the truth of the complaint, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be made by any officer subordinate to such Magistrate, or by a Police-officer, or by such other person, not being a Magistrate or Police-officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such investigation is made by some person not being a Magistrate or a Police-officer, he shall exercise all the powers conferred by this Code on an officer in charge of a Police-station, except that he shall not have power to arrest without warrant.

This section applies to the police in the towns of Calcutta and Bombay.

203. The Magistrate before whom a complaint is made or to whom it has been transferred may dismiss the complaint if, after examining the complainant and considering the result of the investigation (if any) made under section 202, there is in his judgment no sufficient ground for proceeding.

Dismissal of complaint.

CHAPTER XVII.

Of the Commencement of Proceedings before Magistrates.

204. If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding and the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which according to that column a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or some other Magistrate having jurisdiction.

Issue of process.

Nothing in this section shall be deemed to affect the provisions of section 90.

205. Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

Magistrate may dispense with personal attendance of accused.

But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

CHAPTER XVIII.

Of Inquiry into Cases triable by the Court of Session or High Court.

206. Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

Power to commit for trial.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

207. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court, or, in the opinion of the Magistrate, ought to be tried by such Court.

Procedure in inquiries preparatory to commitment.

208. The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

Taking of evidence produced.

If the complainant or officer conducting the prosecution, or the accused, applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

Process for production of further evidence.

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

209. When the evidence referred to in section 208, paragraphs 1 and 2, has been taken, and he has examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

When accused person to be discharged.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

210. When, upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he

When charge is to be framed.

shall frame a charge under his hand, declaring with what offence the accused is charged.

Charge to be explained, and copy furnished, to accused.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall, if he so requires, be given to him free of cost.

List of witnesses for defence on trial.

211. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

Further list.

The Magistrate may in his discretion allow the accused to give in any further list of witnesses at a subsequent time; and, where the accused is committed for trial before the High Court, nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Power of Magistrate to examine such witnesses.

212. The Magistrate may in his discretion summon and examine any witness named in any list given in to him under section 211.

Order of commitment.

213. When the accused on being required to give in a list under section 211 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 212, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) shall also record briefly the reasons for such commitment.

Person charged outside Presidency-towns jointly with European British subject.

214. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge arising out of the same transaction, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him for trial before the High Court, and not before the Court of Session.

Quashing commitments under section 213 or 214.

215. A commitment once made under section 213 or section 214 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

Summons to witnesses for defence when accused is committed.

216. When the accused has given in any list of witnesses under section 211 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself, to appear before the Court to which the accused has been committed:

Provided that where the accused has been committed to the High Court, the Magistrate may in his discretion leave such witnesses to be summoned by the Clerk of the Crown, and such witnesses may be summoned accordingly:

Refusal to summon unnecessary witness unless deposit made.

Provided also that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Bond of complainants and witnesses.

217. Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session or High Court, to prosecute or to give evidence, as the case may be.

Detention in custody in case of refusal to attend or to execute bond.

If any complainant or witness refuses to attend before the Court of Session or High Court, or to execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

Commitment when to be notified.

218. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge;

Charge, &c., to be forwarded to High Court or Court of Session.

and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

English translation to be forwarded to High Court.

When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

Power to summon supplementary witnesses.

219. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Such examination shall, if possible, be taken in the presence of the accused, and, where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

Custody of accused pending trial.

220. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

CHAPTER XIX.

OF THE CHARGE.

Form of Charges.

Charge to state offence.

221. Every charge under this Code shall state the offence with which the accused is charged.

Specific name of offence sufficient description.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only

How stated where offence has no specific name.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

What implied in charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

Language of charge.

In the Presidency-towns the charge shall be written in English; elsewhere it shall be written either in English or in the language of the Court.

Previous conviction when to be set out.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous conviction shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Illustrations.

(*a*) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300, or that, if it did fall within Exception 1, one or other of the three provisos to that exception applied to it.

(*b*) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(*c*) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(*d*) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Particulars as to time, place and person.

222. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

When manner of committing offence must be stated.

223. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

(*a*) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(*c*) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(*d*) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(*e*) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(*f*) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

224. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Words in charge taken in sense of law under which offence is punishable.

225. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Effect of errors.

Illustrations.

(*a*) A is charged, under section 242 of the Indian Penal Code with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d*) A is charged with the murder of Khoda Baksh on the 21st January, 1882. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January, 1882. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e*) A was charged with murdering Haidar Baksh on the 20th January, 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

226. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the Court, or, in the case of a High Court, the Clerk of the Crown, may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Code as to the form of charges.

Procedure on commitment without charge or with imperfect charge.

227. Any Court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Session or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Court may alter charge.

Every such alteration shall be read and explained to the accused.

228. If the charge framed or alteration made under section 226 or section 227 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may in its discretion, after such charge or alteration has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

When trial may proceed immediately after alteration.

229. If the new or altered charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

When new trial may be directed, or trial suspended.

230. If the offence stated in the new or altered charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

231. Whenever a charge is altered by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration, any witness who may have been examined.

Recall of witnesses when charge altered.

232. If any Appellate Court, or the High Court in the exercise of its powers of revision or of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

Effect of material error.

If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of Charges.

233. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

Separate charges for distinct offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

234. When a person is accused of more offences than one of the same kind, committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

Three offences of same kind within year may be charged together.

Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code, or of any special or local law.

235. I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

I.—Trial for more than one offence.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with and tried at one trial for each of such offences.

II.—Offence falling within two definitions.

III.—If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by such acts when combined, or for any offence constituted by any one, or more, of such acts

III.—Acts constituting one offence, but constituting when combined a different offence.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations

to paragraph I—

(*a*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and tried for, offences under sections 225 and 333 of the Indian Penal Code.

(*b*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.

(*c*) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(*d*) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code.

(*e*) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code.

(*f*) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(*g*) A, with six others, commits the offences of rioting, grievous hurt, and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Indian Penal Code.

(*h*) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in Illustrations (*a*) to (*h*) respectively may be tried at the same time.

to paragraph II—

(*i*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.

(*j*) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(*k*) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.

(*l*) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to paragraph III—

(*m*) A commits robbery on B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

236. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful what offence has been committed.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

237. If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

When a person is charged with one offence, he can be convicted of another.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

238. When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When offence proved included in offence charged.

When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

Illustrations.

(*a*) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(*b*) A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

239. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit; and the provisions contained in the former part of this chapter shall apply to all such charges.

What persons may be charged jointly.

Illustrations.

(*a*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

240. When more than one charge are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

Withdrawal of remaining charges on conviction on one of several charges.

CHAPTER XX.

Of the Trial of Summons-cases by Magistrates.

241. The following procedure shall be observed by Magistrates in the trial of summons-cases.

Procedure in summons-cases.

242. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Substance of accusation to be stated.

243. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Conviction on admission of truth of accusation.

244. If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

Procedure when no such admission is made.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

245. If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

246. A Magistrate may, under section 243 or section 245, convict the accused of any offence triable under this chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

247. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Non-appearance of complainant.

248. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Withdrawal of complaint.

249. In any case instituted otherwise than upon complaint, a Presidency Magistrate, a Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

Power to stop proceedings when no complainant.

250. If, in any case instituted upon complaint, a Magistrate acquits the accused under section 245 or section 247, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

Frivolous or vexatious complaints.

The sum so awarded shall be recoverable as if it were a fine: Provided that, if it cannot be realized, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

Recovery of compensation.

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER XXI.

Of the Trial of Warrant-cases by Magistrates.

251. The following procedure shall be observed by Magistrates in the trial of warrant-cases.

Procedure in warrant-cases.

252. When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

Evidence for prosecution.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

253. If upon taking all the evidence referred to in section 252, and making such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which if unrebutted would warrant his conviction, the Magistrate shall discharge him.

Discharge of accused.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

254. If, when such evidence and examination have been taken and made, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Charge to be framed when offence appears proved.

255. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

Plea.

If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

256. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

Defence.

If the accused puts in any written statement, the Magistrate shall file it with the record.

275. In a trial by jury, before the Court of Session, of a person not being an European or an American, a majority of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Jury for trial of persons not Europeans or Americans before Court of Session.

276. The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as the High Court may from time to time by rule direct:

Jurors to be chosen by lot.

Provided that—

Proviso.

first, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed;

Existing practice maintained.

secondly, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; and

Persons not summoned when eligible.

thirdly, in the Presidency-towns—

Trials before special jurors.

(*a*) if the accused person is charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed.

277. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Objection to jurors.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Objection without grounds stated.

278. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

Grounds of objection.

(*a*) some presumed or actual partiality in the juror;

(*b*) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, or being under the age of twenty-one or above the age of sixty years;

(*c*) his having by habit or religious vows relinquished all care of worldly affairs;

(*d*) his holding any office in or under the Court;

(*e*) his executing any duties of police or being entrusted with police-duties;

(*f*) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

(*g*) his inability to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted;

(*h*) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

279. Every objection taken to a juror shall be decided by the Court, and such decision shall be recorded and be final.

Decision of objection.

If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 276; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 278 and allowed.

Supply of place of juror against whom objection allowed.

280. When the jurors have been chosen, they shall appoint one of their number to be foreman.

Foreman of jury.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

281. When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873.

Swearing of jurors.

282. If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

Procedure when juror ceases to attend, &c.

In each of such cases the trial shall commence anew.

283. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

Discharge of jury in case of sickness of prisoner.

D.—Choosing Assessors.

284. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Assessors how chosen.

285. If, in the course of a trial with the aid of assessors, at any time before the finding, any assessor is, from any sufficient cause, prevented from attending throughout the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

Procedure when assessor is unable to attend.

If all the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

286. When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

Opening case for prosecution.

The prosecutor shall then examine his witnesses.

Examination of witnesses.

287. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Examination of accused before Magistrate to be evidence.

288. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Evidence given at preliminary inquiry admissible.

289. When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

Procedure after examination of witnesses for prosecution.

If he says that he does not, the prosecutor may sum up his case; and if the Court considers that there is no evidence that the accused committed the offence, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused or any one of several accused says that he means to adduce evidence and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused, or any one of several accused says that he means to adduce evidence, and the Court considers that there is evidence that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence, the Court shall call on the accused to enter on his defence.

290. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Defence.

291. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in sections 231 and 231, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Right of accused as to examination and summoning of witnesses.

292. If the accused, or any of the accused has stated, when asked under section 289, that he means to adduce evidence, the prosecutor shall be entitled to reply.

Prosecutor's right of reply.

293. Whenever the Court thinks that the jury or assessors should view any place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

View by jury or assessors.

Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

294. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

When juror or assessor may be examined.

295. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

296. The High Court may, from time to time, make rules as to keeping the jury together during a trial before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

Locking-up jury.

F.—Conclusion of Trial in Cases tried by Jury.

297. In cases tried by jury, when the case for the defence, and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Charge to jury.

298. In such cases, it is the duty of the Judge—

Duty of Judge.

(*a*) to decide all questions of law arising in the course of the trial, and especially all questions as to the relevancy of facts which it is proposed to prove, and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(*b*) to decide upon the meaning and construction of all documents given in evidence at the trial;

(*c*) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

(*d*) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a*) It is proposed to prove a statement made by a person not being a witness in the case, on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b*) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

299. It is the duty of the jury—

Duty of jury.

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(*a*) *A* is tried for the murder of *B*.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts *A* ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b*) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

300. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Retirement to consider.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

301. When the jury have considered their verdict, the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

Delivery of verdict.

302. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Procedure where jury differ.

303. Unless otherwise ordered by the Court, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Verdict to be given on each charge.
Judge may question jury.

Such questions and the answers to them shall be recorded.

Questions and answers to be recorded.

304. When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Amending verdict.

305. When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

Verdict in High Court when to prevail.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

If the Judge disagrees with the majority, he shall at once discharge the jury.

Discharge of jury in other cases.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

306. When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

Verdict in Court of Session when to prevail.

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

307. If in any such case the Sessions Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

Procedure where Sessions Judge disagrees with verdict.

Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.

G.—Re-trial of Accused after Discharge of Jury.

308. Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

Re-trial of accused after discharge of jury.

H.—Conclusion of Trial in Cases tried with Assessors.

309. When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion.

Delivery of opinions of assessors.

The Judge shall then give judgment; but in doing so shall not be bound to conform to the opinions of the assessors.

Judgment.

If the accused is convicted, the Judge shall pass sentence on him according to law.

I.—Procedure in Case of Previous Conviction.

310. In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction, for any offence, the procedure laid down in sections 271, 286, 305, 306 and 309 shall be modified as follows:—

Procedure in case of previous conviction.

(*a*) The part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(*b*) If he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge.

(*c*) If he answers that he has been so previously convicted the Judge may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury or the Court and the assessors (as the case may be) shall inquire concerning such previous conviction; and in such case (where the trial is by jury) it shall be necessary to swear the jurors again.

J.—List of Jurors for High Court, and summoning Jurors for that Court.

311. In each Presidency-town, the jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as jurors under this chapter.

Jurors' book.

Those persons whose names are entered in the jurors' book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

Exemption of special jurors.

312. The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

Number of special jurors.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare—

Lists of common and special jurors.

(*a*) a list of all persons liable to serve as common jurors; and

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council in the case of the High Court at Calcutta, and, in the case of other High Courts, the Local Government, may exempt any salaried officer of Government from serving as a juror.

Discretion of officer preparing lists.

The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Publication of lists, preliminary and revised.

314. Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

Number of jurors to be summoned in Presidency-town.

315. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions in each Presidency-town at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

Supplementary summons.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Summoning jurors outside the Presidency-towns.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the Presidency-towns for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list, in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Military jurors.

317. In addition to the persons so summoned as jurors, the said Court of Session shall, if it thinks needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Failure of jurors to attend.

318. Any person summoned under section 315, section 316 or section 317, who without lawful excuse fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

K.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

Liability to serve as jurors or assessors.

319. All male persons between the ages of twenty-one and sixty shall, except as next hereinafter mentioned, be liable to serve as jurors or assessors at any trial held within the District in which they reside.

Exemptions.

320. The following persons are exempt from liability to serve as jurors or assessors, namely :—

(*a*) Officers in civil employ superior in rank to a District Magistrate;

(*b*) Judges;

(*c*) Commissioners and Collectors of Revenue or Customs;

(*d*) Persons engaged in the Preventive Service in the Customs Department;

(*e*) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty;

(*f*) Persons actually officiating as priests or ministers of their respective religions;

(*g*) Persons in Her Majesty's Army, except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors;

(*h*) Surgeons and others who openly and constantly practise the medical profession;

(*i*) Persons employed in the Post-office and Telegraph Departments;

(*j*) Persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641;

(*k*) Other persons exempted by the Local Government from liability to serve as jurors or assessors.

List of jurors and assessors.

321. The Sessions Judge, and the Collector of the District or such other officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors and qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, and not likely to be successfully objected to under section 278, clauses (*b*) to (*h*), both inclusive.

The list shall contain the name, place of abode and quality or business of every such person; and if the person is an European or an American, the list shall mention the race to which he belongs.

Publication of list.

322. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside.

Objections to list.

323. To every such copy shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the Sessions Court-house, and at a time to be mentioned in the notice.

Revision of list.

324. For the hearing of such objections, the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service.

In the event of a difference of opinion between the Sessions Judge and the Collector or other officer as aforesaid, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Annual revision of list.

325. The list so prepared and revised shall be again revised once in every year.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

District Magistrate to summon jurors and assessors.

326. The Sessions Judge shall ordinarily, three days at least before the day which he may from time to time fix for holding the sessions, send a letter to the District Magistrate requesting him to summon as many persons named in the said revised list as seem to the Sessions Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any such trial.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

Power to summon another set of jurors or assessors.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Form and service of summons.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

When Government or Railway servant may be excused.

329. Where any person summoned to serve as a juror or assessor is in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appears, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

Court may excuse attendance of juror or assessor.

330. The Court of Session may for reasonable cause excuse any juror or assessor from attendance at any particular session.

List of jurors and assessors attending.

331. At each session, the said Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session.

Such list shall be kept with the list of the jurors and assessors as revised under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Trials before High Courts and Courts of Session.

332. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable, by order of the Court of Session, to a fine not exceeding one hundred rupees.

Penalty for non-attendance of juror or assessor.

Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may by order of the Court of Session be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

L.—Special Provisions for High Courts.

333. At any stage of any trial before a High Court under this Code before the return of the verdict, the Advocate General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs.

Power of Advocate General to stay prosecution.

334. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Time of holding sittings.

335. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, or the Local Government in the case of the other High Courts, may direct.

Place of holding sittings.

But it may, from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, and in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

Notice of sittings.

336. The High Court may direct that all European British subjects and persons liable to be tried by it under section 214, who have been committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

Place of trial of European British subjects.

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

337. In the case of any offence triable exclusively by the Court of Session or High Court, the District Magistrate, a Presidency Magistrate, any Magistrate of the first class inquiring into the offence, or, with the sanction of the District Magistrate, any other Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof.

Tender of pardon to accomplice.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial by the Court of Session or High Court, as the case may be.

Every Magistrate, other than a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when any Magistrate has made such tender and examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate.

338. At any time after commitment, but before judgment is passed, the Court to which the commitment is made may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or the District Magistrate to tender, a pardon on the same condition to such person.

Power to direct tender of pardon.

339. Where a pardon has been tendered under section 337 or section 338, and any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false

Commitment of person to whom pardon has been tendered.

evidence, not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been withdrawn under this section.

No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

Right of accused to be defended.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Procedure where accused does not understand proceedings.

342. For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

Power to examine the accused.

The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just.

The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

No oath shall be administered to the accused.

343. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

344. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order in writing, stating the reasons therefor, from time to time postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Power to postpone or adjourn proceedings.

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge or Magistrate.

EXPLANATION.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Reasonable cause for remand.

345. The offences punishable under the sections of the Indian Penal Code described in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table:—

Compounding of-fences.

Offence.	Sections of Indian Penal Code applicable	Person by whom offence may be compounded.
Uttering words, &c., with deliberate intent to wound the religious feelings of any person	298	The person whose religious feelings are intended to be wounded.
Causing hurt ...	323, 334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person	341, 342	The person restrained or confined.
Assault or use of criminal force ...	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person ..	426, 427	The person to whom the loss or damage is caused.
Criminal trespass ...	447	The person in possession of the property trespassed upon.
House-trespass ...	448	

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Criminal Breach of Contract of service ...	490, 491, 492	The person with whom the offender has contracted.
Adultery ...	497	The husband of the woman.
Enticing or taking away or detaining with a criminal intent a married woman ...	498	
Defamation ...	500	The person defamed.
Printing or engraving matter knowing it to be defamatory ...	501	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter ...	502	
Insult intended to provoke a breach of the peace ...	504	The person insulted.
Criminal intimidation, except when the offence is punishable with imprisonment for seven years ...	506	The person intimidated.

The offence of voluntarily causing hurt, voluntarily causing grievous hurt, causing hurt by an act which endangers life, or causing grievous hurt by an act which endangers life, punishable under section 324, section 335, section 357, or section 338 of the Indian Penal Code, may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

The composition of an offence under this section shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

346. If, in the course of an inquiry or a trial before a Magistrate in any district outside the Presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

Procedure of Provincial Magistrate in cases which he cannot dispose of.

The Magistrate to whom the case is submitted may, if so empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or commit the accused for trial.

347. If in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

Procedure when after commencement of inquiry or trial Magistrate finds case should be committed.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

348. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him an habitual offender, be committed to the Court of Session or High Court, as the case may be; or, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

Trial of persons previously convicted of offences against coinage, stamp-law or property.

349. Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion after hearing the evidence for the prosecution and the accused that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused, to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

Procedure when Magistrate cannot pass sentence sufficiently severe.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case, and may call for and take any further evidence; and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law: Provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 32 and 33.

350. Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the inquiry or trial:

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

Provided as follows:—

(*a*) In any trial, the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard:

(*b*) The High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

351. Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed; and may be proceeded against as though he had been arrested or summoned.

Detention of offenders attending Court.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Courts to be open.

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

353. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Evidence to be taken in presence of accused.

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Manner of recording evidence outside Presidency-towns.

355. In summons-cases tried before a Magistrate, other than a Presidency Magistrate, and in cases of the offences mentioned in section 260, clauses (*b*) to (*k*), both inclusive, when tried by a Magistrate of the first or second class, the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Record in summons-cases, and in trials of certain offences by first and second class Magistrates.

Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapters XII and XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

Record in other cases outside Presidency-towns.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Evidence given in English.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness

Memorandum when evidence not taken down by the Magistrate or Judge himself.

proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Language of record of evidence.

357. The Local Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence of each witness shall in the cases referred to in section 356 be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Local Government may direct the Sessions Judge or Magistrate to take down the evidence in the English language, or in the language of the Court, although such language is not his mother-tongue.

Option to Magistrate in cases under section 355.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Mode of recording evidence under section 356 or section 357.

359. Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

The Magistrate or Sessions Judge may in his discretion take down, or cause to be taken down, any particular question and answer.

Procedure in regard to such evidence when completed.

360. As the evidence of each witness taken under section 356 or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

Interpretation of evidence to accused or his pleader.

361. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Record of evidence in Presidency Magistrates' Courts.

362. In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall form part of the record.

Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Remarks respecting demeanour of witness.

363. When a Sessions Judge or Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Examination of accused how recorded.

364. Whenever the accused is examined by any Magistrate, or by any Court other than a High Court established by Royal Charter or the Chief Court of the Panjáb, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or English; and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of

such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

Record of evidence in High Court.

365. Every High Court established by Royal Charter and the Chief Court of the Panjáb may from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXVI.

OF THE JUDGMENT.

Mode of delivering judgment.

366. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in custody shall be required to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

Language of judgment.

367. Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English; and shall contain the point or points for determination, the decision thereon, and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it.

Contents of judgment.

It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Judgment in alternative.

When the conviction is under the Indian Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed:

Provided that, in trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury.

Sentence of death.

368. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of transportation.

No sentence of transportation shall specify the place to which the person sentenced is to be transported.

Court not to alter judgment.

369. No Court, other than a High Court, when it has signed its judgment shall alter or review the same, except as provided in section 395 or to correct a clerical error.

Presidency Magistrate's judgment.

370. Instead of recording a judgment in manner hereinbefore provided, a Presidency Magistrate shall record the following particulars:—

(*a*) the serial number of the case;

(*b*) the date of the commission of the offence;

(*c*) the name of the complainant (if any);

(*d*) the name of the accused person, and (except in the case of an European British subject) his parentage and residence;

(*e*) the offence complained of or proved;

(*f*) the plea of the accused and his examination (if any);

(*g*) the final order;

(*h*) the date of such order; and

(*i*) in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

Judgment to be explained and copy given to accused.

371. The judgment shall be explained to the accused, and on his application a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. Such copy shall, in any case other than a summons-case, be given free of cost.

Submission of Sentences for Confirmation.

In trials by jury in a Court of Session, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

Case of person sentenced to death.

When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Judgment when to be translated.

372. The original judgment shall be filed with the record of proceedings, and where the original is recorded in a different language from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

Court of Session to send copy of finding and sentence to District Magistrate.

373. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

CHAPTER XXVII.

Of the Submission of Sentences for Confirmation.

Sentence of death to be submitted by Court of Session.

374. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Power to direct further inquiry to be made or additional evidence to be taken.

375. If when such proceedings are submitted the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself or direct it to be made or taken by the Court of Session.

Such inquiry shall not be made nor shall such evidence be taken in the presence of jurors or assessors, and, unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is made or taken.

When the inquiry and the evidence (if any) are not made and taken by the High Court, the result of such inquiry and the evidence shall be certified to such Court.

Power of High Court to confirm sentence or annul conviction.

376. In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or

(*b*) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(*c*) may acquit the accused person :

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Submission of Sentence for Confirmation.

Confirmation or new sentence to be signed by two Judges.

377. In every case so submitted, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be made, passed and signed by at least two of them.

Procedure in case of difference of opinion.

378. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in cases submitted to High Court for confirmation.

379. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to the Court of Session.

Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 34.

380. When a sentence passed by an Assistant Sessions Judge or by a District Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge—

(*a*) may confirm the sentence, or pass any other sentence which the lower Court might have passed; or

(*b*) may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge; or

(*c*) may acquit the accused; or

(*d*) if he thinks further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

Unless the Court of Sessions otherwise direct, the presence of the convicted person may be dispensed with when such inquiry is made or evidence taken; and, when the sentence has been submitted by an Assistant Sessions Judge, such inquiry shall not be made, nor shall such evidence be taken, in the presence of jurors or assessors.

When the inquiry and the evidence (if any) are not made and taken by the Court of Sessions, the result of such inquiry and the evidence shall be certified to such Court.

Execution.

CHAPTER XXVIII.

Of Execution.

Execution of order passed under section 376.

381. When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Postponement of capital sentence on pregnant woman.

382. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence to transportation for life.

Execution of sentences of transportation or imprisonment in other cases.

383. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court passing the sentence shall forthwith forward a warrant to the jail in which he is to be confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Direction of warrant for execution.

384. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Warrant with whom to be lodged.

385. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant for levy of fine.

386. Whenever an offender is sentenced to pay a fine, the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Effect of such warrant.

387. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

[illegible] pension of execution of sentence of imprisonment.

388. When an offender has been sentenced to fine only, and to imprisonment in default of payment of the fine, and the Court issues a warrant under section 386, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realized the Court may direct the sentence of imprisonment to be carried into execution at once.

Who may issue warrant.

389. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence or by his successor in office.

Execution of sentence of whipping only.

390. When the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

Execution of sentence of whipping, in addition to imprisonment.

391. When the accused is sentenced to whipping in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal be made within that time, until the sentence is confirmed by the Appellate Court: but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

The whipping shall be inflicted in the presence of the officer in charge of the jail: unless the Judge or Magistrate orders it to be inflicted in his own presence.

Mode of inflicting punishment.

392. In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light ratan not less than half an inch in diameter, in such mode, and on such part of the person, as the Local Government directs; and, in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Limit of number of stripes.

In no case shall such punishment exceed thirty stripes.

Not to be executed by instalments. Exemptions.

393. No sentence of whipping shall be executed by instalments; and none of the following persons shall be punishable with whipping (namely) :—

(*a*) females;

(*b*) males sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years;

(*c*) males whom the Court considers to be more than forty-five years of age.

394. The punishment of whipping shall not be inflicted unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Whipping not to be inflicted if offender not in fit state of health.

If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Stay of execution.

395. In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Procedure if punishment cannot be inflicted under section 394.

Nothing in this section shall be deemed to authorize any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

396. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say :—

Execution of sentences on escaped convicts.

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

EXPLANATION.—For the purposes of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

397. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced:

Sentence on offender already sentenced for another offence.

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

398. Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Saving as to sections 396 and 397.

399. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Local Government prescribes with regard to the discipline and training of persons confined therein.

Confinement of youthful offenders in reformatories.

All persons confined under this section shall be subject to the rules so prescribed.

400. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

Return of warrant on execution of sentence.

CHAPTER XXIX.

OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES.

401. When any person has been sentenced to punishment for an offence, the Governor General in Council, or the Local Government, may at any time, without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Power to suspend or remit sentences.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion.

If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor General in Council or the Local Government, the Governor General in Council or the Local Government, as the case may be, may cancel such suspension or remission, whereupon such person may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites or remissions of punishment.

402. The Governor General in Council, or the Local Government, may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it :—

Power to commute punishment.

death, transportation, penal servitude, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

CHAPTER XXX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

403. A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

Person once convicted or acquitted not to be tried for same offence.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

EXPLANATION.—The dismissal of a complaint, the stopping of proceedings under section 249, the discharge of the accused, or any entry made upon a charge under section 273, is not an acquittal for the purposes of this section.

Illustrations.

(*a*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(*b*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(*d*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(*e*) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph three of this section.

(*f*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.

OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.

OF APPEALS.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Unless otherwise provided, no appeal to lie.

405. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeal from order rejecting application for restoration of attached property.

406. Any person required by a Magistrate, other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 118, may appeal to the District Magistrate.

Appeal from order requiring security for good behaviour.

407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced under section 349 by a Sub-divisional Magistrate of the second class, may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the second or third class.

The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented to the District Magistrate shall be transferred to such Subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.

Transfer of appeals to first class Magistrate.

408. Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session:

Appeal from sentence of Assistant Sessions Judge or Magistrate of the first class.

Provided as follows:—

(*a*) when in any case an Assistant Sessions Judge or a District Magistrate passes any sentence which is subject to the confirmation of the Court of Session, every appeal in such case shall lie to the High Court, but shall not be presented until the case has been disposed of by the Court of Session;

(*b*) any European British subject so convicted may at his option appeal either to the High Court or the Court of Session.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional or Joint Sessions Judge.

Appeals to Court of Session how heard.

410. Any person convicted on a trial held by a Sessions Judge, or an Additional or a Joint Sessions Judge, may appeal to the High Court.

Appeal from sentence of Court of Session.

411. Any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees.

Appeal from sentence of Presidency Magistrate.

412. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Session or a Presidency Magistrate on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in certain cases when accused pleads guilty.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

No appeal in petty cases.

EXPLANATION.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases tried summarily in which a Magistrate empowered to act under section 260 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

No appeal from certain summary convictions.

415. An appeal may be brought against any sentence referred to in section 413 or section 414 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

Proviso to sections 413 and 414.

EXPLANATION.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed under Chapter XXXIII on European British subjects.

Saving of sentences on European British subjects.

417. The Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

Appeal on behalf of Government in case of acquittal.

418. An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall lie on a matter of law only.

Appeal on what matters admissible.

EXPLANATION.—The alleged severity of a sentence shall for the purposes of this section be deemed to be a matter of law.

419. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against, and, in cases tried by a jury, a copy of the heads of the charge recorded under section 367.

Petition of appeal.

420. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Procedure when appellant in jail.

421. On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and, if it considers that there is no sufficient ground for interfering, it may reject the appeal summarily: Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Summary rejection of appeal.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

422. If the Appellate Court does not reject the appeal summarily, it shall cause notice to be given to the appellant or his pleader and to such officer as the Local Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal;

Notice of appeal.

and, in cases of appeals under section 417, the Appellate Court shall cause a like notice to be given to the accused.

423. The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of an appeal under section 417, the accused, if he appears, the Court may, if it considers there is no sufficient ground for interfering, dismiss the appeal, or may—

Powers of Appellate Court in disposing of appeal.

(*a*) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(*b*) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court, or committed for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or (3) with or without such reduction, and with or without altering the finding, alter the nature of the sentence, but not so as to enhance the same;

(*c*) in an appeal from any other order, alter or reverse such order:

(*d*) Nothing herein contained shall authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge, or to a misunderstanding on the part of the jury of the law as laid down by him.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court:

Judgments of subordinate Appellate Courts.

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

425. Whenever a case is decided on appeal by the High Court under this chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the District Magistrate, the certificate shall be sent through the District Magistrate.

Order by High Court on appeal to be certified to lower Court.

The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court; and, if necessary, the record shall be amended in accordance therewith.

426. Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, if he is in confinement, that he be released on bail or on his own bond.

Suspension of sentence pending appeal.

Release of appellant on bail.

The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

When the appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

427. When an appeal is presented under section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Arrest of accused in appeal from acquittal.

428. In dealing with any appeal under this chapter, the Appellate Court, if it thinks additional evidence to be necessary, may either take such evidence itself, or direct it to be taken by a Magistrate,

Appellate Court may take further evidence or direct it to be taken.

or, when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

The taking of evidence under this section shall for the purposes of Chapter XXV be deemed to be an inquiry.

Procedure where Judges of Court of appeal are equally divided.

429. When the Judges composing the Court of appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such examination and such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Finality of orders on appeal.

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 417 and Chapter XXXII.

Abatement of appeals.

431. Every appeal under section 417 shall finally abate on the death of the accused, and every other appeal under this chapter shall finally abate on the death of the appellant.

CHAPTER XXXII.

Of Reference and Revision.

Reference by Presidency Magistrate to High Court.

432. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.

Disposal of case according to decision of High Court.

433. When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

Direction as to costs.

The High Court may direct by whom the costs of such reference shall be paid.

Power to reserve questions arising in original jurisdiction of High Court.

434. When any person has, in a trial before a Judge of a High Court consisting of more Judges than one and acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.

Procedure when question reserved.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge thinks fit, be admitted to bail,

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment or order as the High Court thinks fit.

Power to call for records of inferior Courts.

435. The High Court or any Court of Session, or District Magistrate, or any Sub-divisional Magistrate empowered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction, for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

Orders made under sections 143 and 144 and proceedings under section 176 are not proceedings within the meaning of this section.

Power to order commitment.

436. When, on examining the record of any case under section 435 or otherwise, the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Provided as follows—

(*a*) that the accused has had an opportunity of showing cause to such Court or Magistrate why the commitment should not be made:

(*b*) that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

Power to order inquiry.

437. On examining any record, under section 435 or otherwise, the High Court or Court of Session may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 203, or into the case of any accused person who has been discharged.

Report to High Court.

438. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the results of such examination, and, when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.

High Court's powers of revision.

439. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428, or on a Court by section 338, and may enhance the sentence, and, when the Judges composing the Court of revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

Where the sentence dealt with under this section has been passed by a Magistrate acting otherwise than under section 34, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class.

Nothing in this section applies to an entry made under section 273, or shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction.

Optional with Court to hear parties.

440. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision:

Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this section shall be deemed to affect section 439, paragraph two.

Statement by Presidency Magistrate of grounds of his decision to be considered by High Court.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision or order.

High Court's order to be certified to lower Court or Magistrate.

442. When a case is revised under this chapter by the High Court, it shall certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified; and, if necessary, the record shall be amended in accordance therewith.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

Criminal Proceedings against Europeans and Americans.

Magistrates who may inquire into and try charges against European British subjects.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, shall inquire into or try any charge against an European British subject.

Sessions Judge to be an European British subject.

444. No Judge presiding in a Court of Session shall exercise jurisdiction over an European British subject unless he himself is an European British subject; and, if he is an Assistant Sessions Judge, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Assistant Sessions Judge to have held office for three years and to be specially empowered.

Cognizance of offence committed by European British subject.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Provided that, if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Criminal Proceedings against Europeans and Americans.

446. Notwithstanding anything contained in section 32 or section 34, no Magistrate other than a Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both.

Sentences which may be passed by Provincial Magistrates.

447. When an European British subject is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session, or, in the case of a Presidency Magistrate, to the High Court.

When commitment is to be to Court of Session and when to High Court.

When the offence which appears to have been committed is punishable with death or with transportation for life, the commitment shall be to the High Court.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Trial of offences of which one is, and the others are not, punishable with death or transportation for life.

449. Notwithstanding anything contained in section 31, no Court of Session shall pass on any European British subject any sentence other than a sentence of imprisonment for a term which may extend to one year, or fine, or both.

Sentences which may be passed by Court of Session.

If, at any time after the commitment and before signing judgment, the presiding Judge thinks that the offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Procedure when Sessions Judge finds his powers inadequate.

450. If the Judge of the Sessions Division within which the offence is ordinarily triable is not an European British subject, the case shall be reported by the committing Magistrate for the orders of the highest Court of criminal appeal for the province within which such division is situate.

Procedure when Sessions Judge is not an European British subject.

In British Burma the Court of the Recorder of Rangoon shall, for the purposes of this section, be deemed to be the highest Court of criminal appeal.

451. In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, or by a mixed set of assessors, not less than half the number of the jurors or assessors shall be Europeans or Americans, or both Europeans and Americans.

Mixed jury for trial of European British subjects.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, such subject and person may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately:

Trial of European British subject and Native jointly accused.

Provided that, if the European British subject requires under section 451 to be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

When native may claim separate trial.

453. When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's said decision was wrong shall lie upon him.

Procedure on claim of person to be dealt with as European British subject.

When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall, after such further inquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's said decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

454. If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before, and disallowed by, the committing Magistrate, it is not again made before the Court to which such subject is committed, he shall be held to have relinquished his right to be dealt with as such European British subject, and shall not assert it in any subsequent stage of the same case.

Failure to plead status a waiver.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

455. Where a person who is not an European British subject is dealt with as such under this chapter, and does not object, the inquiry, commitment, trial or sentence (as the case may be) shall not, by reason of such dealing, be invalid.

Trial under this chapter of person not an European British subject.

456. When any European British subject is unlawfully detained in custody by any person, such European British subject or any person on his behalf may apply to the High Court which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

Right of European British subject unlawfully detained to apply for order to be brought before High Court.

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or it may issue the order in the first instance, and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

Procedure on such application.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may direct.

Territories throughout which High Court may issue such orders.

459. Unless there is something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer on Magistrates or on the Court of Session jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

Application of Acts conferring jurisdiction on Magistrates or Courts of Session.

Nothing in this section shall be deemed to authorize any Court to exceed the limits prescribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate not being a Justice of the Peace or on any Magistrate or Sessions Judge outside the Presidency-towns not being an European British subject.

460. In every case triable by jury or with the aid of assessors, in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans.

Jury for trial of Europeans or Americans.

461. Whenever an European or American is charged before the Court of Session jointly with a person not an European or American, and in compliance with a claim made under section 460 is tried by a jury, or with the aid of a set of assessors, of which at least one-half consists of Europeans and Americans, the latter person shall, if he so claims, be tried separately.

Jury when European or American charged jointly with one of another race.

462. When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 451 or section 460, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

Summoning and empanelling jurors under section 451 or 460.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 276, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as practicable, has been obtained:

Provided that in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may, in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans, before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

Conduct of criminal proceedings against European British subjects, &c.

CHAPTER XXXIV.

LUNATICS.

464. When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

Procedure in case of accused being lunatic.

If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

465. If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the Court with the aid of assessors shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

Procedure in case of person committed before Court of Session or High Court being lunatic.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

466. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

Release of lunatic pending investigation or trial.

If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order the accused to be confined in a lunatic asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Custody of lunatic.

467. Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

Resumption of inquiry or trial.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

468. If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

Procedure on accused appearing before Magistrate or Court.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

When accused appears to have been insane.

470. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Judgment of acquittal on ground of lunacy.

471. Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

Person acquitted on such ground to be kept in safe custody.

The Local Government may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

472. When any person is confined under the provisions of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

Lunatic prisoners to be visited by Inspector General.

473. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the

Procedure where lunatic prisoner is reported capable of making his defence.

certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

474. If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a commission, consisting of a judicial and two medical officers.

Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.

Such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, which may order his discharge or detention as it thinks fit.

475. Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Delivery of lunatic to care of relative.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

CHAPTER XXXV.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

476. When any Civil, Criminal or Revenue Court is of opinion that there is ground for inquiring into any offence referred to in section 195, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such inquiry or trial.

Procedure in cases mentioned in section 195.

Such Magistrate shall thereupon proceed according to law, and may, if he is authorized under section 192 to transfer cases, transfer the inquiry or trial to some other competent Magistrate.

477. Subject to the provisions of section 444, a Court of Session may charge a person for any offence referred to in section 195 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Power of Court of Session as to such offences committed before itself.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

478. When any such offence is committed before any Civil or Revenue Court, or brought under the notice of any Civil or Revenue Court in the course of a judicial proceeding, and the case is triable exclusively by the High Court or Court of Session, or such Civil or Revenue Court thinks that it ought to be tried by the High Court or Court of Session, such Civil or Revenue Court may, instead of sending the case under section 476 to a Magistrate for inquiry, itself complete the inquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

Power of Civil and Revenue Courts to complete investigation and commit to High Court or Court of Session.

For the purposes of an inquiry under this section, the Civil or Revenue Court may, subject to the provisions of section 443, exercise all the powers of a Magistrate; and its proceedings in such inquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

479. When any such commitment is made by a Civil or Revenue Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

Procedure of Civil Court in such cases.

480. When any such offence as is described in section 175, section 178, section 179, section 180, or section 228 of the Indian Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender, whether he is an European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Procedure in certain cases of contempt.

Proceedings in case of certain offences affecting Administration of Justice.

Nothing in section 443 or section 444 shall be deemed to apply to proceedings under this section.

Record in such cases.

481. In every such case, the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

Procedure where Court considers that case should not be dealt with under section 480.

482. If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

The Magistrate to whom any case is forwarded under this section shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482.

483. When the Local Government so directs, any Registrar or any Sub-Registrar appointed under the Indian Registration Act, 1877, shall be deemed to be a Civil Court within the meaning of sections 480 and 482.

Discharge of offender on submission or apology.

484. When any Court has under section 480 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

485. If any witness before a Criminal Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or section 482, and, in the case of a Court established by Royal Charter, shall be deemed guilty of a contempt.

Appeals from convictions in contempt-cases.

486. Any person sentenced by any Court under section 480 or section 485 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding or reduce or reverse the sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by any other Court of Small Causes shall lie to the Court of Session for the Sessions Division within which such Court is situate.

An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, or, in the Presidency-towns, to the High Court.

Certain Judges and Magistrates not to try offences referred to in section 195 when committed before themselves.

487. Except as provided in sections 477, 480 and 485, no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court, the Recorder of Rangoon, and the Presidency Magistrates, shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

Nothing in section 476 or section 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from himself committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for inquiry to another Magistrate.

CHAPTER XXXVI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

Maintenance of Wives and Children.

Order for maintenance of wives and children.

488. If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Maintenance of Wives and Children.

Such allowance shall be payable from the date of the order.

Enforcement of order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month:

Proviso.

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

All evidence under this chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases.

Alteration in allowance.

489. On proof of a change in the circumstances of any person receiving under section 488 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Enforcement of order of maintenance.

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

CHAPTER XXXVII.

DIRECTIONS OF THE NATURE OF A HABEAS CORPUS.

Power to issue directions of the nature of a *habeas corpus*.

491. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

(*a*) that a person within the limits of its ordinary original civil jurisdiction be brought up before the Court to be dealt with according to law;

(*b*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(*c*) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(*d*) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;

(*e*) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and

(*f*) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Each of the said High Courts may, from time to time, frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819 or Bombay Regulation XXV of 1827, or the Acts of the Governor General in Council No. XXXIV of 1850 or No. III of 1858.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXVIII.

OF THE PUBLIC PROSECUTOR.

Public Prosecutor.

Power to appoint Public Prosecutors.

492. The Governor General in Council or the Local Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below the rank of Assistant District Superintendent, to be Public Prosecutor for the purpose of such case.

Public Prosecutor may plead in all Courts in cases under his charge.

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and, if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Pleaders, privately instructed, to be under his direction.

Effect of withdrawal from prosecution.

494. Any Public Prosecutor appointed by the Governor General in Council or the Local Government may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person; and, upon such withdrawal,

(*a*) if it is made before a charge has been framed, the accused shall be discharged;

(*b*) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted.

Permission to conduct prosecution.

495. Any Magistrate inquiring into or trying any case may permit any person other than an officer of police below the rank of Police Inspector to conduct the prosecution; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

Any person conducting the prosecution may do so personally or by a pleader.

CHAPTER XXXIX.

OF BAIL.

Bail to be taken in case of bailable offence.

496. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

When bail may be taken in case of non-bailable offence.

497. When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Power to direct admission to bail or reduction of bail.

498. The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

Bond of accused and sureties.

499. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police-officer or Court, as the case may be.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

Discharge from custody.

500. As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and when he is in jail the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Power to order sufficient bail when that first taken is insufficient.

501. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it, and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

Discharge of sureties.

502. All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XL.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

When attendance of witness may be dispensed with.

503. Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Presidency Magistrate, a District Magistrate, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission, and procedure thereunder.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

Commission in case of witness being within Presidency-town.

504. If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

Parties may examine witness.

505. The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate or officer to whom the commission is directed shall examine the witness upon such interrogatories.

Any such party may appear before such Magistrate or officer by pleader, or, if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Power of Provincial Subordinate Magistrate to apply for issue of commission.

506. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a Presidency Magistrate or District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Return of commission.

507. After any commission issued under section 503 or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

Adjournment of inquiry or trial.

508. In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLI.

Special Rules of Evidence.

509. The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Deposition of medical witness.

The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Power to summon medical witness.

510. Any document purporting to be a report under the hand of the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Report of Chemical Examiner.

511. In any inquiry, trial or other proceeding under this Code a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,—

Previous conviction or acquittal how proved.

(*a*) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

512. If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

Record of evidence in absence of accused.

CHAPTER XLII.

Provisions as to Bonds.

513. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

Deposit instead of recognizance.

514. Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class,

Procedure on forfeiture of bond.

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

515. All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Appeals from, and revision of, orders under section 514.

516. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

Power to direct levy of amount due on certain recognizances.

CHAPTER XLIII.

Of the Disposal of Property.

517. When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

Order for disposal of property regarding which offence committed.

When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is livestock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been disposed of.

EXPLANATION.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Order may take form of reference to District or Sub-divisional Magistrate.

519. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Payment to innocent purchaser of money found on accused.

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court; and may modify, alter or annul such order.

Stay of order under section 517, 518 or 519.

521. On a conviction under the Indian Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

Destruction of libellous and other matter.

The Court may in like manner, on a conviction under the Indian Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

522. Whenever a person is convicted of an offence attended by criminal force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

Power to restore possession of immoveable property.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

523. The seizure by any Police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

Procedure by police upon seizure of property taken under section 51 or stolen.

If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

524. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate or of a Magistrate of the first class empowered by the Local Government in this behalf.

Procedure where no claimant appears within six months.

In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

525. If the person entitled to the possession of such property is unknown or absent, and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

Power to sell perishable property.

CHAPTER XLIV.

OF THE TRANSFER OF CRIMINAL CASES.

526. Whenever it is made to appear to the High Court—

High Court may transfer case, or itself try it.

(*a*) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(*d*) that an order under this section will tend to the general convenience of the parties or witnesses,

it may order—

(1) that any offence be inquired into or tried by any Court not empowered under sections 177 to 184 (both inclusive), but in other respects competent to inquire into or try such offence;

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction; or

(3) that any particular criminal case or appeal be transferred to and tried before itself.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the costs of the prosecutor.

Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Notice to Public Prosecutor of application under this section.

Nothing in this section shall be deemed to affect any order made under section 197.

527. The Governor General in Council may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

Power of Governor General in Council to transfer criminal cases and appeals.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

528. Any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

District or Sub-divisional Magistrate may withdraw or refer cases.

The Local Government may authorize the District Magistrate to withdraw from the Magistrates subordinate to him either such classes of cases or particular classes of cases, as he thinks proper.

Power to authorize District Magistrate to withdraw classes of cases.

CHAPTER XLV.

OF IRREGULAR PROCEEDINGS.

529. If any Magistrate not empowered by law to do any of the following things, namely:—

Irregularities which do not vitiate proceedings.

(*a*) to issue a search-warrant, under section 98;

(*b*) to order, under section 155, the police to investigate an offence;

(*c*) to hold an inquest under section 176;

(*d*) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(*e*) to take cognizance of an offence under section 191, clause (*a*) or clause (*b*);

(*f*) to transfer a case under section 192;

(*g*) to tender a pardon under section 337 or section 338;

(*h*) to sell property under section 524 or section 525; or

(*i*) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

530. If any Magistrate, not being empowered by law in this behalf, does any of the following things (namely):—

Irregularities which vitiate proceedings.

(*a*) attaches and sells property under section 88;

(*b*) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department;

(*c*) demands security to keep the peace;

(*d*) demands security for good behaviour;

(*e*) discharges a person lawfully bound to be of good behaviour;

(*f*) cancels a bond to keep the peace;

(*g*) makes an order under section 133 as to a local nuisance;

(*h*) prohibits under section 143 the repetition or continuance of a public nuisance;

(*i*) makes an order under section 144;

(*j*) makes an order under Chapter XII;

(*k*) takes cognizance under section 191, clause (*c*), of an offence;

(*l*) passes a sentence under section 349, on proceedings recorded by another Magistrate;

(*m*) calls under section 435, for proceedings;

(*n*) makes an order for maintenance;

(*o*) revises under section 515, an order passed under section 514;

(*p*) tries an offender;

(*q*) tries an offender summarily; or

(*r*) decides an appeal;

his proceedings shall be void.

531. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error occasioned a failure of justice.

Proceedings in wrong place.

532. If any Magistrate or other authority purporting to exercise powers duly conferred, which were not so conferred, commits an accused person for trial before a Court of Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless, during the inquiry and before the order of commitment, objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority.

When irregular commitments may be validated.

If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

533. If any Court before which a confession or other statement of an accused person recorded under section 164 or section 364 is tendered in evidence finds that the provisions of such section have not been fully complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, notwithstanding anything contained in the Indian Evidence Act, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

Non-compliance with provisions of section 164 or 364.

534. An omission to ask any person whether he is an European British subject in a case to which the second clause of section 454 applies shall not affect the validity of any proceeding.

Omission to ask question prescribed by section 454, clause 2.

535. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

Effect of omission to prepare charge.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

536. If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground only be invalid.

Trial by jury of offence triable with assessors.

If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

Trial with assessors of offence triable by jury.

537. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account—

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

of any error, omission or irregularity in the complaint, summons, warrant, charge, judgment or

other proceedings before or during trial or in any inquiry or other proceeding under this Code, or

of the want of any sanction required by section 195, or

of the omission to revise any list of jurors or assessors in accordance with section 324, or

of any misdirection in any charge to a jury;

unless such error, omission, irregularity, want or misdirection has occasioned a failure of justice.

Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.

538. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

CHAPTER XLVI.

MISCELLANEOUS.

Courts and persons before whom affidavits may be sworn.

539. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Power to summon material witness, or examine person present.

540. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power to appoint place of imprisonment.

541. Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.

542. Notwithstanding anything contained in the Prisoners' Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or an accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

Interpreter to be bound to interpret truthfully.

543. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Expenses of complainants and witnesses.

544. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

Power of Court to pay expenses or compensation out of fine.

545. Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may when passing judgment order the whole or any part of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Payments to be taken into account in subsequent suit.

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545.

Moneys ordered to be paid recoverable as fines.

547. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Copies of proceedings.

548. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury, or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: Provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Miscellaneous. en. Reg. XX, 1825.

Delivery to Military authorities of persons liable to be tried by Court-martial.

549. The Governor General in Council may make rules, consistent with this Code and the Army Act, 1881, or any similar law for the time being in force, as to the cases in which persons subject to military law shall be tried by a Court to which this Code applies or by Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, 1881, *section 41*, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being tried by Court-martial.

Apprehension of such persons.

Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Powers of superior officers of police.

550. Police-officers superior in rank to an officer in charge of a Police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Power to compel restoration of abducted females.

551. Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Compensation to person groundlessly given in charge in Presidency-town.

552. Whenever any person causes a Police-officer to arrest another person in a Presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

In such cases, if more persons than one are arrested or complained against, the Magistrate may in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

Power of chartered High Courts to make rules for inspection of records of subordinate Courts.

553. With the previous sanction of the Governor General in Council, the High Court at Fort William, and, with the previous sanction of the Local Government, any other High Court established by Royal Charter, may, from time to time, make rules for the inspection of the records of subordinate Courts.

Power of other High Courts to make rules for other purposes.

Every High Court not established by Royal Charter may, from time to time, and with the previous sanction of the Local Government,

(*a*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(*b*) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

(*c*) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(*d*) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the local official Gazette.

Forms.

554. Subject to the power conferred by section 553, and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fifth schedule with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Case in which Judge or Magistrate is personally interested.

555. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation.—A Judge or Magistrate shall not be deemed to be a party or personally interested, within the meaning of this section, to or in any case, merely because he is a Municipal Commissioner.

Power to decide language of Courts.

556. The Local Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than the High Courts established by Royal Charter.

Powers of Governor General in Council and Local Government exercisable from time to time.

557. All powers conferred by this Code on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Pending cases.

558. The provisions of this Code shall apply, so far as may be, to all cases pending in any Criminal Court when this Code comes into force.

SCHEDULE I.

ENACTMENTS REPEALED.

(*a*).—*Statute.*

Year, reign and chapter.	Title.	Extent of repeal.
13 Geo. III, chapter 63	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 38.

(*b*).—*Acts of the Governor General in Council.*

Number and year.	Subject.	Extent of repeal.
XXIII of 1840 ...	Execution of process	So much as has not been repealed.
XLV of 1860 ...	Penal Code	The illustrations to section 214.
V of 1861 ...	Police Act	Section 6 and the last nine words of section 24. Section 35, down to and including the words "Provided that."
XVIII of 1862 ...	Criminal Procedure, Supreme Courts ...	So much as has not been repealed.
VI of 1864 ...	Whipping	Section 7.
II of 1869 ...	Justices of the Peace	So much as has not been repealed.
XXII of 1870 ...	Application to European British subjects of Acts conferring summary jurisdiction.	So much as has not been repealed.
IV of 1872 ...	Panjáb Laws	So far as it relates to Bengal Regulation XX of 1825.
X of 1872 ...	The Code of Criminal Procedure ...	So much as has not been repealed.
XI of 1874 ...	Amending the Code of Criminal Procedure	The whole.
XV of 1874 ...	Laws Local Extent	So far as it relates to Bengal Regulation XX of 1825.
X of 1875 ...	High Courts' Criminal Procedure ...	The whole Act, except section 144 and so much of section 146 as relates to informations.

SCHEDULE I—*continued.*

ENACTMENTS REPEALED—(*continued*).

(*b*).—*Acts of the Governor General in Council,*—continued.

Number and year.	Subject.	Extent of repeal.
XX of 1875 ...	Central Provinces Laws	So far as it relates to Bengal Regulation XX of 1825.
XVIII of 1876 ...	Oudh Laws	Ditto.
IV of 1877 ...	Presidency Magistrates	The whole Act except section 57.
XXI of 1879 ...	Extradition	Chapter III.
X of 1881 ...	Coroners	Sections 8 and 9.

(*c*).—*Regulations.*

Number and year.	Subject.	Extent of repeal.
Bengal Regulation XX of 1825.	Jurisdiction of Courts Martial ...	So much as has not been repealed.
III of 1872 ...	Santhál Parganas Settlement	So far as it relates to Act X of 1872.
IX of 1874 ...	Arakan Hills District Laws	So far as it relates to Acts II of 1869, X of 1872 and XI of 1874.
III of 1877 ...	Ajmer Laws	So far as it relates to Bengal Regulation XX of 1825.

(*d*).—*Act of the Governor of Fort St. George in Council.*

Number and year.	Subject.	Extent of repeal.
VIII of 1867 ...	Police	Section 9.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

The third column of this schedule applies to the police in the towns of Calcutta and Bombay.

CHAPTER V.—ABETMENT.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto ..	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER V.—ABETMENT—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 3 years, or fine, or both.	The Court by which the offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed ..	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation for life.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed ...	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the offence be not committed...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Di ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VI.—OFFENCES AGAINST THE STATE—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
135	Abetment of the desertion of an officer, soldier or sailor.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
147	Rioting ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
148	Rioting, armed with a deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Ditto ...	The same as for the offence ..	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto ...	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.

SCHEDULE II—*continued*.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Presidency Magistrate or Magistrate of the first or second class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
178	Refusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II—*continued*.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating [illegible] in any other case.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	Ditto ...	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first class.
209	False claim in a Court of Justice...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If offence charged be capital, or punishable with transportation for life, or with imprisonment for a term exceeding 7 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If punishable with imprisonment for 1 year and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, with or without fine.	Ditto.
	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years; or lawfully committed to custody.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If charged with a capital offence...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If under sentence of death ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
225A	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV.
229	Personation of a juror or assessor...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
236	Abetting in British India the counterfeiting out of British India of coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*(concluded)*.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Any Magistrate.
286	So dealing with any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Any Magistrate.
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
293	Having in possession obscene book, &c., for sale or exhibition.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
294	Obscene songs	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294A	Keeping a lottery-office ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Compoundable.	Ditto	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Of offences affecting Life.

302	Murder	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of offences affecting Life—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
	Attempt by life-convict to murder, if hurt is caused.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year or fine or both.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug ..	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
323	Voluntarily causing hurt ...	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ..	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
328	Administering stupefying drug with intent to cause hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.
	Of Wrongful Restraint and Wrongful Confinement.						
341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret ...	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Criminal Force and Assault.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable.	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Abduction, Slavery and Forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*concluded*).

Of Kidnapping, Abduction, Slavery and Forced Labour—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
371	Habitual dealing in slaves ...	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for purposes of prostitution, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same purposes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour ...	Ditto ...	Ditto ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
			Of Rape.				
376	Rape	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
			Of Unnatural Offences.				
377	Unnatural offences ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.
389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.

Of Robbery and Dacoity.

392	Robbery	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity	Ditto ..	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than 7 years.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Robbery and Dacoity—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for not less than 7 years.	Court of Session.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

Of Cheating.

417	Cheating	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law, or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Fraudulent Deeds and Dispositions of Property.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	* May arrest without warrant.	Ditto ...	Ditto ...	Not compoundable.	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, navigable river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

* See Act XI of 1874, section 4.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Mischief—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
439	**Running vessel ashore with intent to commit theft, &c.**	Ditto ...	Ditto ...	Ditto ...	Ditto ...	**Imprisonment of either description for 10 years and fine.**	Ditto.
440	**Mischief committed after preparation made for causing death or hurt, &c.**	Ditto ...	Ditto ...	Ditto ...	Ditto ...	**Imprisonment of either description for 5 years and fine.**	Ditto.
			Of Criminal Trespass.				
447	Criminal trespass	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*concluded*).

Of Criminal Trespass—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Presidency Magistrate or Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery ...	Ditto.

	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Ditto ...	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Indian Penal Code.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
	Of Trade and Property-Marks.						
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
488	Making use of any such false mark.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8. By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—DEFAMATION.

500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued*.

CHAPTER XXI.—DEFAMATION—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, &c., circulated with intent to cause mutiny or offence against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Ditto	Presidency Magistrate or Magistrate of the first or second class.
506	Criminal intimidation ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Ditto	Ditto.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compoundable.	Transportation or imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.

SCHEDULE II—*concluded.*

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	.....	According to the provisions of section 29 of this Code.
	If punishable with imprisonment for three years and upwards but less than seven.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	.....	
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Except in cases under the Indian Arms Act, 1875, section 19, which shall be bailable.	Ditto ...	.....	
	If punishable with fine only ...	Ditto ...	Ditto ...	Bailable ...	Ditto ...	.....	

SCHEDULE III.

ORDINARY POWERS OF PROVINCIAL MAGISTRATES.

I.—Ordinary Powers of a Magistrate of the Third Class.

(1) Power to arrest, or direct the arrest in his presence of, an offender; section 65.
(2) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant; sections 83, 84 & 86.
(3) Power to issue proclamations in cases judicially before him, section 87.
(4) Power to attach and sell property in cases judicially before him, section 88.
(5) Power to restore attached property, section 89.
(6) Power to issue search-warrant, section 96.
(7) Power to endorse a search-warrant and order delivery of thing found, section 99.
(8) Power to record statements or confessions during a police investigation, section 164.
(9) Power to authorize detention of a person during a police-investigation, section 167.
(10) Power to detain an offender found in Court, section 351.
(11) Power to sell perishable property of a suspected character, section 525.

II.—Ordinary Powers of a Magistrate of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.
(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

III.—Ordinary Powers of a Magistrate of the First Class.

(1) The ordinary powers of a Magistrate of the second class.
(2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.
(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.
(4) Power to require security to keep the peace, section 107.
(5) Power to require security for good behaviour, section 109.
(6) Power to make orders, &c., in possession cases; sections 145, 146 and 147.
(7) Power to commit for trial, section 206.
(8) Power to stop proceedings when no complainant, section 249.
(9) Power to make orders of maintenance, sections 488 and 489.

IV.—Ordinary Powers of a Sub-divisional Magistrate.

(1) The ordinary powers of a Magistrate of the first class.
(2) Power to direct warrants to landholders, section 78.
(3) Power to make orders as to local nuisances, section 133.
(4) Power to make orders prohibiting repetitions of nuisances, section 143.
(5) Power to make orders under section 144.
(6) Power to hold inquests, section 174.
(7) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
(8) Power to entertain complaints, section 191.
(9) Power to receive police-reports, section 191.
(10) Power to entertain cases without complaint, section 191.
(11) Power to transfer cases to a Subordinate Magistrate, section 192.
(12) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
(13) Power to sell property alleged or suspected to have been stolen, &c. section 524.
(14) Power to withdraw cases other than appeals, and to try or refer them for trial; section 528.

V.—Ordinary Powers of a District Magistrate.

(1) The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first class.
(2) Power to issue search-warrants for documents in custody of Postal or Telegraph authorities, section 96.
(3) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.
(4) Power to cancel bond for keeping the peace, section 125.
(5) Power to try summarily, section 260.
(6) Power to quash convictions in certain cases, section 350.
(7) Power to hear appeals from orders requiring security for good behaviour, section 406.
(8) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.
(9) Power to call for records, section 435.
(10) Power to revise orders passed under section 514; section 515.

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SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH PROVINCIAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A MAGISTRATE OF THE FIRST CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to require security for good behaviour, section 110: (2) Power to make orders as to local nuisances, section 133: (3) Power to make orders prohibiting repetitions of nuisances, section 143: (4) Power to make orders under section 144: (5) Power to hold inquests, section 174: (6) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186: (7) Power to take cognizance of offences upon complaint, section 191: (8) Power to take cognizance of offences upon police reports, section 191: (9) Power to take cognizance of offences upon information, section 191: (10) Power to try summarily, section 260: (11) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407: (12) Power to sell property alleged or suspected to have been stolen, &c., section 524.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to transfer cases, section 192.
POWERS WITH WHICH A MAGISTRATE OF THE SECOND CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to pass sentences of whipping, section 32: (2) Power to make orders prohibiting repetitions of nuisances, section 143: (3) Power to make orders under section 144: (4) Power to hold inquests, section 174: (5) Power to take cognizance of offences upon complaint, section 191: (6) Power to take cognizance of offences upon police reports, section 191: (7) Power to take cognizance of offences upon information, section 191: (8) Power to commit for trial, section 206.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.

SCHEDULE IV—*concluded.*

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to commit for trial, section 206.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.
POWERS WITH WHICH A SUB-DIVISIONAL MAGISTRATE MAY BE INVESTED	BY THE LOCAL GOVERNMENT	Power to call for records, section 435.

SCHEDULE V.

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(*See section 68.*)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or* by pleader, *as the case may be*), before the (*Magistrate*) of , on the day of Herein fail not.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

II.—WARRANT OF ARREST.

(*See section 75.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

(*See section 76.*)

This warrant may be endorsed as follows:—

If the said shall give bail himself in the sum of , with one surety in the sum of (*or* two sureties each in the sum of), to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of , 18 .

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(*See section 86.*)

I, (*name*), of , being brought before the District Magistrate of (*or, as the case may be*) under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I do hereby declare myself surety for the abovenamed of , that he shall attend before in the Court of on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (*place*) before this Court (*or* before me) to answer the said complaint within days from this date.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the Court of on the day of next at o'clock, to be examined touching , the offence complained of.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.

(*See section 88.*)

To the Police-officer in charge of the Police-station at

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment

SCHEDULE V—*continued.* FORMS

pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.

(*See section 88.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (*or* town) of , in the District of , *viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(*See section 88.*)

To the Deputy Commissioner of the District of

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the village (*or* town) of in the District of ;

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(*See section 90.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to arrest the said (*name*) and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(*See section 96.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (*or* suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made (*or* about to be made) into the said offence (*or* suspected offence);

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place, or part thereof, to which the search is to be confined*), and, if found, to produce the same forthwith before this Court; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(*See section 98.*)

To (*name and designation of a Police-officer above the rank of a Constable*).

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (*describe the house or other place*) is used as a place for the deposit (*or* sale) of stolen property (*or, if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or, if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or* documents, *or* stamps, *or* seals, *or* coins, *as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or* counterfeit stamps, *or* false seals, *or* counterfeit coin (*as the case may be*)] and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

X.—BOND TO KEEP THE PEACE.

(*See section 106.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and, in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XI.—BOND FOR GOOD BEHAVIOUR.

(*See sections 109 and 110.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

(*Where a bond with sureties is to be executed, add*) We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(*See section 114.*)

To of

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*) and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (*or* by a duly authorized agent) at the Office of the Magistrate of on the day of , 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [*when sureties are required, add* and also to give security by the bond of one (*or* two, *as the case may be*) surety (*or* sureties) in the sum of rupees (*each, if more than one*)], that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and address*) appeared before me in person (*or* by his authorized agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (*or* a bond with two sureties each in rupees), that he the said (*name*) would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case he shall be released, and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the District of having no ostensible means of subsistence (*or*, and that he is unable to give any satisfactory account of himself);

or

WHEREAS evidence has been given before me of the general character of (*name and description*) and it appears that he is an habitual robber (*or* house-breaker, &c., *as the case may be*);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or* two or more sureties, *as the case may be*), himself for rupees and the said surety (*or* each of the said sureties) for rupees , and the said (*name*) has failed to comply with the said order, and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless he shall in the meantime comply

FORMS. SCHEDULE V—*continued.*

with the said order by himself and his surety (*or* sureties) entering into the said bond, in which case the same shall be received and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See sections 123 and 124.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since duly given security under section of the Code of Criminal Procedure,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

(*See section 133.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you have caused an obstruction (or nuisance) to persons using the public roadway (*or other public place*), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or* nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (*or* comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or* are in possession of *or* have the control over) a certain tank (*or* well *or* excavation) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or* well *or* excavation) being without a fence (*or* insecurely fenced);

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry it on there, or to remove the said trade from the place where it is now carried on, or to appear, &c.

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c.

or

I do hereby direct and require you, &c., &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

SCHEDULE V—*continued.* FORMS.

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(*See section 138.*)

WHEREAS on the day of , 18 , an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me by a petition bearing date the day of for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, &c., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See section 140.*)

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.

(*See section 142.*)

To (*name, description and address*).

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, &c., OF A NUISANCE.

(*See section 143.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that, &c. (*state the proper recital, guided by* Form No. XVI or Form No. XXI, *as the case may be*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, &c.

(*See section 144.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (*or* have the management) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public

FORMS. SCHEDULE V—*continued.*

street, &c. (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from your land in any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or, as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &C., IN DISPUTE.

(*See section 145.*)

IT appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true,

I do decide and declare that he is (*or* they are) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or* their) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, &C.

(*See section 146.*)

To the Police-officer in charge of the Police-station at [*or*, To the Collector of].

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANY THING ON LAND OR WATER.

(*See section 147.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or* water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*), and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the

SCHEDULE V—*continued.* FORMS.

institution of the said inquiry (*or if the use is enjoyable only at particular seasons, say* "during the last of the seasons at which the same is capable of being enjoyed");

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or* retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or* they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER.

(*See section 169.*)

I, (*name*), of , being charged with the offence of , and after inquiry required to appear before the Magistrate of ,

or

and after inquiry called upon to enter into my own recognizance to appear when required,

do hereby bind myself to appear at , in the Court of , on the day of next (*or* on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the above-said that he shall attend at , in the Court of , on the day of next (*or* on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (*or* we hereby bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(*See section 170.*)

I, (*name*), of (*place*), do hereby bind myself to attend at , in the Court of , at o'clock on the day of next, and then and there to prosecute (*or*, to prosecute and give evidence, *or* to give evidence) in the matter of a charge of against one *A. B.*, and, in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(*See section 218.*)

The Magistrate of hereby gives notice that he has committed one for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence as in the charge*).

Dated this day of , 18 .

(*Signature.*)

XXVIII.—CHARGES.

(*See sections 221, 222, 223.*)

(I).—CHARGES WITH ONE HEAD.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

(*b*) That you, on or about the day of , at , waged war against Her Majesty the Queen, Empress of India, and thereby committed an offence punishable under section 121 of the Indian

On Penal Code, section 121.

FORMS. SCHEDULE V—*continued.*

Penal Code, and within the cognizance of the Court of Session [*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

(2) That you, on or about the day of , at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 124.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 161.

(4) That you, on or about the day of , at , did [*or* omitted to do, *as the case may be*] such conduct being contrary to the provisions of Act , section , and known by you to be prejudicial to , and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 166.

(5) That you, on or about the day of , at , in the course of the trial of , before stated in evidence that " ", which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 193.

(6) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 304.

(7) That you, on or about the day of , at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 306.

(8) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 325.

(9) That you, on or about the day of , at , robbed [*state the name*] and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 392.

(10) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 395.

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(II).—CHARGES WITH TWO OR MORE HEADS.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows :—

(*b*) *First.*—That you, on or about the day of , at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 241.

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

SCHEDULE V—*continued.* FORMS.

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

(2) *First.*—That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 302 and 304.

Secondly.—That you, on or about the day of , at , by causing the death of , committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(3) *First.*—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 379 and 382.

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(4) That you, on or about the day of , at , in the course of the inquiry into before , stated in evidence that " ", and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ", one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Alternative charges on section 193.

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(III).—CHARGE FOR THEFT AFTER A PREVIOUS CONVICTION.

I (*name and office of Magistrate, &c.,*) hereby charge you (*name of accused person*) as follows :—

That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code and within the cognizance of the Court of Session [*or* {High Court, Magistrate,} *as the case may be.*]

And you the said (*name of accused*) stand further charged that you, before the committing of the said offence, that is to say, on the day of , had been convicted by the (*state Court by which conviction was had*) at of an offence punishable under

FORMS. SCHEDULE V—*continued.*

Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, &c,

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections 245 and 258.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or* sections) of the Indian Penal Code (*or* of Act), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you, the said Superintendent (*or* Keeper) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(*See section 250.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous (*or* vexatious), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (*name of complainant*) and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXXI.—SUMMONS TO A WITNESS.

(*See sections 68 and 252.*)

To of

WHEREAS complaint has been made before me that of has (*or is suspected to have*) committed the offence of (*state the offence concisely, with time and place*) and it appears to me that you are likely to give material evidence for the prosecution;

SCHEDULE V—*continued.* FORMS.

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXXII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(*See section 326.*)

To the District Magistrate of

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court; you are hereby required to summon the said persons to attend at the said Court of Session at 10 A. M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(*Here enter the names of Jurors and Assessors.*)

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXXIII.—SUMMONS TO ASSESSOR OR JUROR.

(*See section 326.*)

To (*name*) of (*place*).

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as an Assessor (*or* a Juror) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at (*place*) at ten o'clock in the forenoon on the day of next.

Given under my hand and seal of office, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXXIV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(*See section 374.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS at the Session held before me on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

XXXV.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(*See section 381.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Session held before me on the day of , 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorize and require you the said Superintendent (*or* Keeper) to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature*)

XXXVI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(*See sections 381 and 382.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS at a Session held on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of , punishable under section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or, as the case may be*);

This is to authorize and require you, the said Superintendent (*or* Keeper), safely to keep the said (*prisoner's name*) in your custody in the said jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said jail," "and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(*See section 386.*)

To (*name and designation of the Police-officer or other person, or persons, who is or are to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the day of , 18 , convicted before me of the offence of (*mention the offence concisely*) and sentenced to pay a fine of rupees , and whereas the said (*name*), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the District of ; and, if within be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS

XXXVIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court committed wilful contempt;

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIX.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.

(*See section 485.*)

To (*name and designation of officer of Court*)

WHEREAS (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or* certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in your custody for the space of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XL.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(*See section 488.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [*or* his child (*name*), who is by reason of (*state the reason*) unable to maintain herself (*or* himself)] and to have neglected (*or* refused) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees ; and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of : And thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment in the said jail for the period of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said

FORMS. SCHEDULE V—*continued.*

order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLI.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(*See section 488.*)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS an order has been duly made requiring (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees , and whereas the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of ;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLII.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.

(*See sections 496 and 499.*)

I, (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the said (*name*) that he shall attend at the Court of on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and in case of his making default therein, I bind myself (*or* we bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of , 18 .

(*Signature.*)

XLIII.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 500.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or* sureties) duly executed a bond under section 499 of the Code of Criminal Procedure;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of , 18 .

(*Signature.*)

XLIV.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(*See section 514.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*); and whereas the said (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him.

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the District of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLV.—NOTICE TO SURETY ON BREACH OF A BOND.

(*See section 514.*)

To of

WHEREAS on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees ;

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVI.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See section 514.*)

To of

WHEREAS on the day of , 18 , you became surety by a bond for (*name*) of (*place*) that he would be of good behaviour for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(*See section 514.*)

To

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby [illegible] forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*);

FORMS. SCHEDULE V—*continued.*

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the District of , by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVIII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*), and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the Civil Jail for (*specify the period*);

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIX.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name, description and address*).

WHEREAS on the day of , 18 , you entered into a bond not to commit, &c. (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

L.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name and designation of Police-officer*) at the Police-station of .

WHEREAS (*name and description*) did on the day of , 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace, &c. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LI.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you, the said Superintendent (*or* Keeper), of the said Civil Jail to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LII.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LIII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof of the breach of the said bond has been given before me and duly

FORMS. SCHEDULE V—*concluded.*

recorded, whereby the said (*name*) has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*) ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) ; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

R. J. CROSTHWAITE,
Offg. Secy. to the Govt of India.

ERRATUM.

At page 37, para. 196, line 2, for "on salt imported by sea into Bengal" *read* "on salt imported by sea into, or manufactured in, Bengal."

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FINANCIAL STATEMENT FOR 1882-83.

SPEECH IN THE LEGISLATIVE COUNCIL OF HIS EXCELLENCY THE GOVERNOR-GENERAL OF INDIA, BY MAJOR THE HON'BLE E. BARING.

I.—Preliminary.

Preliminary.

MY LORD,—I wish to preface the Statement I am about to make by explaining that the figures are throughout given in pounds, rupees being converted into pounds at the conventional rate of £1 = Rs. 10. There are some obvious inconveniences in the adoption of this system, but the alternative procedure of giving the figures in rupees would render a comparison with the Accounts of former years difficult, unless the whole of those Accounts were recast. For the present the continuance of the existing system, which has been in force since the year 1859, is, on the whole, desirable. In those cases where the pounds are true sterling the fact is expressly mentioned. Wherever the true sterling, as well as the conventional sterling figure, is given, the conversion has been made at the rate of 1*s.* 8*d.* the rupee.

The explanations are throughout given on the figures as arranged in Appendix II, in which the Revenue derived from Productive Public Works is shown separately from other heads of Revenue, and the "Working Expenses and Interest" on Productive Public Works are shown separately from other Expenditure.

Change in the form of Accounts.

2. I have one further preliminary observation to make in explanation of a change in the form in which the Accounts and Estimates are presented. Exception has been taken to the system, heretofore adopted, under which the amounts by which any of the Provincial Governments exceeded their Revenue and, consequently, drew on their balances, were credited as Revenue of the Imperial Government under the head of *Provincial and Local Deficits.* For the future, the head of *Provincial and Local Deficits*, as well as that of *Provincial and Local Surpluses*, will appear on the debit side of the account immediately below the total of "Ordinary Expenditure." The excess expenditure taken against accumulated balances, and the short expenditure resulting in a further accumulation, will be respectively deducted from, and added to, the "Ordinary Expenditure" against Imperial Revenues. This system has been carried out in the Accounts of the year 1880-81, and in the Estimates for 1881-82 and 1882-83. The effect will be that both the Revenue and Expenditure will be reduced by the sum now included in Revenue as *Provincial and Local Deficits*, but the surplus or deficit of the year will be exactly the same as under the former method.

II.—Accounts of 1880-81.

Accounts of 1880-81.

3. The Regular Estimate for 1880-81 was as follows[1] :—

	£
Revenue	70,672,000
Expenditure	76,891,000
Deficit ...	6,219,000

The Accounts show the following result :—

	£
Revenue	72,560,000
Expenditure	76,604,000
Deficit ...	4,044,000

Result inclusive of War Expenditure.

4. The Revenue, therefore, exceeded the Regular Estimate by £1,888,000. The Expenditure was less than the Regular Estimate by £287,000. The net result was better than the Regular Estimate by £2,175,000.

Result exclusive of War Expenditure.

5. If we exclude from the Revenue side of the Account the Ordinary War Receipts and the English War contribution, which together amount to £3,298,000, and from the Expenditure side of the Account the War Expenditure, which, including Frontier Railways, amounts to £13,662,000, the figures would stand as follows :—

	£
Revenue	69,262,000
Expenditure	62,942,000
Surplus ...	6,320,000

Reference to Comptroller General's Report for details.

6. The Comptroller General's Report, which was published in the *Gazette of India* of the 4th instant, gives detailed explanations in respect to the differences between the Accounts on the one hand, and the Budget and Regular Estimates on the other hand. It is only necessary that I should here allude to the more important of those differences.

Re-distribution of English War contribution.

7. In making the last Financial Statement* I explained that, of the £5,000,000 sterling War contribution paid by the English Treasury, it was proposed to bring £2,000,000 to account in 1880-81 and £3,000,000 in 1881-82. It was at the time impossible to frame any accurate estimate of the net War Expenditure for 1881-82. But including a sum of £790,000 for Frontier Railways, £3,000,000 was taken as a very rough estimate of that expenditure on the assumption that the evacuation of Southern Afghanistan would be complete by the end of May.

* See paras. 15, 19, 70, and 71 of Financial Statement for 1880-81.

8. I explained at the time that the distribution of the £5,000,000 would be re-adjusted before the Accounts of 1880-81 were closed, so as to show, as far as possible, in the Accounts of 1881-82 an amount equal to the Expenditure in that year on the War and on Frontier Railways, and that it was intended to credit any balance that might remain over in the Accounts of 1880-81.

9. The form which the English contribution took was as follows. The debt of £2,000,000 sterling due from India to England was written off, and it was arranged that an annuity of £500,000 sterling should be paid to the Home Treasury of the Government of India for six years. The cash transactions connected with this operation will not, therefore, be complete until 1885-86. But it was deemed advisable to bring the whole contribution to account at once in order that the Accounts of future years should present the normal Revenue and Expenditure, and should not be deranged by a large casual receipt unconnected with the transactions of the year. The [illegible] was convenient and unobjectionable [illegible] was, therefore, with the sanction of the Secretary of State, adopted.†

† The nature of the operation is described in greater detail in the Comptroller General's Report (see *Gazette of India*, March 4th, 1882, page 121).

[1] These figures do not correspond with those given in para. 26 of the Financial Statement for 1881-82. The differences are (1) £1[illegible],000 deducted from both sides owing to the alteration, explained [illegible] para. 2), which has been made in the method of showing the Provincial adjustments; (2) £16,[illegible] Revenue, and £34,000 deducted from Expenditure at the Home Treasury, being adjustments made by the Secretary of State owing to the fuller information available between the date when the Financial Statement is prepared in India, and the date when it is presented to Parliament.

10. In September last it became necessary, with a view to closing the Accounts of the year 1880-81, to re-examine the distribution of the £5,000,000. The best estimate which could then be framed of the War Expenditure for the current year (1881-82), including Frontier Railways, was £2,305,000. The difference between this sum and £3,000,000, *viz.*, £695,000, was, therefore, deducted from the receipts of 1881-82 and credited to the Accounts of 1880-81 under the *Army* sub-head of *English contribution for the Afghan War.*

Transfer of Expenditure on the Punjab Northern State Railway to Productive Public Works.

11. In the Regular Estimate for 1881-82 the Capital Expenditure to be incurred on the Punjab Northern State Railway was entered as Ordinary Expenditure under *32. Railways.* In the course of the year instructions were received from the Secretary of State to transfer this expenditure to *37. Productive Public Works.* The result of this operation is that the deficit of the year is diminished by £601,000.

Winding up of the Nizamat Stipend Fund.

12. As a consequence of the arrangement made in November 1880 between the Secretary of State and His Highness the Nawab Nazim, the affairs of the Nizamat Stipend Fund were wound up during the year. The result was that a sum of £294,000, of which no account was taken in framing the Regular Estimate, was credited to the Government under the head of *XXIV. Miscellaneous.* The details of this transaction are more fully explained in the Comptroller General's Report. (See *Gazette of India* of March 4th, 1882, page 103.)

1 and 4 Land Revenue.

13. The collection of the *Land Revenue* was retarded by the census operations to a less extent than was anticipated last March. The receipts under this head were £157,000 better than the Regular Estimate.

Summary.

14. These four figures, *viz.*, the excess receipt of £695,000 on account of *English contribution for the Afghan War*, the transfer of £601,000 from *32. Railways* to *37. Productive Public Works*, the extraordinary receipt of £294,000 under *XXIV. Miscellaneous*, and the improvement of £157,000 in the receipts from *Land Revenue*, account for £1,747,000 out of the sum of £2,175,000 by which the net result of the year, as shown in the Accounts, is better than the anticipations formed at the time the Regular Estimate was framed. For further explanations in respect to differences on either side of the Account I must refer to the report of the Comptroller General.

III.—Reforms in the system of Accounts, &c.

Reforms in the System of Accounts, &c.

15. In my last Financial Statement (paras. 21—31) I mentioned that it was proposed to make various changes in the system of Accounts and other cognate matters. I can now state what has been done.

Finance Accounts to be based on issues.

16. It was decided last year that in the Finance Accounts the issues from the Civil Treasuries for carrying on Military services should be treated as Expenditure, in accordance with the practice as regards Exchequer issues in England. This has been done in the Accounts for the year 1880-81 and will always be done in subsequent years.

Publication of monthly abstract accounts.

17. The importance of obtaining early information in respect to the progress of the Revenue and Expenditure of the country was brought prominently to notice in connection with the failure of the War Estimates. I mentioned in the last Financial Statement (para. 25) that we proposed that every officer in charge of a Treasury should, for the future, furnish to the Accountant General of his province an abstract account at the close of each month, giving his receipts and outgoings for the past month under five main heads of Revenue and Expenditure. This system has been carried out and has proved very successful. It has generally been possible for the Comptroller General to make up the complete abstract account for all India by the tenth day after the close of the month. The figures thus obtained are, of course, not absolutely accurate, inasmuch as many adjustments have subsequently to be made; but they are sufficiently accurate to enable a very fair idea to be formed of the progress of the Revenue and Expenditure. These monthly abstracts are now published in the *Gazette of India.*

Creation of a Deputy Secretary of Finance in the Military Department.

18. It has been decided that the Military Accountant General should occupy the position, and exercise the authority, of a Deputy Secretary of Finance in the Military Department. His precise position and functions were defined in a Government Resolution of July 22nd, 1881. (See *Gazette of India* of July 23rd, 1881.)

Report of the Comptroller General on the Accounts of the year.

19. I stated last year that in future the Comptroller General would submit to the Government of India annually a report, in which the Accounts of the year would be compared with the Estimates of that year, and explanations given of the causes of increase and decrease. The Comptroller General has accordingly made his report on the Accounts of the year 1880-81, and it has been published for general information. (See *Gazette of India* of March 4th, 1882.)

Establishment of an independent Appropriation Audit.

20. The expediency of establishing in India an independent Appropriation Audit to supplement the present Departmental Audit has been under the consideration of the Government. We are in communication with the Secretary of State upon this subject, but I am not as yet in a position to announce what the final decision of Government will be.

Changes in Treasury administration.

21. The question of the administration of district Treasuries has been under the consideration of the Government. Numerous fraudulent transactions have taken place within the last few years in almost every Province of India. The measures which have been taken to improve the system of Treasury administration were set forth in a recent Government Resolution (see *Gazette of India* of January 21st, 1882). The question of the inspection of Treasuries is still under consideration. The present system is not altogether satisfactory, and we hope shortly to be able to adopt measures with a view to its improvement.

IV.—Improvement in the position of the Subordinate Executive Services.

Subordinate Executive Services.

22. Before proceeding to compare the Budget and Regular Estimates for the current year it will be convenient that I should give some explanations in respect to certain subjects which have recently occupied the attention of Government. These explanations are, in fact, necessary to the true comprehension of the figures as set forth in the Regular Estimates. The first subject to which I have to allude is the pay and position of the Subordinate Executive Services of Government.

Importance of Deputy Collectors.

23. Both from the political and administrative point of view the class of Deputy Collectors is one of very great importance. A large proportion of the sub-divisional charges of British India is in their hands. The sub-divisional officer is the man upon whom, in quiet times, the Government has to rely for efficient and equitable administration, and, in time of famine or disturbance, for energy, resource, and fortitude. Whether recruited from among the Tahsildar and Sub-Deputy class, or directly from without, they ought to be the cream of that portion of the Native community who are willing to embrace an official career. To fulfil this requirement they ought to receive sufficient pay throughout their career.

Importance of Tahsildars, &c.

24. The Tahsildars, Mamlatdars, Sub-Deputies, and other similar officers, however designated, are also a class entrusted with very considerable powers, revenue, magisterial, civil, or all combined, as the case may be. A large proportion of the disputes which arise between man and man in ordinary life are decided by them, and go no further. In Western and Southern India, a superior Mamlatdar usually has the powers of a 2nd class, and sometimes those of a 1st class Magistrate, and occasionally is responsible for as much as six lakhs of rupees of revenue. As a class, they are highly efficient and laborious.

Number and pay of Deputy Collectors, Tahsildars, &c.

25. There are at present 631 Deputy Collectors and Extra Assistant Commissioners, and 893 Tahsildars, Mamlatdars, Sub-Deputies, Mukhtyarkars, Myokes, &c., in all India. The former receive salaries varying from Rs. 150 to Rs. 800 a month. The salaries of the latter vary from Rs. 50 to Rs. 250 a month.

Defects of present system.

26. A study of the details of the subject leads to the following conclusions: (1) that there are great differences in the rates of pay given in different provinces; (2) that in some provinces extremely low remuneration is given for duties of a highly responsible character; and (3) that there is a want of uniformity in the proportions of officers in the several grades, and consequently great irregularity in promotion.

Necessity of equalisation.

27. It would appear that, though an absolutely uniform scale of pay for all India is not indispensable, there is room for a considerable measure of equalisation. On the other hand, a uniform percentage proportion between grades,

whatever they may be in any locality, is required, in order to secure due promotion during the period of service for pension, which is, under the Pension Code, the same everywhere.

Minimum pay of Deputy Collectors.

28. The Government of India is of opinion that, as a broad rule, no officer holding the power and responsibility of a Deputy Collector should receive less than Rs. 300 a month. It may be that in some parts of India Rs. 250 is really equivalent to Rs. 300 elsewhere. But below Rs. 250 it seems undesirable to go, and this rate, even when retained, should be reserved for probationers, or for a grade which would in ordinary course of promotion be passed through in not more than three years.

Maximum pay of Deputy Collectors.

29. The minimum pay being thus settled, the next question is that of a suitable maximum. Rs. 800 a month appears to be by no means too high a maximum for general adoption. If in any provinces there be financial or other difficulties in the way of granting so much,[1] then the limit should at any rate not be below Rs. 600.

Maximum and Minimum pay of Tahsildars, &c.

30. Turning to the question of the Tahsildars, Mamlatdars, &c., the Government is of opinion that Rs. 150 a month should be the minimum pay for this class. There may be instances where local peculiarities in the charge render Rs. 100 a month sufficient, but this should be admitted with caution; and salaries of Rs. 70—or, as in Sind, of Rs. 50—should be unhesitatingly raised wherever attached to posts belonging *bonâ fide* to the class under consideration. The maximum, on the other hand, should be Rs. 250 a month, which has already prevailed for many years in Western and Southern India, and which will be unexceptionable in any Province where the minimum for Deputy Collectors is fixed at Rs. 300 a month. Where the minimum for the latter is Rs. 250 only, the maximum for Tahsildars, &c., might, as a general rule, remain at Rs. 200 (as it mostly now is); but a limited number of posts on Rs. 250 should be constituted, to serve as prizes for the numerous officers who, though highly meritorious, cannot be promoted to Deputy Collectorships, owing to imperfect knowledge of English, or other causes. The grades admissible under any circumstances might, therefore, be Rs. 250, 200, 175, 150, and, in some exceptional cases, 100.

Proportion of Grades.

31. I will not lengthen this Statement by entering into the question of the proportion of grades at which the establishments should be fixed. I will only observe that this important subject has, in communication with the several Local Governments, received very careful attention.

Cost of proposed reforms.

32. It is obvious that these changes cannot be carried out without some additional expenditure. But such expenditure is inevitable under the progressing civilisation and circumstances of India, and is, in fact, now actually being incurred. The Local Governments have been availing themselves freely of their resources under the Provincial system of finance, and their power to create new offices not exceeding Rs. 250 a month in value. Where these are insufficient, they come up to the Government of India. Large proposals from Assam, Burma, and Sind have been received for separate consideration. The Government of India, however, deems it better to recognise the necessity for general revision, and to meet it by a scheme the most uniform, equitable, and economical that can be devised, than to wait until each Local Government is forced by necessity to adopt or to propose some fragment of reform. The proposed revisions affecting Deputy Collectors and Tahsildars will cost about £50,000 a year. This is in comparison with the cost at the present time. It does not cover any increases to the numerical strength of the existing establishments, which are as yet only proposed and under discussion. Against this increased charge, however, there is a large saving arising from the reduction in the numbers of the Covenanted Service, including Military, &c., in the Commissions, which it appears only fair to take as a set-off. The reduction since 1st July 1874 has been to the extent of 133 officers. The saving owing to this reduction amounts to a total of £79,800 a year, while the additional expenditure on account of Deputy Collectors during the same period does not exceed £25,000 a year, so that, after giving all the increase which is now proposed, the superior administration will still be less costly than it was. As will be presently explained, in revising the Provincial contracts money has been placed at the

[1] In Burma it would seem that, while high cost of living necessitates a minimum of Rs. 800, it may be desirable to hold the posts in excess of Rs. 600 a month in abeyance for a time until suitable promotion can be made to them from the grade below.

disposal of the Local Governments which will enable the changes I have described to be carried out. In some Provinces it is hoped that the new scheme will come into operation on April 1st, and in all it will very shortly be adopted.

Tahsildars to be allowed to rise to the rank of Deputy Collector.

33. It may be desirable to explain that, while laying down distinct scales of pay and proportion for the Deputy Collector and Tahsildar classes, the Government of India has no intention of drawing any impassable line between the two. The Local Governments will remain, as at present, entirely unfettered in their decision as to whether they will fill vacancies in either class by promotion from among the members of the public service immediately below it, or by nomination, after sufficient probation in a somewhat lower office, of young men of good education or family who have been previously unemployed. It is well known that some of the most distinguished Native officers in high positions have risen from the very lowest grades in the District Staff, and the Government of India desires it to be distinctly understood that this avenue, by which men of ability and judgment may raise themselves from humble beginnings to any post in the Uncovenanted Service, should remain open as at present.

Increased employment of Natives of India in the Public Service.

34. Before leaving this subject I wish to observe that, while the number of European officers employed in the Civil Service has been largely reduced, the business of civil administration shows no diminution, but is likely to increase with the progress of the social, industrial, and commercial needs of the growing population. It is the intention of Her Majesty's Government and of the Government of India that a constantly increasing share of the work of the country shall be performed by Natives of India. Not only will this gradual change add to the ties which already bind educated Natives and the chief Native families to the British Government, but the work will be performed more economically than hitherto. The number of Native gentlemen holding offices of trust and position has increased during the last three years, and will continue to do so under the combined influence of the annual admissions to the Covenanted Civil Service in both England and India, and the rules of 1879 regarding appointments to the Uncovenanted Service. A strict observance of the latter by Local Governments and Administrations is indispensable, and will be enforced by Her Majesty's Secretary of State and by the Government of India. In this way the Government of India has every confidence that the intentions of Her Majesty's Government both at Home and in India will meet with fulfilment, and the reasonable aspirations of the people of India be in due time satisfied.

Proportion of Europeans and Natives now employed.

35. As the question of the degree to which Natives of India are already employed in the work of Government is frequently discussed, and as erroneous statements on the subject are not unfrequently made, it will perhaps be as well that I should state the precise facts as they now stand.

36. An analysis of the services, according to their composition as regards Europeans and Natives, shows that at the present time the working body of 4,082 officers is made up in the manner specified in the margin.[1] It must be remembered, in considering the figures given in this table, that under the recent rules, the Covenanted Service will gradually come to contain one-sixth of Natives appointed in India, in addition to any Natives who may enter by public competition in England. The number of the latter will, it is hoped, increase hereafter, under the combined influence of the breaking down of social and religious obstacles, and of the facilities now offered to Natives for study in England by the Society presided over by Lord Northbrook, and otherwise. On the other hand, the admission of Europeans to the general Uncovenanted Service has been forbidden and they will gradually disappear from its ranks.

Nationality.	Covenanted.	Uncovenanted.	Total.
Europeans ...	861	1,197	2,058
Natives ...	12	2,012	2,024
Total ...	873	3,209	4,082

[1] This table has been constructed with the object of showing all branches of the public service which are directly engaged in the government or administration of the country, but not such as are concerned with its moral and material development, or the rendering of service to the community on payment. Thus, Police, Forests, Political, Jails, and Registration have been included. On the other hand, Public Works, Mints, Telegraphs, Education, Survey, Post Office, and some other miscellaneous offices, have been excluded.

V.—Provincialisation of Finances and development of Local Self-Government.

Provincialisation of Finances and development of Local Self-Government.

37. The next subject to which I have to allude is the Provincialisation of the Finances and the development of Local Self-Government. The attitude of the Government in respect to these important questions has been described in two recent Resolutions, dated respectively September 30th, 1881, and January 17th, 1882. (see *Gazette of India* of September 30th, 1881, and of January 17th, 1882). It is unnecessary that I should, on the present occasion, recapitulate all that is said in those Resolutions. The two subjects with which they deal are separate, though connected. In respect to the first, namely, the Provincialisation of the Finances, the arrangements which are to obtain between the Imperial and Provincial Governments for the next five years, commencing from the 1st April 1882, have now been settled. In respect to the second, namely, the development of Local Self-Government, much yet remains to be done.

(*a*) *Provincialisation of the Finances.*

Provincialisation of Finances.

38. Turning first to the question of the Provincialisation of the Finances, it will be remembered that the principles of the new arrangements differ, in two important particulars, from those which were adopted on the occasion of the last general settlement in 1877.

Principles of new settlement.

39. In the first place, all the new Provincial settlements have now been based upon the principle which was adopted in 1879 in respect to Burma. That principle is that instead of giving Local Governments, as heretofore, a fixed sum of money to make good any excess of provincialised expenditure over provincialised receipts, a certain proportion of the Imperial Revenue of each province is for the future to be devoted to this object. Certain heads, as few in number as possible, are wholly, or with minute local exceptions only, reserved as Imperial. Others are divided in proportions, for the most part equal, between Imperial and Provincial. The rest are wholly, or with minute local exceptions only, made Provincial. The balance of revenues and charges thus made Provincial, being against the Local Governments, will be rectified for each Province by a fixed percentage on its Land Revenue (otherwise reserved as Imperial), excepting in the case of Burma, where the percentage will be extended to the Imperial rice export duty and the Salt Revenue also. The advantage of this system over that which has hitherto generally prevailed is that the Provincial Governments will be given a direct interest, not only in the Provincialised Revenue, but also in the most important item of Imperial Revenue raised within their own Provinces.[1]

40. The general result of these arrangements is that about three-fifths of the Revenue of British India, amounting roughly to £42,000,000, and about one-fourth of the Expenditure, amounting roughly to £19,000,000, will be Provincialised; that is to say, the Provincial Governments will have to a greater or less extent, according to the circumstances of each head, an interest in and responsibility for their administration. To be more explicit, they will receive the whole of the Revenue under heads which produce about £4,000,000, half of the Revenue under heads which produce about £8,000,000, a larger or smaller percentage on heads (chiefly Land Revenue) which produce about £23,000,000, and an almost nominal share in Revenues which produce £7,000,000; while they will administer the expenditure wholly under heads for which the grants amount to about £15,000,000, and to a very small extent under heads for which the grants amount to £4,000,000.

Relations between the Imperial and Provincial Governments in respect to War and Famine.

41. In the second place, the relations of the Imperial and Provincial Governments in respect to war and famine have been defined. Under the existing agreements, a Local Government is not entitled to any assistance from the Imperial Government until the whole of its resources are exhausted. For the

[1] I may mention that before leaving India, Sir John Strachey left on record a draft Resolution under which the new contracts with the Provincial Governments were to be regulated on the plan explained in para. 39. The details have, of course, undergone revision, but the principle advocated by Sir John Strachey has been adopted by the present Government. The other main features in the new scheme, *viz.*, (1) the relations between the Imperial and Provincial Governments in time of war and famine, and (2) the project which, for want of a better name, I term the "de-provincialisation" of the finances, have been grafted on to the original plan since Sir John Strachey left India.

future the Local Governments must look for no special aid from the Imperial Government, except in the case of severe famine, and then only within certain limits, which are defined in the 8th paragraph of the Resolution of September 30th, 1881. Those limits are fixed with reference to the resources of each Province, and not to the amount expended in famine relief. Aid will be afforded at an earlier point than before. On the other hand, the Government of India has declared that it will make no demand on the Provincial Governments except in the case of disaster so abnormal as to exhaust the Imperial reserves and resources, and to necessitate the suspension of the entire machinery of public improvement throughout the empire. A special and permanent annual allotment of £1,500,000 for Famine Relief and Insurance having been made in the Imperial Budget, the Governments of the North-Western Provinces, the Punjab, and the Central Provinces are henceforth relieved from any obligations, which may have been imposed upon them, of setting aside any special Revenues with a view to the relief and prevention of famine in their respective territories. All Local Governments will, indeed, find it necessary to keep in hand a moderate reserve, over and above a mere working balance, of sufficient amount to meet scarcity and distress, not indisputably amounting to severe famine, or other temporary exigencies. But it will no longer be necessary for them to accumulate any great Provincial reserve funds out of which to meet the demands of severe famine. Where any such reserve funds have been accumulated, they will be free to be employed in works of a Productive or a Protective character.

Repayment of War contributions.

42. The satisfactory position of the finances has enabled the Imperial Government to restore to the Provincial Governments the contributions, amounting to £670,000, which were paid by these latter Governments in the years 1879-80 and 1880-81, at a time when, by reason of the Afghan War, the strain on the Imperial finances was severe.

Financial effect of new contracts.

43. It remains for me to explain what will be the financial effect of the new Provincial contracts. I need hardly say that when the contracts, which are about to close, were made, the Government of India reserved to itself the right of revising them on expiry. It is, indeed, obvious that, in view of the manifold demands on the Imperial Treasury, and the necessity for affording relief to Provinces whose means are straitened, the Government of India cannot forego all its claims on the increments of Revenue which arise from the growing wealth and prosperity of the country. We have, however, wished to approach this question in a liberal spirit, and not to make any revision which will be favorable to the Imperial at the expense of the Provincial Revenues, except in cases where this course can be adopted without embarrassing Provincial Finance or checking the growth of the material prosperity of the Province. I shall presently show (para. 64) that the net result to the Imperial Government has been a loss of Revenue.

Bombay.

44. *Bombay.*—The settlement which was made with Bombay in 1877 was less favorable to the Provincial Government than in the case of most of the other Provinces. We do not propose, therefore, that Bombay should be asked to submit to any revision favorable to the Imperial Revenue. The new contract will be based on the Regular Estimate of the current year, and a sum of £4,800 will be added to the Imperial assignment to cover the cost of improving the position of the subordinate Civil Services.

Madras.

45. *Madras.*—The case of Madras differs entirely from that of any other Local Government. The Government of Madras declined to accept the more independent position offered to it in 1877, and is, therefore, still under the old Provincial arrangement of 1870. Under this arrangement the amount of provincialised Revenue and Expenditure was relatively very small. Taking the figures of the Budget Estimate for the current year, the amount of the provincialised Revenue stood at about £197,000, and the amount of provincialised Expenditure at £1,051,800. The balance of about £855,000 was made good by an Imperial allotment. Under the new arrangement, which has been concluded with the Madras Government, the provincialised Revenue will amount to about £2,178,000 and the provincialised Expenditure will, of course, be equivalent. The Government of India has granted to Madras an extra sum of £20,000 a year for Provincial Public Works. The Government of Madras has asked for a further sum of about £100,000 a year for various objects, but as

the submission of detailed proposals, and in some cases the sanction of the Secretary of State, must necessarily precede any actual grant for these objects, it has been decided to leave them outside the new settlement to come into operation on April 1st, 1882, and to grant hereafter, by means of a revision of the percentage of Land Revenue assigned, whatever extra charge may be finally allowed.

Bengal.

46. *Bengal.*—The terms of the Provincial Contract of 1877 were exceptionally favorable to the Government of Bengal. It was at that time thought that a considerable burden would be imposed upon Bengal in order to guarantee to the Imperial Revenue the interest on the capital spent in Bengal on the construction of Canals and Railways. The Government of India, therefore, consented at the time to abstain from claiming any part of the further increase which might be expected to the Provincial Revenues in consequence of the greater attention which it was thought they would receive from the Local Government. At the same time it was added that "while the Government of "India is most desirous that the Local Government should benefit largely by "any increase of Revenue to which improved administration may lead, it is evi- "dently reasonable and necessary that the Imperial Revenues should eventually "share in such increases."

47. The Railway receipts have increased by £150,000 in the last three years and are now more than enough to cover the whole of the expenses, including interest. I need not, however, dwell at length on this subject. It is well known that the financial condition of Bengal, partly owing to the great natural resources of the Province and partly to the able and vigorous administration of the present Lieutenant-Governor, is very flourishing. We are of opinion, therefore, that, without in any way embarrassing Bengal finances, we may withdraw from Bengal some portion of the grant from Imperial Revenues, which it has enjoyed during the last five years, and indeed, that in justice to other Provinces we ought to do so. A careful examination of the figures leads to the conclusion that the grant might fairly be reduced by £300,000 a year. On the other hand, the measures under contemplation for the improvement of the subordinate Civil Services, as well as the cost of creating a new district (Khulna), will throw an extra charge of about £30,000 a year on the Bengal Government. Making due allowance for this increased charge, a sum of £270,000 a year would remain as the amount of revision in favor of the Imperial Government. In order, however, that the Bengal Government should not be in any way embarrassed by an immediate change, and in order that the Provincial Revenue should have time to grow, we propose to grant a remission of £285,000, which will be credited to the Government of Bengal in the Accounts of the current year. This is tantamount to a grant of £57,000 a year for five years, but the Government of Bengal will be able to spread it over the period in any way which it may find will make the revision press most lightly on its finances. The real amount of the revision adverse to Bengal will, therefore, be £213,000 annually.

Punjab.

48. *Punjab.*—The provincialized Revenue of the Punjab has increased during the last five years at only a slightly less rapid rate than in the case of Bengal and the North-Western Provinces. Looking at the rate of increase only, a revision in favor of Imperial funds might fairly be demanded; but the Province has many wants. We do not propose, therefore, to demand anything from the Punjab, but the Provincial Revenues will bear the cost (about £4,000) which will be involved in improving the position of the subordinate Civil Services.

Assam.

49. *Assam.*—Assam is a poor Province with many wants. The new contract has, therefore, been based on the Regular Estimate of the year, and an extra grant of £3,100 will be given from Imperial funds to improve the position of the subordinate Civil Services.

Central Provinces.

50. *Central Provinces.*—The finance of the Central Provinces is in a very flourishing condition. If the new contract were made on the basis of present figures, the Local Government would start with a balance of £140,000 in hand, a surplus of above £12,500, and a normal increment of £15,000 more, independently of gain anticipated from the Railway, which is now under construction and is being fast pushed to completion. According to mere percentages, indeed,

the position of the Central Provinces is even more favorable than that of Bengal. A revision to the extent of £15,000 a year might fairly have been claimed. On the other hand, the Central Provinces are notoriously behind-hand in administrative organisation and material development. The strength of Extra Assistant Commissioners is insufficient for the due performance of Treasury and other duties, and a large proportion of civil litigation is in the hands of Naib Tahsildars drawing only from Rs. 50 to Rs. 70 a month. Further, the system of roads in the Province is very far from complete. For this state of affairs the Local Government is in no way to blame. The establishments were fixed some twenty years ago, since which time trade, population, revenue, and work, have increased till it is impossible for the existing staff to do justice to the duties imposed upon them. The present Chief Commissioner deserves high credit for having recognised that the wants of a poor Province can only be satisfied within the limits of its income. Under the circumstances, however, we should not be justified in curtailing, in however small a degree, the financial means of the Province. We have, therefore, waived any demand for revision in our favor on the understanding that the Chief Commissioner will relieve the smaller Municipalities of Police charges without imposing an equivalent, and will provide out of Provincial Revenues for such increases of establishment as may be necessary, including the cost of improving the position of the Extra Assistant Commissioners and Tahsildars, under the scheme now put forward, which will be about £3,000 a year.

Burma.

51. *Burma.*—The existing contract with Burma was entered into at the commencement of the year 1878-79, and was intended to last for five years. It would consequently run until the end of 1882-83 but for the consent, which the Chief Commissioner has given, to its being superseded by another on the new general terms.

52. The case of Burma is somewhat special, and I will not lengthen this Statement by entering into the details, which are complicated. It will be sufficient for me to say that we propose to place Burma in such a position as that the Provincial Government will earn an increase during the next five years proportionately equal to that which Bengal has obtained during the agreement now expiring. That agreement, I need hardly say, has operated most favorably to the Provincial Government. An extra grant of £10,000 a year will be given to Burma for improving the position of the subordinate Civil Services.

Abolition of duty on timber.

53. On the occasion of the visit recently paid by His Excellency the Viceroy to Burma, it was represented by the merchants interested in the timber trade of Moulmein, that various objections might be urged against the duty of 7 per cent. levied upon timber brought from the Karennee territory down the Salween River. Those objections were held to be valid. The duty has, therefore, been reduced to 1 per cent. The loss of Revenue consequent on this reduction is estimated at £25,000 a year. Half of this loss will eventually be borne by the Provincial, and half by the Imperial Revenues; but it has been arranged that a temporary grant of £10,000 a year for two years shall be made from the Imperial Revenues to Provincial funds, on the understanding that, should it be eventually determined to establish a Chief Court at Rangoon, the cost of the new establishments will devolve upon the Provincial Revenues.

54. In order not to complicate the new contract with special provisos applicable to the first year or two only, a cash grant of £20,000, and also the sum, if any, by which Burma may, by the new contract, be placed in 1882 83 in a worse position than under the old, will be placed to the credit of the Provincial Accounts before the 31st March 1882.

North-Western Provinces and Oudh.

55. *North-Western Provinces and Oudh.*—The case of the North-Western Provinces and Oudh requires to be treated somewhat more fully than that of other provinces.

56. The Revenue of the North-Western Provinces has increased, during the currency of the contract about to expire, at nearly the same rate as that of Bengal. The normal annual increment is about £60,000. The benefit of this increment to the Local Government, however, has not been so great in the North-Western Provinces as in the case of Bengal, owing to the specially favorable settlements which Bengal obtained in 1877. During the last three years the Government of the North-Western Provinces and Oudh has surrendered to the Imperial Government a larger sum (£116,700) than Bengal (£113,200) out of a Revenue 50 per cent. smaller. As regards Expenditure, the Government of the North-Western Provinces has pursued a policy wholly different from that of Bengal. Instead of spending freely, it has saved, with the result that it has now a balance of about £858,000 at its credit, which will be increased to £1,063,000 by the repayment of the contribution of £150,000 made to the Imperial Government during the war, and the addition of £55,000 to which I will presently (para. 57) refer.

57. After full consideration of the condition of the Provincial finances we have come to the conclusion that a revision of £150,000 a year in favor of Imperial Funds might fairly be asked. On the other hand, the cost of improving the subordinate Civil Services in the North-Western Provinces will be about £8,300, thus reducing the revision in favor of Imperial funds to £140,000 in round numbers. In order, however, to give the Local Revenue time to grow, and to facilitate the execution of the policy, recently announced, of relieving Municipalities of Police charges, it has been decided to act on the same principle as has been adopted in Bengal, and to grant the Local Government a partial remission during the first year of the contract of the additional sum which will be due to the Imperial Government. A sum of £55,000 will be credited to the Local Government in the Accounts for the current year. This is tantamount to a remission of £11,000 a year for five years. The reduction in Provincial Revenues will, therefore, really be only £129,000 a year.

58. This, however, does not state the whole of the case. A careful examination of the economic condition of the people in the various Provinces of India leads to the conclusion that in the North-Western Provinces and Oudh there are but slight signs of any improvement in the mass of the people during the last decade. The number of people with incomes of not less than Rs. 500 a year derived from trade and assessed to the License Tax in 1880-81 was 1,550 less than the number assessed to the Income Tax in 1870-71 and 1871-72. This would seem to indicate a diminution of the trade-wealth of these Provinces. On the whole, it may be said that nowhere in India is a reduction of taxation more required than in the North-Western Provinces and Oudh. The Government of India is, therefore, of opinion that, so far from reducing, it will be desirable to increase, the Imperial assignment in order to effect some reduction of taxation.

59. The Lieutenant-Governor has been consulted, and he is of opinion that the best course to pursue will be to remit all taxation on account of patwaris and kanungoes in the North-Western Provinces and in Oudh. The amount of the cess levied on this account in the North-Western Provinces is £241,000. The amount of taxation remitted will be considerably in excess of that imposed under Act III of 1878 (£170,000).

60. In Oudh no cess is levied for the purpose of remunerating patwaris. The patwaris are the private servants of the landlords and payable by them. It has been estimated that they cost their employers, or should, if properly paid, cost, some £75,000 per annum. We propose that the Government should find this sum, and take the payment of the patwaris into its own hands, when, as a matter of course, they will become Government servants, as they are in the North-Western Provinces, and will be treated accordingly.

61. The kanungoes in Oudh are paid by Government and cost about £2,900 a year. But the present establishment of State-paid kanungoes is altogether insufficient for purposes of supervision. There are 96 kanungoes to supervise 9,605 patwaris, working in 24,785 villages, *i.e.*, an average of 258 villages and 100 patwaris to each kanungo. There are great diversities in the sizes of the various kanungoes' charges, the maximum number of villages in a charge being 652, the minimum 57; the maximum number of patwaris 222, the minimum 33. In the North-Western Provinces the average number of patwari circles in charge of a kanungo is about 40, and this is generally considered to be too large for efficiency. To be fairly manageable, the average charge should not, in the opinion of the best informed local authorities, be greater than about 30 patwari circles to one kanungo. The cost of providing such an establishment is estimated at £11,600 a year, *i.e.*, £8,700 a year in excess of the sum now defrayed by Government.

62. The cost involved by these measures to the Imperial Government is shown in the following table:—

		£
Remission of Patwari Cess in the North-Western Provinces	...	241,000
Payments of Patwaris in Oudh, now made by landlords	...	75,000
Cost of additional kanungoes in Oudh (in round numbers)	...	10,000
Total	...	326,000
Deduct increase of contribution from Provincial Funds to the Imperial Treasury	...	129,000
Net cost to Imperial Government	...	197,000

63. The adoption of this mode of giving a remission of taxation will, the Lieutenant-Governor thinks, "be more likely than any other to affect the "tenants at once, for most tenants pay a special contribution towards patwaris' "wages, either in cash or kind, and when it became known that the patwari "was paid by Government, this contribution would hardly be demanded." We intend to cause the fact of the remission to be made known by proclamation in the vernacular, of which not less than two copies will be sent to every village in the United Provinces. The Bill relating to kanungoes and patwaris, which will to-day be laid before the Council, contains provisions which will prevent any landlord from recovering from a tenant any cess or rate or portion thereof, payable in money or kind, on account of the remuneration of a patwari, which becomes due after the 30th of June next. I should also observe that the new position given to the patwaris in Oudh will materially aid the operations of the Agricultural Department in that province.

General result of new contracts.

64. *General result.*—The general result of the whole of the new contracts is as follows:—

The Imperial Government might resume £470,000 a year. Of this sum, however, it gives back to the Provincial Governments £77,900 for improving the position of the subordinate Civil Services, for general purposes in the Central Provinces, &c., £20,000 to the Madras Government for Provincial Public Works, and £326,000 to the North-West Provinces and Oudh, of which £10,000 is for additional kanungoes in Oudh, and the remainder (£316,000) is in the form of a remission of taxation. In addition to this the Imperial Government remits a lump sum of £360,000, equivalent to £72,000 a year for five years, on account of the first year of the new settlements by means of a transfer to the Provincial Accounts of Bengal (£285,000), Burma (£20,000), and the North-West Provinces (£55,000), to be effected before the close of the current year (1881-82). The total grants and remissions amount to £496,000 a year. The net result, therefore, is a loss to the Imperial Government of £26,000 for five years.

(*b*) *Development of Local Self-Government.*

Development of Local Self-Government.

65. Turning to the question of the development of Local Self-Government, it is to be observed that a great step in advance was made when, in 1870, India was no longer considered as a single unit for the purposes of Financial Administration. The Provincial units, however, are still very large. The Government is, therefore, of opinion that the time has come when a further step may be taken in the direction originally indicated by Lord Mayo in 1870. Boards and Committees for the administration of certain local funds already exist in most parts of India. We now wish to widen the sphere of action hitherto assigned to these bodies. The Provincial Governments have, therefore, been invited to hand over to them such items of Revenue and Expenditure as may appear most suited to give them a real interest in the administration of the resources at their command, and, on the other hand, to take over as a Provincial charge some items of Expenditure, such as Police, over which local bodies cannot exercise any real control. I will not, however, at present discuss this question at length. The Local Governments have been consulted upon the subject, and until their answers are received it will be impossible to decide upon the particular measures which it may be eventually deemed desirable to adopt. I will only say, that whilst we recognise that the development of local self-government must be gradual, and not of a nature to outstrip the wants of the country and the standard of political education at which the people have arrived, at the same time we are desirous of making a real step in advance in the proposed direction.

Measures already adopted in Bengal.

66. I may mention, however, that one important step in advance has already been taken by the Lieutenant-Governor of Bengal, who has throughout most cordially co-operated with the Government of India in carrying out the policy now under discussion. It was indicated in the Government of India Resolution of September 30th, 1881, that it would be desirable to relieve Municipalities of Police charges and transfer to them other items of charge, such as Primary Education and Minor Public Works, the cost of which, within the limits of the Municipalities, has up to the present time been borne by Provincial Revenues. The intention was, wherever such a course was possible, merely to effect a transfer, and not either to increase or diminish Provincial or Municipal charges in the aggregate. It has been found difficult, however, more especially in the case of the smaller Municipalities, to carry this policy into effect without either increasing municipal taxation or providing extra grants from Provincial Revenues. It appears that out of a total sum of £140,000 expended by the different Municipalities, &c., in Bengal (exclusive of Calcutta, the Suburbs, and Howrah) in 1880-81, about £44,000 was spent on Police. The Government of Bengal has, therefore, decided that the charges now borne by Government in Municipalities on account of Dispensaries and Hospitals, amounting to something less than £10,000 a year, shall be transferred to those bodies, and that at the same time the Provincial Government should take upon itself the cost of the Police. The practical result of these orders will be to set free a sum of about £35,000 a year, which the Municipalities will be able to spend on conservancy, lighting, drainage, water-supply, and similar public wants. The Lieutenant-Governor has also increased the grant for Primary Education in the ensuing year by £10,000, and has announced that he will be ready to make liberal grants-in-aid to the funds of District Road Committees for the execution of well-considered projects.

And in other parts of India.

67. In other parts of India, notably in the North-West Provinces, Assam, and the Central Provinces, the transfer of Police charges from the Municipalities to the Provincial Governments is either in active progress, or will very shortly be taken in hand, and generally it may be said that the policy of the Government of India has been cordially accepted by the Local Governments.

VI.—Regular Estimates for 1881-82.

Regular Estimates, 1881-82.

68. I now proceed to compare the Regular Estimates with the Budget Estimates for the current year.

Comparison of Budget and Regular Estimates, 1881-82.

69. The Budget Estimates were as follows:—

		£
Revenue	...	70,160,000 [1]
Expenditure	...	69,305,000 [1]
Surplus	...	£855,000

The Regular Estimates are as follows:—

		£
Revenue	...	72,913,000
Expenditure	...	71,336,000
Surplus	...	£1,577,000

Amount of Surplus.

The Revenue is, therefore, now estimated at £2,753,000 and the Expenditure at £2,031,000 in excess of the Budget Estimate. The net result is better than the Budget Estimates by £722,000.

Explanations in respect to Surplus.

70. These figures, however, would not, without some explanatory remarks, give a true indication of the financial result of the year, or of the actual financial position. It has occasionally been the practice in making a Finan-

[1] These figures are not the same as those given in para. 72 of the Financial Statement for 1881-82. Owing to the alteration made in the form of showing the Provincial adjustments (see *ante*, para. 2), a sum of £821,000 has to be deducted from both sides of the Account. The net result is the same, *viz.*, a surplus of £855,000.

cial Statement, after stating what is the amount of surplus or deficit as shown upon the Accounts or Estimates, to make a calculation purporting to show what is the "real" surplus or deficit,—that is to say, what is the net result after eliminating any Revenue or Expenditure of an abnormal character. Very elaborate calculations of this sort are not of much use. It always happens that in the course of the year some abnormal circumstances arise, which to a greater or less extent influence both the original Estimates and the final net result. Further, if we look at a series of years, the actual surpluses or deficits shown in the Accounts really represent the net financial result of those years. At the same time, it is quite true that, unless allowance be made for any circumstances of very special importance and of a purely extraordinary character, an incorrect idea would be formed of the net result in the particular year of their occurrence. This is particularly true as regards the finance of the year 1881-82. In the first place we have paid back £670,000 to the Local Governments (para. 42), being the amount contributed by those Governments to Imperial Funds during the Afghan War. In the second place, as I have already explained (para. 64), a sum of £360,000 has been credited to the Local Governments in the Accounts of the year in connection with the renewal of the quinquennial contracts. Both of these items have been paid out of surplus, that is to say, neither of these transactions would have been carried out had we not been assured of the possibility of effecting the payments in question without incurring a deficit. If we add together these two items, we arrive at a total of £1,030,000. On the other hand, the amount of English War contribution credited to the Accounts of the year is £2,305,000. This was greater than the amount expended on the war, including Frontier Railways. I shall presently (para. 85) show that, owing to the difficulty of making an accurate separation between Ordinary Military Expenditure and War Expenditure, it is impossible to state precisely the amount by which this sum of £2,305,000 exceeds the real amount of War Expenditure incurred during the year, but I shall not be far from the mark if I state the excess at about £250,000. Deducting £250,000 from £1,030,000, there remains £780,000. If, therefore, the Provincial Governments had not been paid £1,030,000, and if, on the other hand, the receipts had not been swelled by an extraordinary credit of about £250,000, the surplus would have been £2,357,000. Some further corrections of this nature might be made. I have, however, said enough to show that £1,577,000 falls far short of the sum by which the normal Revenue of the year is estimated to exceed the normal Expenditure.

Surplus due to Financial Administration of preceding Governments.

71. The Budget Estimates for the current year were framed on the unquestionably sound principle that, so long as the embarrassment caused by the partial occupation of a foreign territory continued, all large measures of fiscal reform must be postponed. It is now, indeed, two years since any important alterations in the fiscal system have been made, during which time the personnel of the Indian Administration, both in England and in India, has undergone very considerable changes. It follows, therefore, that so far as the flourishing condition of the finances, which the figures I have given above indicate, results from financial administration, the credit is due not to the present Government but to its predecessors.

Explanation of details.

72. I proceed to give some explanations in respect to a few of the more important differences between the Regular and Budget Estimates.

IV and 6. Excise.

73. The net Revenue from *Excise* was originally estimated at £2,932,000.[1] It is now estimated at £3,312,000, being £380,000 in excess of the Budget Estimate. The general principles which guide the Government in respect to the Revenue from Excise are so well known that I need not discuss them at any length. Both from the financial and moral point of view, it is desirable to obtain a maximum of Revenue with a minimum amount of consumption. If the price of liquor is unduly increased, illicit trade at once springs up. If it be unduly diminished, drinking is encouraged. These principles are generally recognised as quite sound. The difficulty in dealing with the subject consists

[1] A Statement (X) has been added to those heretofore published, in which the net figures for 1880-81, 1881-82, and 1882-83 are given. It is thought that this statement may be useful for reference. Under the head of "Budget 1882-83" two columns are given, *viz.*, "preliminary" and "final." The "preliminary" column give the figures as they would stand if no fiscal changes were made. The "final" column give the figures as they stand after allowing for the loss occasioned by the remissions of taxation which, as I shall presently explain, it is proposed to make.

in their proper application. So far as any increase in the Revenue represents the substitution of licit for illicit consumption, it is an unmixed good. So far as it represents facilities for drinking being afforded beyond the ordinary requirements of the population, it is an evil.

Increase in Bengal.

74. There has been an increase of Revenue in every Province of India, but the principal increase has taken place in Bengal. The net Revenue in that Province, which was originally estimated at £803,000, is now estimated at £953,000, an increase of £150,000. There is reason to suppose that in some districts of Bengal an unduly rapid extension of shops under the out-still system has taken place, but the Lieutenant Governor has drawn the attention of local officers to the subject, and in the future it is to be hoped that the number of licenses given will be so regulated as to follow, and not to precede, the demand for liquor.

XIII & 15. Post Office.

75. The net cost to the State of the *Post Office* is now estimated at £43,000 in excess of the original Estimate. The operations of the Post Office afford a good indication of the progress of the country. During the year 1880-81 about 159,000,000 letters, newspapers, parcels, &c., passed through the Post Office, as compared with about 143,000,000 in 1879-80. The system of Post-cards, which was introduced into India on July 1st, 1879, has been much appreciated by the public. In the nine months from July 1st, 1879, to March 31st, 1880, 7,472,000 of these cards were used. In 1880-81 the number rose to 14,865,000. The number of Money Orders issued in the first nine months of the current year was 1,601,412, representing a value of about £4,295,000, as compared with 1,152,716, representing a value of about £3,344,000, during the corresponding period of 1880-81. During the year 1880-81 insured property to the value of about £7,876,000 was sent through the Post Office. The rate of insurance charged is $\frac{1}{4}$ per cent. of the value. The amount of property lost, whether from accident, fraud, or highway robbery, was only £1,040. This result testifies to the general efficiency of the Post Office administration, and to the honesty of the large body of postal employés, the great majority of whom are Natives of India.

Reduction in Registration Fee.

76. Various reforms have been introduced into the Post Office administration during the current year. On August 1st, 1881, the fee for Registration was reduced from 4 to 2 annas. It is too soon yet to say what will be the ultimate financial result of this reduction, but it is certain that, since the reduction of the fee, the number of registered letters has largely increased. During the month of December 1881, which is the latest month for which returns have been received, there was an increase in Head Offices alone of about 17 per cent., as compared with April 1881.

And in postage on Newspapers.

77. In October 1881 the postage on newspapers not exceeding 3 tolas (1¼ ozs.) in weight, was reduced from 6 to 3 pie. It is too early yet to say whether this measure will have any effect upon the circulation of the Vernacular papers, which mainly benefit by the change.

Post Office Savings Banks.

78. I mentioned, on the occasion of my last Financial Statement (para. 95), that arrangements were being made to utilise the organisation of the Post Office with a view to giving increased facilities to depositors in the Savings Banks. The new scheme will come into operation on April 1st, 1882. We are unable at present to introduce it into the Bombay Presidency, owing to legal difficulties in connection with the vested rights of the Bank of Bombay. It will, therefore, for the present, only be introduced in the Bengal and Madras Presidencies. There are, at present, in those Presidencies, 179 Railway and Treasury Savings Banks. None of these will be closed, but from April 1st, 1882, 4,035 Post Office Savings Banks will be opened. The advantages of thus facilitating the investment of small sums by the rural population are obvious. Even with the limited number of Savings Banks now open, the accumulation of capital steadily increases. There were 63,293 Native and 44,485 European and Eurasian depositors in 1880-81, as compared with 52,147 Native and 39,141 European and Eurasian depositors in 1879-80. The value of the deposits was £3,299,000 in 1880-81, as compared with £2,315,000 in 1879-80. There was a remarkable and very satisfactory increase (£718,000) in the amount of Native investments. It is to be hoped that, with the additional facilities now offered, the amounts invested will increase more rapidly than heretofore.

79. The efficiency of the Post Office administration depends to a great extent on a very careful attention to small details. The requirements of the public have to be watched, and, so far as is possible, anticipated. From this point of view the criticisms and suggestions on postal administration which, from time to time, appear in the newspapers, both English and Vernacular, are of great assistance. It is desirable that the Post Office authorities should be kept fully informed of the most recent improvements introduced into the postal administration of other countries. With this object in view, a high official of the Post Office will shortly visit the principal countries of Europe, as well as the United States.

Life Assurance.

80. The Government has at present under its consideration a scheme for granting Life Assurances and Annuities, both immediate and deferred, to the employés of the Post Office. This scheme will shortly be introduced. The experience we shall thus gain will enable us to judge whether it will be desirable to extend the scheme to others besides postal employés.

Pay of Postmasters.

81. The increased work which has been thrown upon the Post Office renders it desirable to improve the position of Post Masters, more especially in Bengal, the North-Western Provinces and Oudh, where their pay has, relatively speaking, been low. The salaries of the Post Masters have, therefore, been increased in those Provinces, at a cost to the State of about £5,000 a year.

XIV and 16. Telegraph.

82. The net cost to the State of the *Telegraph* Department is now estimated at £91,000 as compared with the Budget Estimate of £81,000. In the course of the year important additions were made to the pay of the Telegraph establishment. About 1,000 miles of line have been opened and about 4,000 miles of new wire erected; 128 additional offices were opened. It is too early yet to judge of the effect on the Revenue of the alterations in the Tariff which were introduced on January 1st, 1882, or of the extent to which the system of sending "urgent" and "deferred" messages is appreciated by the public. The following figures, however, give some indication of the results attained so far. From the Calcutta Office 7 per cent. of the messages despatched during the month of January were "urgent," 71 per cent. were "ordinary," and about 21·5 per cent. were "deferred." Comparing the number of messages sent from four of the principal offices in January 1882 with the number sent in January 1881, there has been an increase in Calcutta of 9 per cent., in Madras of 11 per cent., in Rangoon of 15 per cent.; in Bombay there has been a falling off of 5 per cent. During the year Postal Telephone Offices have been established as adjuncts to the Telegraph Department. Licenses have also been granted to Telephone Exchange Companies in Calcutta, Bombay, Madras, and Kurrachee.

XXVII & 34. Other Public Works.

83. The net Expenditure on *Other Public Works* is now estimated at £215,000 in excess of the Budget Estimate. The main increase of Imperial Expenditure has taken place in Bengal, where it is expected that the Budget Estimate will be exceeded by a sum of about £83,000. This is due to additional grants having been made during the year for the new Treasury Building, the new Central Press Building, and the new Military Account Offices, the Imperial Museum at Calcutta, and for several other works. The expenditure on Military Works during the year 1880-81 fell short of the Regular Estimate by £68,000. This amount was, therefore, added to the grant for 1881-82. For some years past it has been the practice to give a fixed grant of £1,000,000 a year for Military Works, on the understanding that any unexpended balance is carried forward for expenditure in the following year.

XXVIII and 35. Army.

84. The Regular Estimate provides for a total net *Military Expenditure* of £17,494,000, *viz.*, £16,150,000 Ordinary and £1,344,000 War, as against a Budget Estimate of £17,855,000, *viz.*, £15,645,000 Ordinary and £2,210,000 War.[1] The present Estimate of net Military Expenditure is, therefore, £361,000 less than the Budget Estimate. The difference would have been greater but that a sum of £560,000 has been deducted from *Frontier Railways* and added to *Military Operations in Afghanistan.* This sum represents the amount of Capital expended on the unfinished portion of the Kandahar Railway. It was thought desirable to make this transfer in order that the Capital Account of the existing Railway, which runs from Ruk on the Indus to Sibi and Pir Chowki,

[1] This calculation excludes the English contribution from the Revenue side of the Account.

should not be burdened with expenditure which does not really belong to it, and which is properly debitable to the War. If we deduct this amount of £560,000, the net War Expenditure, exclusive of Frontier Railways, would be reduced from £1,344,000 to £784,000, and the Regular Estimate of total net Military Expenditure would be £16,934,000, being £921,000 less than the Budget Estimate.

War Expenditure of 1881-82.

85. I have already explained (para. 10) that a redistribution of the English contribution between the years 1880-81 and 1881-82 was made in September 1881. According to the original distribution, £2,000,000 was to be credited to the Account of 1880-81 and £3,000,000 to the Account of 1881-82. This latter sum of £3,000,000 was estimated to cover the cost of Military Operations in Afghanistan and of Frontier Railways in the proportion of £2,210,000 for the former, and £790,000 for the latter, class of expenditure. The distribution adopted in September, which was the best that could be made according to the information then available, was £2,695,000 for 1880-81 and £2,305,000 for 1881-82. According to the Regular Estimate, the net charge for *Military Operations in Afghanistan* during the year 1881-82 will be £1,344,000, and the charge for *Frontier Railways* £209,000. The total net cost of Military Operations proper and of Frontier Railways, taken together, during the year, has, therefore, been £1,553,000, being £752,000 less than the amount of the English contribution which will be credited to the year's account. These figures, however, do not accurately represent the state of the case. It will be observed that, whilst the net War Expenditure recorded under *Army* is estimated at £866,000 less, the net Ordinary Military Expenditure is estimated at £505,000 more, than the Budget Estimate. It has, in fact, been found impossible to distinguish accurately between Ordinary and War Expenditure. Orders were issued in the course of last autumn that from January 1st, 1882, the charges on account of the troops beyond the frontier should be treated as Ordinary, only special charges, such as compensation for loss of camels, &c., being classified as War Expenditure. It cannot be doubted that a great deal of the expenditure debited to the Ordinary account really belongs to the War. The Military Estimate must, in fact, be treated as a whole. The division into Ordinary and War Expenditure does not pretend to any great accuracy.

Total cost of the War.

86. It will be convenient in this place that I should state the total cost of the War. Exclusive of the cost of Frontier Railways, the direct cost of the War may be taken at £17,551,000 (true sterling £14,679,000). The Frontier Railways are estimated to cost £4,060,000 (true sterling £3,614,000). The total cost of the War, if we include Frontier Railways, is, therefore, £21,611,000 (true sterling £18,293,000). Of this amount £5,000,000 (true sterling) has been paid by the Government of England, and the remainder by the Government of India.

Year.	Military operations.	Frontier Railways.	Total.
	£	£	£
1878-79 (Accounts) . .	676,000	...	676,000
1879-80 (Accounts) . .	4,766,000	1,334,000	6,100,000
1880-81 (Accounts) . .	10,765,000	2,294,000	13,059,000
1881-82 (Regular Estimate) .	1,344,000	209,000	1,553,000
1882-83 (Budget Estimate) .	...	223,000	223,000
Total .	17,551,000	4,060,000	21,611,000

A very accurate calculation is impossible.

87. This is the best calculation that can be made of the cost of the War, but it does not profess to be very accurate. On the one hand, certain deductions have to be made by reason of the increased receipts from Railways and Telegraphs, consequent on the War. It is impossible to say to what an extent any deduction should be made on these heads, but the amount, if it could be accurately calculated, would, no doubt, be considerable. On the other hand, some large additions have to be made, both by reason of the fact, to which I have alluded above (para. 85), that a good deal of War Expenditure has been debited to the Ordinary Account, and also because the cost of the Punjab Northern State Railway is not included in this calculation. The construction of that Railway was hurried on by reason of the War, and, in consequence, it no doubt cost considerably more than it otherwise would have done. Further, some small charges have yet to be incurred on account of the War. Provision has been made in the Budget of 1882-83 for a sum of £30,000 on account of these charges.

XXIX and 36. Exchange.

88. The Budget Estimate provided for a net *Loss by Exchange* of £3,063,000. It was anticipated that the Secretary of State would draw £17,200,000 sterling. The value of the rupee was taken at 1*s.* 8*d.* There has been a considerable demand for Council Bills lately. The opportunity has, therefore, been taken to remit home money to an extent somewhat in excess of the year's requirements. It is now estimated that the Secretary of State will draw on the Government of India to the extent of £17,504,000 sterling during the current year, at an average rate of 1*s.* 7·88*d.* The net *Loss by Exchange* is now estimated at £3,294,000, being £231,000 in excess of the Budget Estimate.

31. Famine Relief and Insurance.

89. It will be observed that the grant of £1,500,000 for *Famine Relief and Insurance* is divided into three sub-heads, *viz.*, *Relief*, *Protective Works*, and *Reduction of debt*. There has been an expenditure of £23,000 on *Famine Relief* during the current year in Madras, caused by a remission of some of the advances given to cultivators and others in 1876.

Protective Works.

90. According to the Regular Estimate the expenditure during the current year on *Protective Works* will be as follows:—

	£	£
North-West Provinces—		
Betwa Canal		25,000
Bombay—		
Nira and Gokak Canals and Maswad Tank ...	82,000	
Southern Mahratta Railway	315,000	
		397,000
Punjab—		
Swat Canal	40,000	
Rewari—Ferozepore Railway	207,700	
		247,700
Madras—		
Surveys		6,000
Expenditure in England		51,300
TOTAL		727,000

Reduction of Debt.

91. The annual grant (£750,000) to be applied to the *Reduction of Debt*, together with a portion (£90,000) of the same grant for 1882-83, will be devoted to paying off the 5 per cent. loan of 1867 (£603,000) and the 4 per cent. loans of 1871 (£203,100), of 1824-25 (£31,600), and of 1828-29 (£5,800). Various suggestions have, from time to time, been made as to the best method of spending this money for the future. I need not, at present, discuss those suggestions. They will, without doubt, be carefully considered by the Commissioners appointed under the Government Resolution published in the *Gazette of India* of February 4th, 1882. It was, in fact, with a view to the full consideration by an independent body of the various alternatives which are possible that the Commissioners were nominated; and the Resolution appointing them was drafted with a view to embracing all the different suggestions which have, from time to time, been made. We should have been glad if we could have given somewhat greater powers to the Commissioners, but it was held that we were precluded by Act of Parliament from doing so. The Commission will be a consultative body. The final responsibility for action will rest with the Government. I trust, however, that the difference will be more nominal than real. The Government will, without doubt, always be disposed to follow the advice of the Commissioners. I wish on behalf of the Government to thank the gentlemen (Mr. J. Keswick and the Honourable Durga Charan Láhá) who have consented to act as Commissioners. It is, I venture to think, desirable to take any opportunity of this sort which may arise to associate the leading members of the mercantile community with the work of Government in India. A good deal of misapprehension as to the views and intentions of Government not unfrequently arises from the want of free communication between the official and unofficial classes.

Famine Insurance policy.

92. I take the present opportunity of drawing renewed attention to the leading feature of the Famine Insurance policy. Whether the method which has now been adopted for disposing of the annual grant of £1,500,000 is the best of

which the circumstances admit, may be a matter of opinion. There can, however, be no doubt whatever that by the annual expenditure of £750,000 on works which will to some extent prevent famine, and which will also, it may reasonably be hoped, render the relief of famine, when it occurs, less costly,—and by the expenditure of a further sum of £750,000 on reducing debt in some form or another,—we are, in the strictest sense of the word, insured against famine to the extent of £1,500,000 a year. That sum the Famine Commissioners, after a very full consideration of the whole subject, named as the "amount not likely to be exceeded as the average charge for famine relief "over a series of years." Having made provision for this sum of money to be expended annually, the Government considers that all that is necessary has been done with a view to placing India in a sound financial position to meet future famines. I mention this again, although it has frequently been explained before, because, should unfortunately a famine occur with the result that any anticipated surplus of the year is turned into a deficit, it may not improbably be urged by those who take a very gloomy view of the financial position of India as a proof that their fears have been verified. I venture to think that no such inference would be justified. We do not profess to finance for a surplus in a year of famine. When a serious famine occurs, it is inevitable that the Expenditure of the year should be greater than the Revenue. We anticipate that, under the circumstances assumed, this will be the case, and we consider that all the requirements of sound finance have been met if in ordinary years a sum of £1,500,000 has been expended, partly as an insurance against the loss which must of necessity accrue when famine occurs, and partly on works which will either tend to prevent the occurrence of famine, or will, at all events, diminish the cost of relieving it when it occurs.

VII.—Expenditure on Railways.

Railways.

93. The "Ordinary" Expenditure on Railways for the year 1881-82 was originally estimated at £417,000. It is now estimated at £281,000. The difference is mainly due to the transfer of the estimated outlay during the current year on the Jhelum—Rawulpindi Section and Salt Branch Extension of the Punjab Northern State Railway from *32. Railways* to *37. Productive Public Works.*

XXV and 32. Railways.

Subsidized Railways.

94. The item of £39,000 under the sub-head of *Subsidized Railways* is for the purchase of the land necessary to the construction of the Bengal Central Railway, and for guaranteed interest payable to the Company. The item of £2,000 on the Revenue side of the Account represents the interest realised on the capital paid by the Company to the Secretary of State.

Frontier Railways.

95. The decrease of £581,000 under the sub-head of *Frontier Railways* is mainly due to the transfer of £560,000 to *Military Operations in Afghanistan*, which I have already explained (para. 84).

Railways classed as Productive Public Works. Revenue and Expenditure Account.

96. Turning to the Revenue and Expenditure Account of those Railways which are classed as Productive Public Works, it will be observed, on comparing the figures under *XXV* and *32. Railways*, that the Budget Estimate of net receipts appears to have been exceeded by £1,064,000. Of this apparent improvement, £150,000 is shown as decrease of expenditure on account of the East Indian Railway. The decrease under this head is almost entirely due to the interest on the East Indian Railway Debentures having, in the Budget Estimates, been included under *32. Railways*, whereas, in the Regular Estimate, it is charged to *1. Interest on Debt.* The result is that, whilst the charge under the former head of account is decreased, that under the latter is increased to the extent of about £150,000. Hence, the net receipts from *Railways* are really £914,000 in excess of the Budget Estimate. Almost the whole of this increase is on account of the Guaranteed and East Indian Railways. On the Guaranteed lines the main increases have taken place in the Great Indian Peninsula and Eastern Bengal Railways. The net receipts from State Railways are now estimated at £18,000 more than the Budget Estimate. The net receipts of the Rajputana—Malwa Railway have improved by £110,000; but this improvement has been, to a great extent, counterbalanced by the falling off on the Punjab Northern Railway, the net receipts from which are now taken at

£88,000 less than was originally estimated. So long as the war traffic was going on, it was difficult to frame any correct estimate of the normal net receipts on this line.

Construction of Railways by private enterprise.

97. In my last Financial Statement (para. 30) I made the following remarks: "I am not over-sanguine as to the possibility of developing the resources "of India rapidly through the agency of private enterprise; but the end to "be attained is so important that the policy merits a further trial." My main object in making these remarks was to draw public attention to the subject and to remove the impression which heretofore, whether rightly or wrongly, had prevailed, that the Government of India was disposed to discourage the construction of Railways by any other agency than that of the State. This object has been attained. The question has, indeed, now entered a new phase. Numerous offers have been received by the Government to construct Railways on terms more or less advantageous to the State. Many of these merit, and will receive, careful attention. In respect to others, all I need say is that the necessity for the warning which I gave last year to the effect that it was "important only to give concessions to such persons as can "afford good security that they have at their command a sufficient amount of "capital to carry out the undertaking to a successful issue," has been justified by subsequent events.

Central Bengal Railway.

98. I mentioned last year that a Company was about to be formed, under the auspices of Messrs. Rothschild, to construct a Railway from Calcutta to Jessore and Khulna. The original basis of negotiation was that no Government aid was to be given except the grant, free of charge, of the land necessary to the construction of the line. Ultimately it was decided to give a guarantee of 4 per cent. during the period of construction, which was limited to five years. The transaction was a great advance on anything which had heretofore been accomplished in the way of constructing Railways by unaided private enterprise in India.

Railway policy is under discussion.

99. In respect to some Railways in India it may be said that they present a sufficiently reasonable prospect of success to justify the hope that the capital necessary to their construction can be raised through the agency of private enterprise on the exclusive security of the success of the undertaking. In respect to others, whose immediate prospects of proving remunerative are less hopeful, it was inevitable that the question of the degree of aid which, in the early stages of the undertaking, may legitimately be afforded by the State, should arise. This important question now forms the subject of correspondence between the Secretary of State and the Government of India. Under these circumstances I will not at present discuss it, but will confine myself to stating in detail the actual position of affairs, both as regards the progress of Railway construction generally, and of the main projects which have recently occupied the attention of Government and of the public.

General principle of private enterprise approved by the Secretary of State.

100. I wish, however, to say that so far as the broad issue of whether permission should under any circumstances be given to private Companies to construct Railways in India is concerned, Her Majesty's Government has entirely approved of the views which I propounded on the occasion of my last Financial Statement. In a despatch reviewing that Statement the Secretary of State observed: "I have to express my cordial approval of the views enunciated "by Major Baring in his Financial Statement, regarding the encouragement of "private enterprise in India, any measures in which direction will be welcomed "by Her Majesty's Government." I repeat that I am not over-sanguine of the results which may be produced by this change of system. The success or failure of the policy obviously depends to a great extent on circumstances over which the Government can exercise no control. All I claim for the policy is that it should have a fair and impartial trial.

Lines open and under construction.

101. At the commencement of the year 1881-82, there were 9,619 miles of Railway open to traffic, and 646 miles under construction. During 1881-82, 318 miles of Railway have been opened to traffic and the commencement of 1,154 additional miles has been sanctioned. We have, therefore, now 9,937 miles open to traffic and 1,482 miles which are either under construction or whose construction will be commenced in 1882-83, making a total of 11,419 miles. Of those lines which are under construction it is expected that 491 miles will be opened during the year 1882-83.

Oudh and Rohilkhund extension.

102. In the course of the year arrangements were made with the Oudh and Rohilkhund Railway Company to extend their operations in a northerly direction from Moradabad to Saharunpore with a branch from Roorkee to Hurdwar, a total distance of 134 miles, at a cost of about £1,500,000. It is expected that this extension, together with the bridge over the Ganges at Benares, will be finished in 1883-84. There will then be through communication, without any break of gauge, from the East Indian Railway at Mogulserai through Oudh to Saharunpore.

Sonepur—Gorakhpur and Bahraich Railway.

103. A survey has been made of the line from Sonepur to Gorakhpur and Bahraich. The total length of this line, with its branches, is 432 miles. It was originally estimated to cost, on the metre gauge, £2,126,000, or about £4,900 a mile. The Consulting Engineer of the Government of India considers this estimate too low. The estimates are now being further examined. In the meanwhile the papers on the subject have been published, and we have addressed the Secretary of State, recommending that enquiries should be made with a view to ascertaining whether a Company, unaided by Government in any way except by a free grant of land, could be formed to undertake the construction of the line.

Southern Mahratta System.

104. One of the most important lines in India, whether from the point of view of protection against famine or in respect to the development of a tract of country whose progress is now retarded owing to deficient means of communication, is that which is known by the name of the Southern Mahratta System. This system includes (1) the line from Bellary to the Portuguese Frontier, which the Government of India is under a treaty obligation to construct; (2) branches to Belgaum on the one hand and to Bunkapur on the other; (3) a direct connection between Sholapur and Gadag. The total length of the line is 444 miles. £315,000 will be spent on the Sholapur—Gadag and Bellary—Hubli Sections in 1881-82 out of the grant of £750,000 for Protective Works. A further allotment of £370,000 out of the same grant has been made for 1882-83. Work is about to commence on the line between New Hubli and the Portuguese Frontier. A sum of £150,000 from Ordinary funds has been granted for this purpose in 1882-83. This is the most we can do at present with the funds at our disposal. But, in view of the very great importance of completing this Railway system without delay, we have urged upon the Secretary of State the desirability of endeavouring to arrange for its construction by a Company. It is especially in respect to lines of this nature that the question of the degree of aid which may be afforded by the State to private enterprise arises.

Railway communication with Assam.

105. The question of Railway communication with Assam has recently occupied the attention of the Government. At a recent meeting of the Indian Tea Association the Chairman (Mr. J. Keswick) said—"What we want for "Assam is good communications; for good communications will do more to "settle the labour question than anything else. The soil we know to be of the "richest description, and with sufficient labour there is no limit to its productiveness."

Dacca—Mymensingh line.

106. The projected line from Naraingunge to Dacca and Mymensingh is 85 miles long. It is estimated to cost £600,000, or about £7,000 a mile, on the metre gauge. The line is now being located. It would be desirable that this line should be constructed, if only to open out the country about Mymensingh, but its main importance lies in the possibility of a further extension to Gauhati, a distance of about 100 miles from Mymensingh. This extension is being now reconnoitred. No official report on the results of the reconnaissance has as yet been received, but I am informed that the Engineer-in-Chief is of opinion that the route is impracticable, save at very inordinate expense.

Line from Daudkandhy to Comilla and Chittagong.

107. An alternative project would be to make a line through the Cachar hills to Sibsagar. This alternative is supported by many high authorities. No reconnaissance has as yet been made of this route. In the meanwhile the Bengal Government has under consideration a project to make a Railway from Daudkandhy to Comilla and Chittagong, a distance of 125 miles. It is estimated that, on the metre gauge, the construction of this line would cost £812,500, or £6,500 a mile.

River communication up the Brahmaputra.

108. In the meanwhile, as it is obvious that some long while must yet elapse before Railway communication with Assam can be established, arrangements are being made with a Company to start a daily service of fast steamers up the Brahmaputra from Dhubri. These arrangements are now almost complete.

Dibrugarh—Sadiya Line.

109. In the course of the year a concession was made to a Company to construct 76 miles of Railway in the most easterly portion of Assam, namely, from Dibrugarh to Sadiya (52 miles), with a branch to Makum (24 miles). This proposal has been for a long while under consideration, and the negotiations were already far advanced, when, on the occasion of my last Financial Statement, I alluded to the desire of Government to enlist private enterprise in aid of Railway construction in India. The concessions granted to the Company were very liberal, and are not to be taken as an indication of what the Government would be prepared to concede in other cases.

Direct connection between the Central Provinces and the East Indian Railway system.

110. Reconnaissance surveys are being made with a view to considering the possibility of making a direct connection between the Central Provinces and the East Indian Railway system. Various overtures have been received from capitalists of respectability, including some Natives of India, which may perhaps eventually lead to the construction of this line. Until, however, the reports of the Engineer Officers who are now employed in reconnoitering are received, I am unable to say any thing definite, either as to the route the line will eventually take, or as to the likelihood of any negotiations with a Company being conducted to a successful issue.

Raipore—Vizagapatam Line.

111. Simultaneously, a reconnaissance is being made of the country between Raipore and Vizagapatam, with a view to judging of the possibility of connecting these points by Railway.

Bareilly—Ranibagh Line.

112. Negotiations are in progress with a view to the construction, through private agency, of a Railway from Bareilly to Ranibagh, a distance of 66 miles. The cost of this undertaking will be about £220,000.

Baroon—Daltongunge Line.

113. A proposal has been received from a local Company to make a line from Baroon, on the river Sone, to Daltongunge. The length of this line is 56 miles, and the cost, on the metre gauge, is estimated at about £275,000, or £4,900 a mile. This project is now under the consideration of the Bengal Government. The information at present in the possession of Government is not of a nature to enable us to judge thoroughly of the advisability, or the reverse, of making the concessions which have been demanded.

Nilgiri Railway.

114. Negotiations are pending between the Madras Government and a Company with a view to the construction of a line from Metapaliyam to Coonoor, a distance of 12 miles. The cost of this line is estimated at £132,000.

Baidyanath—Deoghur Tramway.

115. A short line is to be constructed from the Baidyanath Station on the East Indian Railway, to Deogurh and Rohinee, a distance of 6 miles. A very satisfactory feature in respect to this small undertaking is that it is to be constructed without any aid from Government except the grant of the land, and that the capital required (£25,000) has been locally subscribed.

Rohtuk—Delhi Tramway.

116. There is also some prospect that a local Company will be formed in the Punjab to make a tramway from Rohtuk to Delhi, a distance of 43 miles.

Total cost of Railways in India

117. It may be interesting that I should here state the sum of money which, up to the present time, has been laid out on Railways in India, together with the financial results which have ensued from their construction.

118. The total capital outlay on Railways in India up to the end of 1882-83 [1] will be £138,937,000, *viz.*, £68,292,000 on Guaranteed lines, £31,852,000 on State lines, and £38,793,000 on the East Indian Railway.

119. The net charge to the State on account of the Guaranteed lines has been decreasing since 1872-73, in which year it reached its maximum figure (£2,054,000). In 1881-82 it is estimated that the net charge will only be £115,000. In 1882-83 it is at present estimated that the net charge will be £261,000.

120. The net charge to the State on account of State lines reached its maximum figure (£725,000) in 1879-80. In 1882-83 it is estimated at £206,000.

121. From 1879-80, when the East Indian Railway was taken over by the State, up to the end of 1882-83, it is estimated that this line will have yielded a net profit to Government of £4,133,000.

[1] Up to the end of 1880-81, the figures are Actuals; for 1881-82, the figures of the Regular, and for 1882-83, those of the Budget Estimate, have been taken.

The net charge the State has been diminishing since 1872-73.

122. If the subject be considered as a whole, it may be said that the total cost of the Railways to India from their commencement to the end of 1882-83, that is to say, the total sum by which the net receipts have fallen short of the interest paid on the Capital outlay, is estimated at £25,569,000. The maximum net charge to the State in any one year amounted to £2,163,000. This figure was reached in 1872-73. In 1877-78 the Railways for the first time yielded a net profit (£132,000). This was due to the large amount of traffic during the famine. In the following year (1878-79), when the country was suffering from the effects of the famine, the net charge was heavy (£1,350,000). If we balance the abnormal receipts of the year 1877-78 against the abnormal losses in 1878-79, it may be said that since 1872-73, the net charge to the State has been steadily diminishing, until during the current year it is estimated that a net profit of £723,000 will be realised. This result may possibly be exceptional, and it would be unsafe to rely on a continuance of the high receipts which have recently been obtained. But according to the moderate Budget Estimate of 1882-83, the net gain to the State during the coming year will be £261,000.

123. It may also be interesting that I should state the financial position of each Railway considered separately. The following tables show (1) the capital outlay on each line to the end of 1881-82; (2) the estimated net receipts during the current year; (3) the percentage return on the capital outlay.

1. Guaranteed Railways.

	Estimated capital outlay to end of 1881-82.	Net Receipts. — Regular Estimate, 1881-82.	Percentage.
	£	£	
Eastern Bengal	3,555,509	300,000	8·43
Madras	11,424,764	200,000	1·75
South Indian	4,547,039	120,000	2·64
Bombay, Baroda, and Central India	8,756,881	580,000	6·62
Great Indian Peninsula	25,749,956	1,800,000	6·99
Oudh and Rohilkhund	6,321,766	195,000	3·08
Sind, Punjab, and Delhi	11,957,111	295,000	2·47

2. State Railways.

	Estimated capital outlay to end of 1881-82.	Net Receipts. — Regular Estimate, 1881-82.	Percentage.
	£	£	
East Indian Railway	38,307,683	3,110,000	8·12
Rajputana	5,617,039	320,000	5·70
Western Rajputana	3,423,441	60,000	1·75
Neemuch	869,206	9,500	1·09
Holkar	593,592	7,500	1·26
Scindia	828,567	10,000	1·21
Wardha Coal	1,289,305	64,000	4·96
Nagpur and Chattisgurh	997,628	14,000	1·40
Rangoon and Irrawaddy	2,101,600	94,000	4·47
Dhond and Manmad	575,285	24,000	4·17
Northern Bengal	380,014	17,000	4·47
Tirhoot	33,624	100	·29
Patna and Gya	679,486	—4,000	—·59
Nalhati	324,841	12,500	3·84
Calcutta and South-Eastern	109,287	3,500	3·20
Cawnpore—Farakhabad	67,853	500	·74
Muttra—Hattras	66,890	100	·15
Ghazipur—Dildarnagar	8,028,093	115,000	1·43
Muttra—Achneyra	4,534,743	21,500	·47
Indus Valley			
Punjab Northern (Lahore to Rawalpindi, including Salt Branch)			

Conclusions to be drawn from the figures.

124. These tables enable us to arrive at the following conclusions:—

(1) In respect to the Guaranteed lines, £38,062,000 of the capital which has been laid out up to the end of 1881-82 is paying more than 4°/₀, and £84,251,000 is paying less than 4°/₀.

(2) The East Indian Railway, on which £38,308,000 has been expended, is paying about 8°/₀.

(3) In respect to the State lines, £9,963,000 of the capital laid out up to the end of 1881-82 is paying more, and £20,555,000 is paying less than 4°/₀. It is to be borne in mind that this latter figure includes £12,563,000 for the Indus Valley and Punjab Northern Lines, which were avowedly constructed for strategical purposes, that many of the lines are scarcely finished, and that others have only very recently been opened to traffic.

VIII.—Supply of Stores to Government.

Supply of Stores to Government.

125. In the last Financial Statement (para. 105) I alluded to the desirability of substituting articles of local manufacture, when possible, for such articles as the Government has been in the habit of importing from Europe.

Objects of the policy of purchasing stores locally.

The objects of this policy are twofold. In the first place, to diminish the Home charges. In the second place, to encourage by all legitimate means the establishment of new industries in India. In respect to this latter question the Famine Commissioners observe (Report, Part II, Chap. VI) that—

"At the root of much of the poverty of the people of India, and of the risks to which "they are exposed in seasons of scarcity, lies the unfortunate circumstance that agriculture "forms almost the sole occupation of the mass of the population, and that no remedy for "present evils can be complete which does not include the introduction of a diversity of "occupations, through which the surplus population may be drawn from agricultural pursuits "and led to find the means of subsistence in manufactures or some such employments."

* * * * * * * * *

"So far as the products of any industries established in India can be economically used by "Government, they might properly be preferred to articles exported from Europe, and generally "the local markets should be resorted to for all requisite supplies they can afford. We are "aware that steps have been taken, within the last few years, to enforce this principle, but more "can certainly be done, and greater attention may properly be paid to the subject.".

Limits to influence of Government.

126. It would be easy to exaggerate the extent to which any Government action can exercise an influence upon the important economic question to which the Famine Commissioners allude. This was pointed out by the Commissioners in their Report. At the same time Government can do something in the proposed direction, and what it can do, it ought to do and is desirous to do.

General orders on the subject have been overlooked.

127. General orders have on previous occasions been issued to the effect that, wherever feasible, stores of Indian origin or manufacture should be substituted for imported goods. But the tendency of general orders is to be overlooked. When, therefore, a general order was issued last June prescribing that for the future every effort should be made to supply the wants of Government by the purchase in the local market of articles of *bonâ fide* local manufacture, it was deemed necessary, in order to ensure attention to the order, to follow it up by a specific prohibition in every case, in which this could reasonably be done, of the importation of stores. The prohibition could not, of course, be made absolute. It was necessarily limited to cases where the articles required could be obtained in quantities sufficient for requirements at prices not higher than, and of a quality not appreciably inferior to, the prices and quality of the imported goods for which they were to be substituted. Also, where an Indian-made article different from the imported article, but equally serviceable, was obtainable, orders were given that the former was to be preferred. Since last June the Financial Department has been actively employed in watching the operation of the orders given by the Government, and seeing that they are rigorously adhered to. The Military and Public Works Departments, which are the two largest consumers of stores, gave their adhesion to the policy under discussion, and have co-operated in carrying it into execution. The Local Governments and Administrations have also lent valuable assistance by insisting on a careful observance of the orders by the

chiefs of the departments subordinate to them. I take this opportunity of expressing a hope that the various Departments concerned, as well as the Local Governments and Administrations, will continue to watch this subject carefully. Without their cordial co-operation and assistance it will be almost impossible to give effect to the policy of the Government. General orders, as I have already said, are of little avail. The question is essentially one of detail, and unless each indent on England be carefully examined in detail, with a view to the exclusion of such articles as can be obtained locally, no considerable advance in the desired direction will be made.

Results attained up to present time.

128. It was considered that the most efficient and speedy way of ensuring the practical execution of the orders was to call for statements of the stores received by Departments from England during the two previous years, and to specify distinctly the stores entered in the lists which were not in future to be obtained elsewhere than in India. This has been done with every list of stores which has been received, and a similar process has been gone through with every current indent for stores received in the Financial Department. The work has been very laborious, and much credit is due to Mr. O'Conor, the Assistant Secretary in the Financial Department, for the manner in which it has been executed. The result so far is, briefly, that in the Civil Departments, stores, which had hitherto been imported to the annual value of about £80,000, will in future be obtained in India of Indian manufacture. The largest values are represented by cotton and woollen goods, but the list includes a great variety of other articles; for instance, agricultural and other implements, building materials, such as cement and fire bricks, chemicals, drugs and medicines, earthenware, glass-ware, hardware, iron-ware in great detail, leather, liquors, oils, paints, soap, paper and stationery, printing materials, rope and twine, silk goods, scientific instruments, &c. This list indicates the great capacity of India as a manufacturing country. Capital and acquired skill are necessary for the full development of this capacity, and it is hoped that this will be forthcoming if the prospect is held out of a continuous demand on the part of the State for all the articles which it requires. The Government has, accordingly, offered contracts for terms of years to anybody able to supply articles not now made in the country of sufficiently good quality and at reasonable prices. In some cases such offers have elicited answers which are encouraging. In others no reply has been made to the offers of the Government.

Civil Departments.

Capacity of India as a manufacturing country.

Military Department.

129. In addition to the total of £80,000 mentioned above, the Military Department has already substituted Indian goods to the value of £166,700 for articles hitherto imported; among the chief items being beer and woollen goods (blankets). Arrangements have also been made to manufacture in India, through the agency of private enterprise, a portion of the boots required for the Army, and it is hoped that eventually India will be able to supply the whole demand. The change is still in active progress in the Military Department, and in the course of another year or two it is hoped that the total amount of stores purchased in India will be increased.

Public Works Department.

130. The Public Works Department has not as yet been able to do much in the same direction. The requirements of that Department mainly consist of girders, rails, and other articles made of wrought iron. Unfortunately India cannot yet manufacture wrought iron or steel, although it is hoped that before long a commencement will be made. Great facilities exist for the manufacture of these articles in more than one province, and only wait for efficient private enterprise to take them up.

Total reduction of European stores up to present time.

131. A reduction of about £250,000 out of the whole value of the Government stores imported into India is not much, but it is a good beginning. With the development of the woollen industry which has been started under favorable conditions at Cawnpore and Lahore, paper-making, leather manufacture, and brewing, all of which are now thriving, there is good reason to hope that eventually a material impression will be made on the totals of the imports on account of the State.

Result as shown by comparison of total imports.

132. Sufficient time has not yet elapsed for the effect of the orders which were recently issued to be seen on a general review of the imports. Indents which had been sent to England in 1880 or before, are now being complied with; reserve stores must be exhausted, and time must be given to local manufacturers

to complete their arrangements to make and deliver goods. I give, however, the following figures, in order to show the facts of the case as they now stand.

133. The total value of the stores imported on behalf of Government in 1879-80 was £1,424,000. In 1880-81 it was £2,808,000. The increase in 1880-81 over 1879-80 is to a great extent apparent and not real, owing to the classification of stores for the East Indian Railway, after it became the property of the State, as Government stores, whereas formerly they were classed in the trade accounts under general trade. A great quantity of material was also imported for the Frontier and other State lines of Railway. The increase was, in fact, almost entirely under this head. In the ten months of the current year, for which we have returns, the value of the imports has amounted to £1,806,000 as against £2,349,000 in 1880-81 and £1,070,000 in 1879-80. Of this sum of £1,806,000, £1,014,000 was for "Railway Plant and Rolling-stock," which cannot be obtained in India, as against £1,322,000 in 1880-81 and £322,000 in 1879-80 under the same head. Excluding this item, the figures for the three years would stand thus:—

	£
1879-80	748,000
1880-81	1,027,000
1881-82	792,000

The value of imports, other than Railway material, during the first ten months of 1881-82 is, therefore, £235,000 less than during the corresponding period of 1880-81, and £44,000 more than during the corresponding period of 1879-80. Little, however, is to be learnt by comparisons of this sort. The only way to watch the development of the policy is to compare the total quantities of any particular article supplied to the State, and note the proportion in which those quantities have been obtained locally or imported from Europe.

Jail manufactures.

134. In connection with the subject now under discussion I may mention that the question of jail manufactures is at present under the consideration of Government. A circular has been addressed to Local Governments with a view to ascertaining the precise nature of the articles which are sold either to the public or to Government, and, more especially, the system which is adopted in calculating the selling price of those articles. There can be little doubt that, in some instances at all events, articles manufactured at jails are sold at prices which preclude the possibility of fair competition. Moreover, it must in some places happen that one large jail can supply articles sufficient to meet the whole local demand, so that, irrespective of price, local enterprise is in danger of being crushed out. If the question be considered from the purely financial and economic point of view, it may, I think, be held that any diminution of the charge for jails thrown on Government is dearly bought at the expense of checking the growth of Native industries. The question, however, is not purely financial and economic. Behind it lies the far more difficult question of how prisoners can best be employed. I am not at present in a position to state the nature of the decisions at which the Government will ultimately arrive. All I can now say is that we recognise the importance of this difficult question, and that it will receive careful consideration.

IX.—The Opium Question.

The Opium Question from an economic point of view.

135. The main financial and political feature of the year which is about to close, is that, whereas at its commencement we were at war, or at all events were still burthened with a heavy War Expenditure, we are now at peace. With the advent of peace the Government has been able to turn its attention to questions of domestic policy. We have, during the course of the summer, passed under review the several branches of the Indian fiscal system, and I am now in a position to announce the decisions at which we have arrived in respect to several important points connected with that system. The first question to which I propose to allude is Opium.

Extent to which the Opium Revenue is precarious discussed.

136. It has been often stated that the Revenue which India derives from Opium is precarious. It will be desirable to examine to what extent this description is correct.

137. The general belief that the Opium Revenue is precarious, appears, to a great extent, to be based upon the violent fluctuations which in past years have taken place in the prices realised for Bengal Opium at the Calcutta sales. Sir John Strachey, in his recent work on the Finances of India (Chap. XIV), has shown that the facts of the case do not altogether warrant any such inference. The fluctuations of price in past years were to a great extent due to the fact that great variations took place in the number of chests of Opium offered annually for sale.

Dangers to which it is exposed.

138. Nevertheless, the Opium Revenue is exposed to some dangers of an exceptional nature. Moreover, those dangers are somewhat more prominent at present than they have been in past years.

The crop is precarious.

139. The policy of the Government for the last two years has been to offer 56,400 chests of Bengal Opium for sale annually. The Opium crop is precarious. To ensure a continuous supply of 56,400 chests a year, it is necessary to maintain a reserve, in order that the surplus of good years may be used to supply the deficiencies in bad years. The average annual production of "provision" Opium,—*i.e.*, Opium for sale by public auction, which is mostly exported to China,*—for the last twenty years, has been 50,154 chests. The crops of the years 1875-76 and 1876-77 were exceptionally good, producing respectively 68,051 and 67,167 chests of provision Opium. The result was that a strong reserve was constituted. It has, therefore, been possible for the last four years to offer a large number of chests for sale.† But in order to effect this object, it has been necessary to draw on the reserve, which, in consequence, has been steadily diminishing, as the following figures will show:—

* In addition to the quantity exported, about 4,000 chests of Bengal Opium are consumed in India. This is termed "Abkari" Opium.

	Chests.
† 1878-79	55,500
1879-80	59,100
1880-81	56,400
1881-82	56,400
Average ...	56,850

	Chests in reserve.
1878	48,482
1879	31,622
1880	25,183
1881	21,752
Estimate for December 31st, 1882	15,084

Depletion of reserve.

140. This process of depletion cannot continue indefinitely. An exceptionally good crop may, indeed, again replenish the reserve. But we cannot rely on a fortuitous circumstance of this sort. An average crop, or, at all events, a succession of average crops, will oblige us to resort to one of two alternatives. We shall be forced either to increase the production, or to diminish the amount offered for sale.

Difficulty of extending cultivation.

141. The reports from the local authorities generally point to the conclusion that any considerable extension of cultivation, either in the Behar or the Benares Agency, is not to be anticipated. In order to maintain the existing cultivation it has recently become necessary to raise the price paid to the cultivators for crude Opium from Rs. 4-8 to Rs. 5 a seer. The increased cost of production resulting from this enhancement of price is estimated at £215,000.

Question of enhancement of price discussed.

142. Whether, in the event of its being necessary to diminish the quantity of Opium offered annually for sale, we may expect to be recouped any loss of Revenue by increased prices, depends largely upon the competition of the Persian and the indigenous Chinese drugs.

Competition of Persian Opium.

143. The quantity of Opium exported from Persia has increased during the last 10 years from 870 to 7,700 chests. It is believed that the cultivation of the poppy in Persia has not as yet reached its natural limits. The quality of Persian Opium is being gradually improved. Still, the evidence afforded by the Chinese Consular reports tends generally to show that Indian Opium is preferred to Persian by those who can afford to pay for the former of the two drugs. On the whole it may be said that the competition of Persian Opium constitutes a danger to the Indian Revenue, but that the danger is not at present very serious.

Competition of Chinese Opium.

144. Turning to the question of the competition to be apprehended from the indigenous Chinese drug, a careful perusal of the Consular reports enables us to arrive at the following conclusions :—

(1) The production of Opium in China has greatly increased of late years and is still increasing. There is no reason to suppose that it has as yet nearly reached its natural limit. Consequent on the increased production and on the greater cheapness of the Chinese drug, there is a danger that amongst the poorer classes of the population, at all events, the Indian drug will be displaced by the Chinese.

(2) Up to the present time the Indian drug has been able to hold its own amongst the wealthy classes by reason of its superior quality. The quality of some of the Chinese drugs is improving, but even the best are still inferior to Indian Opium.

Summary of conclusions on a review of the economic aspects of the question.

145. To sum up this brief review of the economic aspects of the question, the facts which I have so far elicited,—that is to say, the necessity of raising the price paid for crude Opium, the difficulty of extending the area under cultivation in India, the necessity which may be forced on us of reducing the quantity of Bengal Opium annually offered for sale, and the increase in the production and the improvement in the quality of the Persian and Chinese drugs,—all point to one conclusion, namely, that it is by no means improbable that the Opium Revenue may undergo some diminution. Although the amount of Revenue derived during the last four years has been very large, it would be unwise to count upon its continuance at so high a figure. There has quite recently been a sharp fall in the price realised for Bengal Opium at the Calcutta sales, and the Malwa trade has for some while been very stagnant. To this extent, therefore, the Opium Revenue may be said to be precarious.

Consideration of the question from the moral point of view.

146. I have so far dealt with questions of fact. I now come to a much more difficult branch of the question. I must now leave the domain of fact and approach that of sentiment and morality, which opens a wide field for difference of opinion.

The problem is eminently a practical one.

147. A great deal has, from time to time, been written as to the effects of Opium, both on the individual and on the Chinese nation. I do not think that anything is to be gained by discussing this subject at any length. That Opium when used in moderation for medicinal purposes is beneficial; that in China it is very often used to excess; that when used to excess its effect is baneful; and that it would be better for the Chinese if they smoked less Opium,—are truisms which may be generally accepted.

The common-places on the subject may, to some extent at all events, be admitted by all parties. Even if it be conceded to the Anti-Opium Society that the effects of the drug are to the full as baneful as they allege, we should, whether from the Chinese or the Indian point of view, be no nearer than at present to the solution of the problem which we have in hand. It is useless to discuss what ideal condition of things would commend itself either to Chinese or to Indian statesmen. The problem we have to treat is eminently a practical one.

Direct connection of Government with the trade.

148. I pass on, therefore, to the consideration of the two points as to which the position of the Government of India has been especially attacked.

149. The first of these is the direct connection with the trade. It may be readily admitted that the Government of India being, as regards Bengal, manufacturers and dealers in the drug, are placed in a somewhat invidious and false position. But when we are invited to discontinue the present connection with the trade, we naturally ask, what is the precise nature of the alternative policy which is to be adopted? Does that policy merely involve the cessation of the connection between the Government of India and the Opium trade in Bengal? Or does it aim at a total suppression of the Opium trade between India and China? I think it may be inferred that the direct connection is merely regarded as a specially objectionable incident, and that the ultimate aim of the policy advocated by those who are opposed to the existing system under which the Revenue is raised in Bengal, is to prohibit the trade altogether.

A consistent Anti-Opium policy must aim at a total suppression of the trade.

150. In point of fact, in order to be consistent, those who object to the existing order of things in respect to Opium must of necessity go further than merely condemning the direct connection between Government and the trade. The avowed object of their policy is to stop the alleged demoralisation consequent on the extensive use of Opium in China. No one can for one moment pretend that the mere cessation of the direct connection between the Indian Government and the manufacture of Opium would of itself in any way tend to bring about this result.

Economic objections to the present system.

151. The economic objections to the manner in which the Opium Revenue is raised, whether in Bengal or Bombay, may be admitted to be considerable. In the former case the Government itself engages in private trade,—a course which is open to obvious objections. In the second case, a very heavy export duty is imposed. In both cases the course adopted interferes with and restricts the free production of and trade in Opium. It cannot be doubted that it would be profitable to any private trader to pay for crude Opium a much higher sum than is now paid by the Government to the cultivators of Bengal. If, therefore,—supposing such a thing to be possible,—no restriction were placed upon the cultivation of the poppy, and if at the same time the export duty were taken off, it is certain that an immense stimulus would be given to the production of Opium, and that China would be flooded with the Indian drug. Thus, in direct proportion to the removal of the economic objections, the moral objections would be intensified in degree. So long, therefore, as the plea of the Anti-Opium Society is confined to the contention that the Indian Government should cease its direct connection with the Opium trade, it may be said, with perfect truth, that their policy is based purely on theory. Not only can it effect no practical good, but it almost certainly would do a great deal of harm. It would increase the consumption of Opium in China. It would, by cheapening the price of the Indian drug, cause the poorer classes of Chinamen, who now smoke native Opium, to substitute Indian Opium in its place. It would, moreover, encourage the use of Opium amongst the native population of India, some of whom, notably the Sikhs, are already addicted to the practice; and it would result in a diminution of the food-supply of India by reason of the cultivation of the poppy over tracts where cereals are now grown. If, therefore, the policy is to be not merely theoretical, but is to be productive of some practical good, it must aim, not only at the disconnection of the Indian Government with the manufacture and sale of Opium, but at the total suppression of the cultivation of the poppy. I shall presently (paras. 174—179) revert more particularly to the financial aspects of this question.

Morality of the direct connection.

152. As to whether it be more immoral for the Government to be directly connected with the manufacture and sale of Opium, than merely to derive a Revenue from the manufacture and sale of the drug by others, that is a point on which, without doubt, much difference of opinion may exist. I do not think that any useful object would be gained by a discussion of this point, or of the cognate question of whether, in Mr. Fawcett's words, there is "much "difference between raising Revenue from Opium and raising 26 millions as we "did in this country (England) to a great extent out of the intemperance, improvidence, and vice of the people."

Relations with China.

153. I turn to the second point, in respect to which the position of the Government of India has been especially attacked—namely, the policy pursued towards the Chinese Government in relation to the Opium trade.

154. It has been stated that the treaty under which Opium is admitted into China was extorted from the Chinese Government; that the Chinese Government is now forced to admit Opium; and that it is both able and willing to put a stop to the consumption of Opium in China, if the foreign import trade were stopped.

Erroneous statements on this subject.

155. These are grave accusations. I think, however, that I can show that it is wholly incorrect to say that the article in the Treaty of Tientsin, which provided for the admission of Opium, was extorted from the Chinese Government; that Indian Opium is in no way forced upon China, but that on the contrary, the Chinese Government derives a large Revenue from the import trade, which it is very unwilling to sacrifice; that the statement that the Chinese Government is willing to put down the use of Opium must be received with great qualifications; and that irresistible evidence is forthcoming to show that it is not able to stop it, even if its willingness to do so be freely admitted.

The Chinese were not forced to admit Opium when the Treaty of Tientsin was signed.

156. I need not go into the history of the various wars which have from time to time been waged with China, or examine whether the policy of those wars was justifiable or the reverse. It may be very true that the Chinese were with difficulty got to assent to the terms of the Treaty of Tientsin. There is nothing very remarkable in the fact that at the close of a war the vanquished party should accept, with great reluctance, the terms on which the victors insist. But as regards the particular point which we are now discussing, namely, the admission of Opium into China, we have excellent evidence to show that it is wholly incorrect to say that this provision of the Treaty was extorted from the Chinese. Mr. Lay, who was Chinese Secretary to Lord Elgin's Mission, and who personally conducted the Tariff negotiations, has specifically stated that "the Chinese Government admitted Opium as a legal "article of import, not under constraint, but of their own free will deliberately." Mr. Laurence Oliphant, who was Secretary to the Mission, has confirmed Mr. Lay's statement, and has added that he informed the Chinese Commissioner that he had "received instructions from Lord Elgin not to insist on the "insertion of the drug in the Tariff, should the Chinese Government wish to "omit it. This he (the Chinese Commissioner) declined to do. I then proposed "that the duty should be increased beyond the figure suggested in the Tariff; "but to this he objected, on the ground that it would increase the inducements "to smuggling." Mr. Lay's and Mr. Oliphant's statements appeared in the *Times* of October 22nd and October 25th, 1880. Their evidence, I venture to think, is a conclusive answer to the charge that the clause of the Tientsin Treaty, under which Opium is admitted into China, was extorted from the Chinese.

Neither are they forced to admit it now.

157. No less conclusive is the evidence that the foreign drug is not now forced on the Chinese Government, but that, on the contrary, it would view with dislike the cessation of a trade from which it derives a large Revenue. The account which Sir Thomas Wade gives of a conversation he recently held with the Chinese Ministers affords remarkable testimony on this point. In a telegram to Lord Granville of February 7th, 1881, he says: "I went to the "Yamên on the 16th to speak of various matters. Four Ministers received "me. Adverting to Opium, I observed that the authorities in some places were "taxing Opium, native and foreign; in others, were trying to increase the sale "and consumption of both. Without at all denying the right of the Chinese "Government to do as it chose, I should wish to know which course the Go-"vernment approved. They said the question was embarrassing. The Chinese "Government would be glad to stop opium-smoking altogether, but the habit "was too confirmed to be stopped by official intervention. No idea of abolish-"ing the trade at present was in the mind of the Government. Alluding to "the desire of well-disposed people at home to see England withdraw from "the trade, I asked if it would be of any use to diminish yearly the ex-"ports from India. The Indian Government might be thus enabled to pro-"vide otherwise for loss of income. They said, so long as the habit exists, "Opium will be procured, either from India or elsewhere. Any serious attempt "to check the evil must originate with the people themselves. The measure "I suggest would affect Chinese Revenue, but would not reach the root of the "mischief."

The Chinese Government is unable to stop the use of Opium.

158. I turn now to the question of whether the Chinese Government is both able and willing to stop the use of Opium.

159. Numerous edicts, couched in the most peremptory terms, have been from time to time issued to prohibit the use of Opium and the cultivation of the poppy. In issuing these decrees, the Chinese Government may be credited with a certain amount of sincerity. Without doubt, the Emperor of China, his Ministers, and the most enlightened portion of the population of China, deplore the extensive use of Opium. If they could afford the loss of Imperial Revenue consequent on the importation of foreign Opium,—if they could exercise any real control over the numberless corrupt officials who earn a livelihood from the use of the native drug,—if they thought it were possible to deal with a great social evil of this sort by legislation, and to coerce a large part of the population of a vast empire into a groove contrary to their inveterate habits and the current of their every-day life,—it is not improbable that they would gladly see the use of Opium abandoned. But, whatever be the views which the Chinese Ministers

entertain on this question in the abstract, nothing is more certain than that they, equally with the Indian Government, would be embarrassed by the loss of Revenue which would be caused either by a cessation of the foreign trade in Opium, or by the suppression of the manufacture and sale of the drug in China; that, save on rare occasions, when some specially energetic official may have produced a temporary effect, they have up to the present time never earnestly endeavoured to check the use of the drug; and that they recognise, both by word and deed, their complete inability to do so. A mass of evidence from the Consular reports might be adduced in support of these conclusions.

Practicability of closing the direct connection with the trade.

160. I now proceed to deal with the final branch of the subject, namely, the practicability of adopting any measures which shall render the connection of the Government of India with the Opium trade in Bengal less direct.

Opinions on the occasion of the former discussions.

161. This subject has been already frequently under the consideration of the Government of India. It was fully discussed in 1858, and again in 1864, when Sir Charles Trevelyan recorded his opinion in favor of a change of system. "The Opium monopoly," he said, "forms no exception to the general "category of Government monopolies. It will be found, when the trial is "made, that its abolition will be attended with the same good effects as the "throwing open of the India and China trade and the abolition of the Bengal "salt monopoly." In other words, Sir Charles Trevelyan looked at the question from a purely economic point of view. He did not in any way contemplate interfering with the cultivation of the poppy. On the contrary the object of his policy was evidently to extend it. It was again considered in 1868, at the instance of Sir William Muir. On the occasion of each discussion the balance of opinion was strongly in favour of the continuance of the monopoly system.

Doubts as to true nature of policy proposed.

162. In attempting to deal with this question, we are at the outset met by the difficulty to which I have already alluded. Is the final object of the policy, which we occasionally are invited to adopt, to be the severance of the direct connection between the Government of India and the Opium trade, and the substitution of private enterprise in the place of the Government monopoly? Or are we to aim at the total suppression of the cultivation of the poppy and of the Opium trade, in so far, at all events, as British India is concerned? It is absolutely necessary to have a clear idea as to which of these two alternative policies is to guide the action of Government. It is difficult, if not impossible, to effect any compromise between them.

Discussion of the question on the assumption that the aim of the policy is total suppression in British India.

163. For the reasons which I have already given, I think it may be assumed that the ultimate aim of a consistent Anti-Opium policy must be to suppress the manufacture and sale of Opium altogether, or, at all events, to limit it to the Native States of India. I proceed, therefore, in the first instance, to discuss the question of abolishing the monopoly on the hypothesis that we are to aim at a total suppression of the trade in so far as Bengal is concerned.

164. It has been alleged that the careful development of the resources of India, combined with economy in expenditure, would provide for any gradual loss of money which the abandonment of the Opium Revenue in Bengal might entail.

Bengal net Revenue.

165. The average net Revenue derived from the sale of Bengal Opium during the last ten years is £4,358,000. During the last three years the average Revenue has been £5,450,000. In dealing with a fluctuating Revenue of this sort it is difficult to speak with great accuracy, but I shall perhaps be not very far from the mark if I assume that the total abandonment of the Revenue derived from Opium in Bengal would cost about £5,000,000.[1]

Stimulus to Malwa trade.

166. This, however, does not represent the whole of the case. On the one hand the cessation of the poppy cultivation in Bengal would probably give a stimulus to the Malwa trade. Malwa Opium, I need hardly say, is manufactured wholly in the Native States of India. We cannot interfere with the growth

[1] I ought to explain that the receipts under the head of *Opium* include (1) the money realised at the Calcutta sales; (2) the receipts from the Malwa pass duty; (3) that part of the sale proceeds of Opium, sold in the Excise Department, which is taken as representing cost price. About one-third of the sale proceeds are credited under *Opium*, and about two-thirds under *Excise*. The average net Provincial receipts for the last ten years on account of the sale of Bengal Opium, which have appeared under *Excise*, amount to £381,050. It is impossible to say how far these receipts would be affected if the monopoly were abolished. Probably Malwa would, to a certain extent, take the place of the Bengal drug; but if this were the case, the Imperial Government would lose the amount of the pass-duty upon the number of chests consumed locally. All that can be said on this subject is that some loss would certainly be incurred, both by the Imperial and Provincial Governments, over and above the £5,000,000 mentioned above.

of the poppy in those States, neither could we prevent Opium being exported from them without maintaining a costly preventive line, the establishment of which would be open to great and obvious objections. It is quite impossible to frame any estimate of the degree to which we should recoup any loss of Revenue by increased receipts on account of export duty; but it may be predicted with certainty that the total loss would not nearly be recouped.

167. On the other hand, whilst the operation of the causes which would tend to mitigate the loss of Revenue are uncertain, the same cannot be said of those which would tend in an opposite direction.

Aggravation of Exchange difficulty.

168. In the first place, the diminution of the export trade from India to China would aggravate the exchange difficulty. It is almost needless to observe that one of the elements which regulates exchange between England and India is the balance of trade between the two countries. The China trade, however, exercises a very important influence on exchange. England owes China a large sum of money annually, which represents the excess of imports from China over exports from the United Kingdom. China, on the other hand, owes India a large sum annually, mainly for Opium.* This debt is, in a great measure, paid by transferring to India a portion of England's debt to China. If, therefore, the export trade from India to China were diminished by, say, £4,000,000 a year,[1] it is clear that a very depreciatory influence would be exercised on exchange between India and England. It is impossible to estimate the loss which would thereby be caused to the Indian Treasury, but it cannot be doubted that it would be considerable.

* In the last year (1880-81), for which the returns are complete, the balance of trade in favor of India was £11,282,555.

Necessity of providing for present staff.

169. In the second place, provision would have to be made for the present staff employed under the Bengal monopoly system, either by pensions, gratuities, or the bestowal of other places under Government. This would probably result in a heavy charge being thrown on the Government for some years.

170. For the sake of argument, however, I leave out of account these important but uncertain factors. I assume that the loss to the Indian Government would, as stated above, be £5,000,000.

The total loss of Revenue in Bengal could not be occupied.

171. It cannot be too clearly understood that neither by any means tending to develop the resources of the country, nor by any increase of taxation which is practically within the range of possibility, nor by any reduction of expenditure, could the Government of India in any adequate way at present hope to recoup the loss which would accrue from the suppression of the poppy cultivation in Bengal.

The sacrifice of the Bengal Opium Revenue would render India insolvent.

172. As regards the development of which the resources of the country are capable, it is to be observed that a great deal has been done in the last thirty years. Yet it may safely be stated that those resources are as yet only half developed. Hopes are now entertained that a stimulus may be given to the rapid construction of railways through the agency of private enterprise; but it is evident that, however successful this policy may eventually prove to be, some years must elapse before its full effect can be produced. Again, it is a notorious fact that any aggregate increase of taxation is open to the strongest economical and political objections; whilst, in respect to some branches of the fiscal system, a reduction of taxation is very necessary. As regards any economy which may be effected in expenditure, it is to be observed, in respect to the civil branches of the service, that, even if the most radical reforms which have from time to time been suggested, were carried into effect, any economies in this direction could bear but a slight proportion to the Revenue which would have to be abandoned if the poppy cultivation in Bengal were altogether suppressed, whilst, on the other hand, it is certain that, as civilisation advances, new wants will be developed, which will involve an increase of civil expenditure. As regards military expenditure, proposals have already been made to the Secretary of State which, if they receive the sanction of Her Majesty's Government, will result in considerable economy. No economies in the military branches of the service could, however, be effected, which would in any adequate manner balance the total loss of the Bengal Opium Revenue, without incurring political dangers of the most serious description. It is the duty of the Government of India to speak very plainly on this

[1] This is allowing £1,000,000, by comparison with the estimate of £5,000,000, for increase in the Malwa trade.

subject. The difficulties of this problem have to be fairly faced. The hard facts of the case, whether from the Chinese or the Indian point of view, have to be borne in mind. Those facts can neither be altered, nor can their significance be attenuated, by any enunciation of abstract principles. It is, therefore, essential that all who are interested in the question should have clearly before their eyes the opinion of those who for the time being are responsible for the conduct of the Indian finances. That opinion, as I venture to formulate it, is that the Government of India is at present quite unable to devise any means by which the loss of Revenue consequent on the suppression of the poppy cultivation in Bengal could be recouped, and that, until such means be devised, the loss of the Bengal Opium Revenue would result in the normal annual expenditure of the Government being greater than its receipts; that is to say, that India would be insolvent. I wish to state this in language which admits of no misapprehension, in order that those who may have to deal with this matter should do so with a perfect knowledge of the facts of the case, and after due warning that any present attempt to abandon the Opium Revenue, whilst conferring a very doubtful benefit on the population of China, would do incalculable harm to the 250 millions of people over whom we rule in India.

And unjust to the people of India.

173. From the language which is occasionally used on this subject in England, I am led to infer that many influential persons, animated by a laudable zeal to benefit the population of China, are perhaps somewhat forgetful of the duty we owe to the population of India. It has been calculated that the average income per head of population in India is not more than Rs. 27 a year; and, although I am not prepared to pledge myself to the absolute accuracy of a calculation of this sort, it is sufficiently accurate to justify the conclusion that the tax-paying community is exceedingly poor. To derive any very large increase of Revenue from so poor a population as this is obviously impossible, and if it were possible, would be unjustifiable. Apart from the practical issues involved, there are, indeed, two aspects of the question from the point of view of public morality. If, on the one hand, it be urged that it is immoral to obtain a Revenue from the use of Opium amongst a section of the Chinese community, on the other hand it may be replied that to tax the poorest classes in India in order to benefit China, would be a cruel injustice, and it is to be remembered that no large increase of Revenue in India is possible unless by means of a tax which will affect those classes. To tax India in order to provide a cure,—which would almost certainly be ineffectual,—to the vices of the Chinese, would be wholly unjustifiable.

Probable loss involved in substituting private enterprise for the present Government monopoly.

174. I turn now to the consideration of the question on the supposition that the ultimate aim of the policy is not the total suppression of the poppy cultivation in Bengal, but merely the severance of the direct connection between the Government and the Opium trade, and the substitution of private enterprise for the Government monopoly.

175. The actual cost of a chest of Bengal Opium, including interest on the capital employed and all indirect charges, is Rs. 421.[1] The average price realised at the Calcutta sales for the last ten years is Rs. 1,280 per chest. The average profit, therefore, realised on a chest of Bengal Opium may be taken at Rs. 859.

Rate of export duty.

176. The next point to be decided is the export duty which a chest of Bengal Opium would stand in the event of this method of deriving Revenue being substituted for the Government monopoly. It is certain that, in order to arrive at a correct conclusion on this point, we must leave a large margin of profit to the exporter. The trade would be very speculative. The risks being great, no one would embark in the trade unless a large margin of profit were left. Moreover, it is probable that a private individual would have both to give more liberal advances to the cultivators, and to pay a higher price for crude Opium, than is paid by Government. The local officers, who have from time to time been consulted, are unanimous in thinking that the security afforded by dealing with Government is an important element in deciding the cultivators to grow the poppy.

[1] I take the average cost of production of Behar and Benares Opium.

No private individuals could offer so good a security. Again, it is quite impossible to foresee the consequences on the China market of the withdrawal of the Government from the trade. Bengal Opium holds its own by reason of its high quality. The Government mark is regarded as a sufficient proof of the purity of the drug. It is almost certain, therefore, that if the manufacture were in the hands of private individuals, the price of Bengal Opium in China would fall. Under these circumstances, I think it is taking an optimist view to suppose that Bengal Opium would stand an export duty of Rs. 600 a chest.*

* The export duty on Malwa Opium is at present Rs. 700 a chest; but it is to be borne in mind that, although the weight of a chest of Malwa and of a chest of Bengal Opium is equal, namely, 140 lbs avoirdupois, or a Chinese *picul* (133⅓ lbs.) *plus* 5 per cent., which is appropriated by the middlemen in the trades as perquisites, the consistence of the different classes of Opium is different. Malwa Opium contains generally from 90 to 95 per cent. of fine Opium; that is to say, that at the lower of these two consistences, it contains 126·128 lbs. avoirdupois of pure Opium. A chest of Behar Opium is of 75° consistence; that is to say, it contains 105·107 lbs. of pure Opium. A chest of Benares Opium is of 70° consistence; that is to say, it contains 98·1 lbs. of pure Opium. A duty, therefore, of Rs. 700 on Malwa Opium is analogous to a duty of Rs. 583 a chest on Behar Opium, or of Rs 544 a chest on Benares Opium.

Loss roughly estimated at £2,128,000.

177. The average number of chests of Bengal Opium sold in the last ten years (1871-72 to 1880-81) was 49,337. It is very difficult to say what number of chests would be exported if the Government abandoned the monopoly. On the whole, however, I do not think that with a duty of Rs. 600 we ought to reckon on an export of more than 45,000 chests a year. I put forward this estimate under great reserve, for, in dealing with a subject of this sort, any estimate that can be framed must be little more than a conjecture. A duty of Rs. 600 on 45,000 chests would give £2,700,000 a year. The net Revenue derived from Bengal Opium may be taken at about £5,600,000. This figure, however, includes the receipts from the Excise Department on account of Abkari Opium. The average receipts on this account for the last ten years amount to £172,000. The receipts from the Calcutta sales may, therefore, be taken at £5,000,000—£172,000† =£4,828,000. The difference between this figure and £2,700,000, *viz.*, £2,128,000, represents the probable loss which would be incurred from the abolition of the Government monopoly.

† As the Akbari Opium is sold at cost price to the Excise Department, these £172,000 may be entirely left out of the calculation. On the one hand, the Imperial Government would not have to spend this sum of money: on the other hand, it would not receive it. It is, however, to be borne in mind that in addition to the loss of £2,128,000 to the Imperial Government, the Provincial Governments would certainly lose some portion of their Excise Revenue (average £381,000) by the abolition of the monopoly.

Maintenance of a Preventive Establishment.

178. This calculation, however, does not represent the whole of the case. It is certain that, if the change of system under discussion were carried into effect, a large preventive establishment would have to be maintained, and that, even with such an establishment, it would be well nigh impossible to prevent smuggling.

Withdrawal from monopoly would stimulate consumption in China.

179. These considerations lead irresistibly to the conclusion that there is only one way by which the system of levying an export duty might possibly be substituted for the Government monopoly without a financial loss which it would be impossible for the Government of India to afford. As the profit to be derived on each chest of Opium would be considerably diminished, it would be necessary, in order to recoup the loss, that the number of chests produced should be largely increased; and without doubt, if the export duty were very low, production would considerably increase. In other words, the Government of India, by withdrawing from the trade, would probably intensify the evils which the Society for the Suppression of the Opium Trade so much deplore. The Chinese market would be glutted with Indian Opium at a relatively cheap price.

180. I venture to think that this is a conclusive argument against any change of system. We are in this dilemma, that if the average production of Opium fell off, a loss of Revenue would be involved, which it is out of the question that the Government should incur; and, on the other hand, if the hazardous experiment which we are invited to try should succeed, the results would be, not only to increase the amount of opium-smoking amongst the Chinese, but to run a great risk that its use in India would be much extended.

The Government is opposed to withdrawal.

181. For these reasons the Government of India deprecates any attempt to withdraw from the monopoly. The system at present works well. It cannot be too clearly understood that any change whatsoever would involve a great risk to the Indian Revenue, whilst it would almost certainly not contribute to the objects which the Society for the Suppression of the Opium Trade have in

view. In fact, the greater the degree of success which attends the experiment, the less will the objects which the Society have in view be attained.

It is just possible that at some future time the Government may be able to deal with the question.

182. Although, however, the actual financial situation of India precludes for the present any attempt to tamper with the Opium Revenue, it does not necessarily follow that this state of things should always prevail. Reform in other branches of the fiscal system must for the present engage the attention of the Government. Again, money must be found in one form or another to push on that development of the country which a leading member of the Anti-Opium Society has himself recognised must be a preliminary to any reform in the system under which the Opium Revenue is collected. Without taking too optimist a view of the future, we may be permitted to hope that fiscal reform, accompanied by as rapid an extension of railways and canals as the financial exigencies of the situation will permit, may possibly bring within the scope of practical politics plans which cannot now be considered as otherwise than visionary. If we are ever to abandon the Revenue now derived from the poppy cultivation in Bengal, by far the wisest plan will be to maintain the monopoly in the hands of the Government. From the administrative point of view the suppression of the cultivation in Bengal presents but few difficulties. We have only to diminish the price paid for crude Opium, and the cultivators would substitute other crops in the place of the poppy. If, however, private enterprise be allowed to occupy the field, vested interests will be created, and the difficulties of ultimately dealing with the question will almost certainly be enhanced. In the meanwhile the best hope of ever carrying out the policy, which commends itself to the Society for the Suppression of the Opium Trade, will be to derive for the present as large a Revenue as possible from Opium and to utilise it to the best advantage. It is just within the range of possibility that if this policy be adopted, it may ultimately place the Government of India in such a situation as would enable it to suppress the cultivation of the poppy in Bengal altogether, should it be thought desirable to do so.

Native opinion on the subject.

183. One further point demands attention. It cannot be doubted that Native opinion in India would strongly resent any additional burdens being placed upon the tax-payers with a view to the abandonment, either whole or partial, of the Opium Revenue. It is, moreover, more than probable that the views of the British Government on this subject would be misunderstood. "There "must," a Native newspaper said a short time ago, "be some selfish motive at "the bottom of the movement made in England for the suppression of the Indian "Opium trade." No doubt an opinion of this sort is very foolish. The high motives which guide the action of the Society for the Suppression of the Opium Trade cannot for a moment be doubted. However much we may consider that the views they express do not take sufficient account,—whether from the Chinese or Indian point of view,—of the practical difficulties connected with the problem they have set themselves to solve, no reasonable person can fail to respect their motives. I trust that I have said nothing which can in any way be construed in an opposite sense. Without doubt the gentlemen who take an active part in the agitation against the Opium trade would be the first to protest if they thought the Indian ryots were suffering from any grievous injustice. But, on the other hand, it cannot be doubted that the opinions foreshadowed in the Native print from which I have quoted above are prevalent in India; that they would find louder and more frequent expression if it became generally understood that there was any serious intention of moving in the direction proposed by the Anti-Opium Society; that, even supposing England were to award a considerable compensation to India, it is exceedingly improbable that such compensation would adequately meet the loss involved in the abandonment of the Opium Revenue; and that, in consequence, a sense of injustice would be engendered amongst the Natives of this country, who would consider either that their interests had been sacrificed from selfish motives, or, at all events, that, in our regard for the Chinese, we had done an injustice to our own subjects. The fact that the measure would contribute to alienate from us the feelings of the Natives of India, is certainly an element which ought not be neglected in dealing with this question.

184. I now proceed to deal with the question of the degree of reliance which should be placed on Opium in balancing our Estimates of Revenue and Expenditure.

The Opium Estimate.

185. The Opium Revenue was this year estimated at £6,500,000 net. In comparing this estimate with the actual net Revenue of past years, a great deal depends on the number of years for which an average is taken. The average net Revenue for the last ten years (1871-72 to 1880-81) is £7,052,000; for the last five years £7,441,000; for the last four years £7,731,000; for the last three years, £8,135,000; and for the last two years, £8,351,000. The Revenue has been rising during the last four years. The result is that the further we go back the lower the average becomes. But whatever standard of comparison be adopted, there can be no question that at present £6,500,000 net is an under-estimate.

186. This estimate has during the course of the year formed the subject of a good deal of discussion and criticism. The matter has been carefully reconsidered by the Government, and I am now in a position to announce the result of our deliberations.

Under-estimate of Opium in former years.

187. In dealing with other items of Revenue and Expenditure, the Budget Estimate for the coming year is usually based on the Regular Estimate of the year about to close, due allowance being, of course, made for any exceptional circumstances which may have occurred in the current year, or which may be expected to occur in the coming year. The Opium estimate has, however, received exceptional treatment. A much wider margin has been left for a possible diminution in receipts than would be considered necessary in dealing with other branches of the Revenue. It is generally recognised that some extra amount of caution should be adopted in framing this estimate, but it has been urged that, under present circumstances, an estimate of £6,500,000 errs on the side of excessive caution, and that this sum is far less than we may expect to receive after all reasonable deductions have been made from the actuals of the last few years.

Is it safe to take off taxes in reliance on Opium?

188. Whether, however, we take the Opium estimate at £6,500,000 and reduce our nominal surplus by the amount of Revenue which we really expect to derive, or whether we take an Opium estimate of any other higher figure, say £8,000,000, and increase our nominal surplus by £1,500,000, is, relatively speaking, a matter of secondary importance. The really important issue involved is to what extent we may take off taxes or incur additional expenditure in reliance upon Opium.

Average receipts since 1871-72.

189. Before proceeding to answer this question, I invite attention to the figures given in the following table:—

Year.	Bengal.			Bombay.	Total Net Revenue.
	Number of chests sold.	Price per chest.	Net Revenue.	Net Revenue.	
		Rs.	£	£	£
1871-72	49,695	1,388	5,305,402	2,351,811	7,657,213
1872-73	42,675	1,386	4,259,162	2,611,261	6,870,423
1873-74	42,750	1,266	3,584,758	2,738,841	6,323,599
1874-75	45,000	1,207	3,264,266	2,950,817	6,215,083
1875-76	45,510	1,260	3,707,170	2,545,690	6,252,860
1876-77	47,240	1,270	3,334,338	2,946,475	6,280,813
1877-78	49,500	1,266	3,773,764	2,747,692	6,521,456
1878-79	55,500	1,225	5,319,459	2,391,212	7,700,671
1879-80	59,100	1,170	5,112,325	3,139,345	8,251,670
1880-81	56,400	1,362	5,926,836	2,524,158	8,451,294
1881-82 (Regular Estimate)	56,400	1,324	5,621,500	2,216,500	7,838,000

Increased receipts due to Bengal sales.

190. It will be observed that the increased receipts of the last few years (except in 1879-80) have been mainly derived from the Bengal sales, and not from the pass-duty on Malwa Opium. The receipts on account of Malwa Opium have varied according to no very precise law. The high receipts (£3,139,345) for 1879-80 were, it is believed, largely due to over-speculation. Turning to Bengal Opium, it will be noticed that the great increase in the receipts has

taken place during the last four years, and that this increase has been contemporaneous with the period during which a relatively large number of chests has been offered for sale.

Future prospects.

191. We know, from the present state of the reserve (*vide ante*, para. 139), that we shall be able to offer 56,400 chests for sale during the whole of the financial year 1882-83. But we cannot speak with any confidence as to our ability to continue the sale of 56,400 chests annually after the close of the year 1882-83. When the yield of the poppy crop now in the ground is known, the desirability of giving the year's notice required by custom of a diminution in the number of chests of Bengal Opium to be offered for sale in 1883-84, will be matter for consideration. The position of affairs, therefore, is as follows. The net receipts from Opium for the year 1881-82 are now estimated at £7,838,000, being £613,000 less than the actuals of 1880-81. This considerable difference shows the necessity for caution. Further, we must look forward to the possibility of a diminution of the Revenue during the year 1883-84, by reason of a smaller number of chests than heretofore being offered for sale.

192. In answering, therefore, the question of how far we may safely take off taxes in reliance on the Opium Revenue, a great deal depends on the nature of the tax we take off. If we abandon a source of Revenue which involves a permanent and absolute loss of money, and which, moreover, from whatsoever reason, it would be difficult, in the event of the Opium Revenue failing, to restore to its former position, then the course would be open to great objection. If, on the other hand, we reduce a duty with a fair hope that the reduction will increase consumption, and thus, after a while, recoup us for any loss, and if, moreover, the duty can, without any great fiscal disturbance, be re-imposed in the event of the Opium Revenue falling off, then the reduction of taxation would be unobjectionable. The Salt Duty falls within the latter of these two categories.

193. It has been decided, therefore, to estimate the net Opium Revenue in 1882-83 at £7,250,000 and simultaneously to afford some substantial relief to the tax-payers in the shape of a reduction of the Salt Duty. This estimate leaves a margin of £588,000 as compared with the Regular Estimate for the current year, and is £1,201,000 below the actual receipts of 1880-81. Bengal prices, as I have already remarked, are falling, and the Malwa trade is unusually depressed. Under these circumstances it would not be prudent to take a higher estimate than that which is now proposed.

X.—The Salt Duty.

The Salt Duty.

194. If the policy which has been pursued by successive Governments of India for the last 12 years in respect to Salt be considered as a whole, it cannot be doubted that that policy has been eminently successful. The duty has in the aggregate been considerably reduced, yet the net Salt Revenue, which in 1868-69 stood at £5,176,000, stands, according to the Regular Estimate of the current year, at £6,809,000.[1] In Sir John Strachey's words, it has been "found "financially more profitable to levy the Salt Duty at a moderate rate on a "maximum consumption, than at a high rate on a restricted consumption."

General success of past policy.

195. There have, indeed, been some disadvantages to counterbalance the advantages which the policy has bestowed on the country in general. Whilst the inhabitants of Bengal and Northern India have been relieved of taxation, those of Madras, Bombay, and the Native States of Rajputana and Central India have been obliged to pay a higher price for their salt. The number of persons who have been relieved of taxation has, however, been numerically larger than the number on whom additional taxation has been imposed.

Rates of duty now levied.

196. The actual situation is as follows. A duty of Rs. 2-8 is levied all over British India, except on salt imported by sea into Bengal and on salt consumed in the trans-Indus districts of the Punjab and in Burma. In Bengal the tax is Rs. 2-14 a maund. In the trans-Indus districts of the Punjab, salt is consumed which is produced at the Kohat mines, and on which a duty varying from 2½ to 4 annas a maund is levied. A preventive line extends for some 320 miles along the Indus. In Burma the duty is only 3 annas a maund.

Advantages of reduction.

197. The advantages to be gained by a reduction of the Salt Duty are twofold. In the first place, it is exceedingly desirable to reduce the price of a

[1] See Statement X. This figure is what the Regular Estimate would be, supposing no change to be made in the rate of duty.

necessary of life which is used by the poorest classes. In the second place, the general financial situation will, as I shall presently show (para. 201), be much strengthened.

Levy of general rate of Rs. 2 a maund.

198. We propose, therefore, to reduce the Salt Duty to Rs. 2 a maund everywhere except in Burma and the Trans-Indus Districts of the Punjab. The differential duty of 6 annas now levied in Bengal will thus disappear. It is not proposed to make any change in Burma, or, for the present, in the trans-Indus districts of the Punjab.

Increase of consumption consequent on a reduction of duty.

199. The extent to which the reduction of duty will stimulate consumption remains to be considered. The annual average licit consumption in the principal provinces of India per head of population according to the new census, is stated in the margin. The differences are remarkable, but they must be viewed with modifications due to a variety of circumstances. It is especially to be borne in mind that the people of Northern India, both by reason of the climatic influences to which they are exposed, and to the fact that their staple food consists of wheat and pulses, require less salt than those of Southern India. At the same time, the reports of the political officers in Rajputana go to show that the inhabitants of the Native States, in which the Salt Duty was recently enhanced, have greatly diminished the consumption both of themselves and of their cattle. I do not conceive that, in respect to this particular question, the inhabitants of Rajputana differ materially from those of the North-Western Provinces, Oudh, and the Punjab. I am, therefore, led to infer that if the rate of duty were lowered, the consumption of salt in Northern India might be considerably increased. Further, the consumption in Madras has not for the last 12 years reached the figure of 6,693,000 maunds at which it stood in 1868-69 when the duty was raised from Rs. 1-8 to Rs. 1-13 a maund. It is almost certain, therefore, that consumption will be increased by so large a reduction as 30 per cent. in Bengal and 20 per cent. elsewhere. In matters of this sort the wisest policy is generally to act with boldness. A slight reduction in the duty would very probably not reach the consumer.

Provinces.	lbs.
Madras	12
Bombay	10
Bengal	9·1
Punjab	7·5
North-Western Provinces and Oudh...	6
Sind	5

Salt Estimate for 1882-83.

200. We have no reliable data on which to make any very precise estimate of the increase of consumption which may be anticipated. So many disturbing causes have been at work in the last few years, during which the main changes have taken place, as to invalidate the accuracy of any calculations based on the figures which are available. For instance, in Madras the falling off in consumption from 6,215,000 maunds in 1877-78 to 5,988,000 maunds in 1878-79, must have been due not only to the enhancement of price, but also to the loss of life during the famine, which was estimated by the Famine Commissioners at 5 per cent. of the total population. Again, it is difficult to say to what extent the rise in the Salt Revenue of Northern India is due to increased consumption in British territory alone, and to what extent it represents the consumption of salt in the Native States since the abolition of the Customs Line. Further, sufficient time has not yet elapsed to enable a fair estimate to be formed of the normal consumption in the Native States. The old stocks, which remained on hand when the Customs Line was abolished, have scarcely yet been exhausted. On the whole, however, after a careful examination of the detail, I think that we may safely take the Net Revenue for 1882-83 at £5,410,000, being about £1,400,000 below the Regular Estimate for 1881-82 (£6,809,000).[1]

Increase of strength to the general financial position.

201. I have said that, by reducing the Salt Duty, the general financial position will be strengthened. We hope that we shall be able to maintain the duty at Rs. 2 a maund, and we have at present no reason to suppose that we shall be unable to do so. By a return to a higher rate we should, of course, to some extent at all events, sacrifice the main object we have in view, *viz.*, to afford some relief from taxation to the poorest classes. At the same time I should observe that if any unforeseen circumstance, such as a heavy fall in the value of silver, takes place, and if, at the same time, the reduction in the Salt Duty does not result in any considerable increase in the consumption of salt, it would be open to us to return temporarily to a higher rate. This is an expedient to which

[1] See Statement X. This is what the figure of the Regular Estimate would be supposing no reduction to be made in the duty.

the Government would have recourse with great reluctance. I allude, however, to the possibility of its adoption, for it is clear that should an emergency arise of a nature to diminish our other sources of Revenue or to increase our Expenditure, we shall be in a better position to meet it if the Salt Duty is Rs. 2 a maund than if it were levied at a higher rate.

Method of calculating sale price of Government salt.

202. The method adopted for calculating the selling price of salt, exclusive of the duty, has recently been under the consideration of the Government. The general principle which should guide the action of Government in this matter is plain enough. Government salt should be sold at a price which covers the cost of production. If all the legitimate charges consequent on production and manufacture are not included, the State loses money and the private manufacturer of salt is placed at a disadvantage. If, on the other hand, a sum in excess of the legitimate charges is included in the calculation, the consumer really pays a higher price for his salt than is contemplated by the Legislature. This subject was fully discussed in a recent Government Resolution (see *Gazette of India* of January 21st, 1882). I need not, therefore, allude to it in detail. It will be sufficient for me to say that a distinction has now been made between those charges which, on the one hand, are common to all systems of collecting the Revenue,—*i.e.*, Customs, Excise, and Monopoly,—and which arise out of the taxation of salt by the Government, and those which, on the other hand, are incidental to its manufacture. The former will be excluded from the calculation on which the selling price of Government salt is based. The latter will be included.

XI.—The Customs Duties.

The Customs Duties.

203. I now turn to the important question of the Customs Duties. I need not dwell at any length on the history of the reforms which during the last few years have been made in the Tariff. Every member of this Council must be familiar with the nature of those reforms.

The Tariff of 1875.

204. In 1875 the Tariff was carefully revised. The general rate of import duty was reduced from 7½ to 5 per cent., and a duty of 5 per cent. was imposed on foreign raw cotton. Cotton goods, oils, seeds and spices were freed from export duty.

The changes in March 1878.

205. In March 1878 certain descriptions of grey goods were exempted from duty. The duty imposed on foreign raw cotton in 1875 was abolished. Prior to that time the articles liable to pay Customs duty on importation were classified into sixty-two major heads. Twenty-nine of these heads were exempted from duty.

The changes in March 1879.

206. These measures, which were avowedly of a tentative nature, failed to give satisfaction. In February 1879, therefore, a Commission, consisting of Messrs. Hope and Maclean, was appointed to enquire into the matter. Briefly it may be said that the result of their investigations was to show that "the really "proximate source of the complaints which have arisen is the fact that there "is little essential difference between the cloths which have been exempted, and "large classes of cloth, otherwise styled, which have not." It was determined, therefore, to exempt from duty all cotton goods containing no yarn of a higher number than 30s, and a notification to that effect was issued on March 13th, 1879. Thus the matter now stands.

Effect of recent changes on the cotton trade.

207. The effect produced on the cotton trade by the recent changes in the Tariff has been very remarkable, as the following figures of value of imports in lakhs of rupees (tens of thousands of pounds, at Rs. 10 the pound) will show:—

	Grey Piece Goods.		Other Goods.	Total Cotton Goods.
	Free.	Dutiable.		
Average 1875-76 to 1877-78	...	1,078	860	1,938
1878-79	33	832	826	1,691
1879-80	458	581	927	1,966
1880-81	983	372	1,306	2,661
1881-82 (Estimate)	957	285	1,020	2,262

The Revenue from grey goods is fast disappearing.

208. If we look at the figures month by month since April 1879, the results are still more remarkable. The monthly value of the duty-free grey piece-goods has risen from 5 to 82 per cent. (in January 1882) of the total imports of those goods, whilst the value of the dutiable grey piece-goods has declined in a similar proportion,—*i.e.*, from 95 per cent. to 18 per cent. In shirtings only the duty-free percentage in January last was 94 per cent. The character of the trade has, in fact, completely altered. It has adapted itself to the new circumstances, with the result that the Revenue derived from the duty on grey goods is, to use the words of the Bengal Chamber of Commerce, "dying a natural death."

Administrative inconvenience of the present Tariff.

209. There can be no question that, whether from the point of view of administrative convenience or from that of fiscal principle, the actual condition of affairs is open to grave objections. As regards administrative inconvenience, I will not lengthen this Statement by entering into the detail of the numerous complaints which are from time to time addressed to the Financial Department by those interested in the cotton trade, nor of the difficulties experienced by the Custom House officers in giving effect to the present law. I will only remark in general terms that the difficulty of distinguishing between dutiable and duty-free goods is very great. Honest traders are exposed to loss and inconvenience from no fault of their own. A small portion of yarn which is dutiable is occasionally mixed up in the same piece with that which is duty-free. This may happen not only without the cognisance of the importer, who must rely upon the invoice he receives from Manchester, but even without the knowledge of the manufacturer himself. It is difficult in such cases to say whether the apparent intention to evade the duties is fraudulent or accidental. Thus a constant battle is being waged between the importers and the Custom House officers. An attempt has, indeed, been made to frame regulations which shall obviate this state of things. Such regulations are, however, but the most feeble palliatives, and cannot attain the desired object. So long as the existing distinction is maintained, the minute inspection and consequent delays necessary to prevent a practice of evading the duty from springing up, must always be inconvenient to the trade, however considerate the Customs officials may be.

Objections of principle to present Tariff.

210. Next, it is to be observed that, though direct protection to local manufacture no longer exists, the immediate effect of the partial repeal of the cotton duties has been to protect one class of Manchester grey goods against another, the line drawn being an arbitrary one. The manufacture and trade in grey goods for India has, in fact, been forced artificially in one direction by the Customs impost. A very remarkable instance of the effect of the present system is given in a memorial from Messrs. Leech & Sons, which was recently addressed to the Government of India. Messrs. Leech & Sons are Lancashire manufacturers, whose Calcutta agents are Messrs. Kettlewell, Bullen & Co. They set forth that, ever since the year 1834, they have supplied certain grey shirtings to the Indian market marked with a stamp in which they have a proprietary right. These grey shirtings are made of yarns averaging No. 32s,—that is to say, they come just within the dutiable category, which comprises all yarns above 30s. Other manufacturers have been able to produce a different class of goods, and so adapt themselves to the altered condition of the trade. Messrs. Leech, however, are unwilling to adopt a similar course. They are in this dilemma: either they will be driven out of the market by competition with duty-free cloths, or they must change their machinery, which will involve a heavy outlay of capital and a considerable risk of losing the position which they, by their own exertions, have acquired in the trade. The result of this anomalous state of things is that, during the last four months of the year 1880, Messrs. Leech paid no less than 36 per cent. of the total duty collected at the Port of Calcutta on grey goods.

Manchester is protected against India.

211. This, however, is by no means the only anomaly which exists under the present Tariff. Not only is one class of Manchester goods protected against others, but, to some extent, English goods are protected against those manufactured in India. In April 1879 the Calcutta authorities represented that large classes of coarse grey piece-goods were distinguished or decorated by a narrow border, coloured or white, and made of yarn finer than 30s, and that unless this trivial want of uniformity were condoned, they would be deprived of the exemption intended for them. Borders not exceeding 1½ inches in width were

consequently allowed to pass free. Soon afterwards the Bombay authorities asked for a similar favor on behalf of the 4½-inch borders, which are in chief use among the colour-loving population of Western India. The application was granted. The result is that, while imported goods may pass free though containing coloured (or white) borders of fine yarn aggregating over six per cent. the piece, the Indian mills have had to make their borders of yarn paying duty. The disadvantage to them was, perhaps, not very heavy, but it has helped to induce them to begin to dye and double the yarn made by themselves. The Bombay Commissioner of Customs in a recent report stated that "yarn dyed and doubled in Bombay is now sold at prices as good "as, or better than, those realised by imported yarn of similar quality. The duty "is saved, and if the experiment is found profitable, the industry will extend."

Injustice of taxing white and coloured goods.

212. The defects in the present Tariff which I have so far indicated apply mainly to grey goods only. They could, for the most part, be rectified by the abolition of the duty on those goods. I do not know, however, on what principle the taxation of white and coloured goods can be justified if grey goods are exempted from duty. On this point I invite attention to the following observations of the Bengal Chamber of Commerce. In a letter dated 17th January 1880, the Committee of the Chamber says:—

"Another anomaly is that white and coloured goods made of 30s yarn or under, and coloured yarns of 30s and under, are not admitted free like grey cloths and grey yarns. The intention which Government had in view, in taking its first steps towards the reduction of these duties, was no doubt to remove the protection which our local mills were supposed to enjoy, and it was not thought that their production could possibly compete with anything but certain grey goods. There is no doubt, however, that the Natives do largely bleach and dye goods and yarns for themselves all over the country; and it therefore comes about that importers, who devote themselves more exclusively to white and coloured goods, are handicapped to the extent of the duty. There is no apparent reason why an importer should not be allowed to bleach or dye a piece of grey shirting made of 30s yarn, or under, if he chooses to do so, because there is no duty on colour *per se*. The duty on dyed yarn, for instance, is charged only upon the grey weight and not upon the dyed weight. What practical difference, therefore, can there be to the customs whether 30s yarn is dyed or not, and *pari passu* what difference can be drawn in such a case betwixt yarn and goods made of such yarn, whether grey, coloured, or bleached?

"The Committee submit that there are strong and weighty reasons why what appears to them a substantial grievance should be removed. It is seen how the trade in duty-free grey goods and yarns has developed, and it seems only right and fair that merchants who devote themselves to the importation of white and coloured goods should be put in a position to extend their efforts in similar lines. It can be shown that even now many important classes of goods under these denominations could be imported made of duty-free yarns, and there is no reasonable doubt that the variety could be largely extended were the duty removed."

The General Import Duties.

213. I now turn from the cotton duties to a consideration of the general import duties. The Calcutta Trades Association in March 1879, and again recently, urged with much force the many anomalies in the existing system under which these duties are levied. In a letter of February 10th, 1882, the Association characterises the duties as "protective, capricious, and opposed to economic prin-"ciples," and adds that "while harassing to the importer, they yield a Revenue "so insignificant as hardly to cover the cost of collection when the larger sources "of Revenue (*i.e.*, the Cotton Duties) are removed."

214. The Tariff of 1875 was complete in itself for the purposes for which it was designed, but the practical declaration on March 18th, 1878, that a duty was indefensible if it either was *at all* protective or did not yield a sum absolutely as well as relatively large, introduced two disruptive forces into a machine not constructed to meet them, and necessarily shattered it.

The duties are protective.

215. The effect of applying the protective objection is well illustrated by the following extract from the speech of Sir William Muir (then Financial Member of Council) on the Tariff Bill, when before the Legislative Council on August 5th, 1875. "If Honourable Members," he said, "will cast their eye down the "import schedule, they will find hardly any article which, in consequence of "the vast area and varying conditions of our soil and climate, cannot be more "or less produced in some part of our dominions." Apparel of many kinds, hardware, jewellery, innumerable manufactures of metal, provisions and stores of many kinds, spices, sugar, tea, tobacco, with raw silk and fabrics of silk and wool, are all made in India, some to a large extent, and every import duty on them is protective. On what principle, again, are silk and woollen goods, or goods having cotton mixed with silk or wool, to be denied the exemption accorded

to cotton goods? "The duty on *Woollen Fabrics*," the Calcutta Trades Association rightly argues, "must, if only for the sake of consistency, follow the cotton duties."

And yield only a small Revenue.

216. The effect of applying to individual dutiable items the objection of small receipts is equally destructive. Under the Tariff before 1878, the heads fitted into each other, so that articles of the same general nature were taxed under one designation or another, and disputes were avoided. But the exemption of twenty-seven main heads on March 18th, 1878, introduced endless confusion and inconsistency, since certain heads were freed which were really parts of, or connected with, others left dutiable. Thus, the freed head of "Chemical pro- "ducts and preparations" overlaps the dutiable one of "Drugs and Medi- "cines." "Seeds" are in some cases also "Spices," "Drugs," or "Provisions," while both "Oils" and "Fruits" overlap 'Provisions,' the first-named articles in each case being alone exempt. "Oils" also overlap "Drugs" and "Perfumery." A carriage may be imported duty-free, but all the principal materials for building one in India are dutiable. The glass panels of a sideboard and the plates of a mirror are dutiable as "Glass," but the woodwork of the one and the gilt frame of the other are exempt as "Furniture." Manufactures of leather are free, but a leather portmanteau is dutiable because it is fitted with a metal lock. Spades are classed as agricultural implements and are thus exempted from duty, but shovels are dutiable. A garden engine is free, but a syringe, used for exactly the same purpose, is dutiable. Again, there are many heads still dutiable which seem to have just as good claims to exemption, whether in respect of yielding little duty, or on their own merits, as those which were exempted in 1878. Stationery, for instance, paid only £5,350 in 1880-81, of which the chief part came from schoolboys' slates. In the same year shells and cowries paid £1,102, corks £1,600, gums £3,237, and paints £8,840.

Raw material is taxed.

217. Another objection to some of these duties is, that the raw materials of industry and articles contributing to production are taxed. Dyes, ivory, paints, colours and painters' materials, and, above all, unwrought metals, are illustrations of this objection.

Further practical objections.

218. Nor are these the only objections to the existing Tariff. Many practical difficulties arise in giving effect to the law as it now stands. Of these difficulties I may mention a few examples.

Import of articles by post.

219. *First*, comes that of dealing with dutiable articles imported by letter post. There is no agency, except in the Presidency towns, by which the duty can be fixed and levied on the contents of letters; but the Calcutta Trades Association reasonably objects to the levy of duty at the Presidency towns alone. The objection might be mostly got over by exempting jewellery from duty, but it has no better claim to exemption than a dozen other articles.

Special claims for exemption.

220. *Secondly*, come the special claims for exemption in individual cases, such as organs and painted windows for churches, mess necessaries, volunteer uniforms, gas and water pipes, and many other articles. There are always a dozen reasons, and occasionally some pressure, in favor of these exemptions, and any general rule can hardly be maintained.

Difficulties of definition.

221. *Thirdly*, difficulties of definition are great, and lead to much minor injustice. The Financial Department had not long ago to issue elaborate orders explaining to Customs officers the difference between machines and machinery.

Interference with trade, &c.

222. To sum up this branch of the subject, I submit that the General Import Duties, which are still levied on thirty-one main heads, comprising many hundreds of items, not only are open to the numerous economic and practical objections which I have already enumerated, but also cause an amount of friction, scrutiny, and interference with trade quite incommensurate with the net Revenue they produce.

General Import Duties open to great objections.

223. The arguments in favor of abolishing the General Import Duties are even stronger than those which may be adduced in respect to the abolition of the Cotton Duties. The maintenance of the former, if the latter are to be abolished, would, from every point of view, be open to great objection.

224. Whether, therefore, we look to the Cotton Duties or to the General Import Duties, it is clear that it is undesirable to maintain the present Tariff.

Proposals to remedy existing defects.

225. Various methods have from time to time been suggested to remedy the anomalies of the existing system. It has been proposed to levy a low and uniform rate of duty on all cotton goods, to excise Indian cotton, or to impose a low registration fee on all imports and exports. I need not discuss the merits and demerits of these proposals, for we are fortunately in a position to adopt a more thorough and satisfactory remedy.

Real question to be decided by Government.

226. A good deal of the controversy which has arisen on the subject of Customs reform in India, appears to be due to the fact that it has generally been assumed—and I admit that the assumption has until quite recently not been at all unreasonable—that the whole or partial repeal of the Customs Duties must of necessity be accompanied by the imposition of fresh taxation—probably direct taxation—which would be more unpopular than the present method of raising Revenue by the levy of duties on imported goods. I am not called upon to discuss the relative merits and demerits of direct and indirect taxation, either in general or in respect to the particular form of taxation which under present circumstances is most suitable to India. The question is one which for many years past has divided Indian financiers and administrators into two opposite schools, and high authorities may be quoted on either side of the controversy. The substitution of a direct for an indirect tax is, however, not now under discussion. The issue the Government has had to decide is wholly different. That issue I may formulate in the following words: The ordinary Revenue of India exceeds the ordinary Expenditure. A remission of taxation is therefore possible. What form should that remission take?

Abolition of Cotton and General Import Duties.

227. After a full consideration of the various alternatives which might be adopted, the Government is of opinion that the form which a remission of taxation may most beneficially assume is the abolition of the whole of the Cotton Duties and of the General Import Duties. The Special Duties—namely, those on wine, beer, spirits and liqueurs—will remain; so also will the duty on arms and ammunition, salt and opium. With these exceptions, we propose that no import duties of any kind shall in the future be levied.

228. I have said that the adoption of this measure is possible without the imposition of any fresh taxes. It remains for me to adduce arithmetical proof in support of this position.

Loss of Revenue from abolition of Import Duties.

229. The loss of Revenue involved in the Customs reforms now proposed is estimated as follows:—

	£	£
Cotton Duties		655,000
General Import Duties		564,000
Total gross loss ...		1,219,000
Deduct—		
Refunds	35,000	
Saving in Establishments	75,000[1]	
		110,000
Total net loss		1,108,000

The loss is much less than the surplus of 1882-83, supposing no changes to be made in Salt or Opium.

230. Supposing no change to be made during the coming year in the Salt or Customs Duties, and that the net Opium Revenue were estimated, as during the year 1881-82, at £6,500,000 net, there would remain a surplus of £2,105,000. This is £997,000 in excess of the loss which will be involved in the proposed Customs reforms. I state the case in this form as I wish to draw attention to the fact that, in taking off the Customs Duties, we are not increasing our reliance on Opium. We could take off those duties if we maintained the relatively low Opium estimate of £6,500,000 net. The case of Salt is different. In reducing the Salt Duty we do, to the extent of £750,000, increase our reliance on Opium.

231. It is, of course, desirable to estimate for a moderate surplus. But to keep on taxes in order to secure too large a surplus is unjustifiable and opposed to sound financial principles. It is to be borne in mind that the surplus both of the current and of the coming year represents the excess of

[1] The saving in 1882-83 will not be so much as £75,000, by reason of the cost incurred in giving gratuities on discharge, &c.

Revenue over Expenditure after providing £1,500,000 annually as an Insurance against Famine, of which sum £750,000 is applied to the Reduction of Debt.

General observations.

232. Before leaving this subject I may perhaps be permitted to express a hope that the solution which the Government now offers of this difficult and important problem will be accepted by this Council and by the public opinion of India and England as satisfactory, and that it will finally set at rest the angry controversy which has for some years been waged. That controversy has unfortunately taken a form which no true friend of England or of India can view without regret. It has been represented—erroneously, as I venture to think—that in respect to the question now under discussion there is an antagonism of interests between the two countries.

233. I am not now concerned to go into the whole of the past history of this question, or to discuss whether, viewed by the light of subsequent events, the particular measures which have at each step been adopted to attain the desired end were the best of which the circumstances admitted. This much, however, I will say. As an incident of her connection with England, India has a right to profit from English experience and English economic history. That experience and that history show that by the adoption of Free Trade, a country benefits, indeed, all the world, but more specially benefits itself. It may perhaps be urged that the fiscal conditions of England and India are so different that no analogy can be instituted between the two countries. For the purposes of the present discussion I believe this argument to be unsound. The wealth of India, like that of other countries, is in proportion, not only to its natural resources, but to the degree of liberty it may possess in the use of those resources. By the adoption of the measures now proposed, India will be more free to exchange her exportable produce for the products of foreign lands than would be possible were the import duties maintained. The desirability of removing, so far as is possible, all checks on the Indian import trade was pointed out by Sir Charles Trevelyan so long ago as 1864 in the following words: "Our object," he said, "should be "to remove, as far as possible, every obstruction to the freedom of trade, as was "done in the analogous case at home. The great embarrassment of the trade "of India has always been the want of imports to meet the vast quantity of "exportable produce which the country is capable of sending forth. If we "desire to relieve the trade of India, and to give free scope to its further "extension, we should give all possible encouragement to her imports."

The reform will contribute to the extension of the railway system,

234. In addition to these general arguments, which would readily admit of further development, there is one consideration which applies specially to India, and which, I venture to think, is at the present moment of considerable importance. The desirability of rapidly extending our railway system is universally recognised. The main obstacle to any such rapid extension is the difficulty of attracting railway capital to India on terms which shall not be too onerous to the State. No fiscal measure of general application would be so likely to give a stimulus to railway construction as the removal of all restrictions on trade.

And will be most beneficial to India.

235. I am, indeed, very far from saying that a free-trade policy should be carried out at all hazards. "There is not," Mr. Gladstone once said,* "a free-"trade Government in this or any country which has "not freely admitted that the state of the Revenue is "an essential element in the consideration of the application even of the best "principles of free trade." The question is essentially one of Revenue. Objectionable as is the present condition of the Tariff, we should be obliged, were our general financial position less favorable than it is, to bear for a time with some, at least, of the existing evils. But, under present circumstances, there is no necessity for withholding from India any longer the full advantages of free trade. The Government, therefore, brings forward these proposals in the firm belief that their adoption will be of the utmost benefit to India, and with the knowledge that, under present circumstances, they will be unaccompanied by any counterbalancing disadvantages.

* Debate in the House of Commons, June 12th, 1879.

Minor Tariff reforms.

236. We propose to take the present opportunity for introducing two minor reforms into the Tariff.

Methylated spirit.

237. Methylated spirit at present pays a duty of 10 per cent. It is used to make varnish and ether; also to preserve specimens in museums. We propose,

at the instance of the Bombay Chamber of Commerce, to reduce the rate of duty to 5 per cent. An analogous reduction will be made in the Excise duty. The loss to the Revenue will be trifling—about £250 a year.

Perfumed Spirits.

238. Under the existing law, Perfumed Spirits imported in bottles not containing more than half a pint pay a 5 per cent. *ad valorem* duty. It has been pointed out by the Bombay and Bengal Governments that large quantities of Eau-de-Cologne are imported and used as potable spirit. The law is thus evaded and the Revenue from Excise suffers. In consequence of the abolition of the General Import Duties, "Perfumery" will no longer be taxed, but we propose that Perfumed Spirit imported in wood or in bottles containing more than 4 ozs. (rather less than a quarter of a pint) should be taxed as "Spirit" at the rate of Rs. 4 the imperial gallon, with an increasing duty in proportion as the strength of the spirit exceeds London proof.

XII.—The License Tax.

The License Tax.

239. The last point, involving any question of fiscal principle with which I have to deal is the License Tax. The main question which the Government has had to decide in connection with this subject is whether, a remission of taxation being possible, the License Tax should be abolished in preference to other taxes.

Opinions of Local Governments.

240. In the autumn of 1880, His Excellency the Viceroy addressed a confidential circular to the heads of the several local Administrations with a view to obtaining their opinions as to the desirability of maintaining the present License Tax. The Governor of Madras (the Duke of Buckingham) and his colleagues were of opinion that the tax, though suitable for Municipal purposes, was objectionable as an Imperial resource owing to the defective nature of the staff available in the rural districts for its assessment and collection. The Government of Bombay preferred another form of direct taxation to the License Tax.

With these exceptions there was unanimity of opinion on the following points:—

(1) That the doubt and uncertainty produced in the minds of the people by frequent changes in the modes of taxation were greater evils than the taxes themselves, and that, therefore, any hasty change was much to be deprecated.

(2) That any objections which originally existed on account of the pressure of the License Tax on the poorer classes had been met by raising the minimum assessable income to Rs. 500.

(3) That the people were becoming accustomed to the tax, and that the method of its assessment and collection had been much improved.

Justice of direct taxation.

241. The License Tax at present yields an annual net Revenue of about £524,000. This sum is paid by 228,447 persons.* The justice of imposing some tax upon the trading classes of the community cannot be questioned. The Bengal Chamber of Commerce, in a letter addressed quite recently (February 21st) to the Government of India, said, while speaking in condemnatory terms of the incidence of the present License Tax, that "they are alive to "the difficulty of bringing by any other means a large body of Her Majesty's "subjects under contribution to the expenditure of the State in any proportion "approximate to the advantages they derive from such expenditure." The fact that those classes, who perhaps more than any others have benefited by British rule in India, pay so little, has long been recognised as a blot upon the Indian fiscal system.

* Madras ...	...	29,017
Bombay ...	...	52,973
Bengal ...	...	68,179
N.-W. Provinces and Oudh ...	...	49,515
Punjab ...	...	28,733
Total	...	228,447

There are some practical objections.

242. That there are some practical objections to direct taxation generally, and that those objections apply in India as elsewhere, and even somewhat more in India than elsewhere, may be readily admitted. The question which the Government has had to decide is the degree of urgency to be attached to those objections.

Decision not to abolish the License Tax.

243. The repeal of the License Tax would relieve the small number of people who now pay it and would do little more. The mass of the tax-payers would obtain no relief. The general financial situation would in no way be strengthened. On the other hand, by the abolition of the import duties, and by the reduction of the duty on salt, relief will be afforded to the whole country, a stimulus will be given to trade, the general financial situation will be much strengthened, and it may reasonably be expected that in course of time the actual loss to the Treasury will be to some extent recouped by increased railway receipts and increased consumption of salt. There can, I venture to think, be no question on which side the balance of advantage lies. Under these circumstances the Government has decided not now to propose the abolition of the License Tax.

Is the present system to remain in force?

244. If, however, the License Tax is not to be abolished, the question remains for consideration whether an immediate attempt should be made to remedy the defects which, it is admitted, exist in the present Acts regulating its assessment and collection.

Defects of present License Tax recognised.

245. The difficulty of making practice agree with sound theory in the administration of any system of direct taxation is well known, but the inconsistencies and defects of the License Tax Acts, which at present apply to the several Provinces of India, are glaring, and many of them are unquestionably quite remediable. Thus, excepting in the Madras Presidency, a summary License Tax is levied throughout the greater part of India. In Madras the tax approaches, in some respects, nearest to an Income Tax. Again, everywhere, excepting in the Bombay Presidency, the maximum fee leviable is Rs. 500. In Bombay it is Rs. 200. In Northern India there are two classes, sub-divided into eight grades. In Bengal there are six classes. In Madras there are eight classes. In Bombay there are eleven classes. In British Burma and Assam the tax is not levied at all. Some of these inconsistencies are difficult to defend. For instance, there can be no sort of reason why a rich trader in Bombay should not pay as much as another in a similar situation at Agra or Delhi. In fact, whatever opinions may be held in respect to direct taxation generally in India, there can be no doubt that the present License Tax is open to serious objections. Not only are there great inequalities in its incidence in various Provinces, but also it is open to the very great objections that, in respect to those classes who are taxed, it falls with disproportionate hardship on the less wealthy, and, further, that other classes, who might with justice be called upon to pay the tax, are altogether exempted.

No immediate change proposed.

246. It is clear, therefore, that the License Tax in its present form cannot be incorporated into the permanent fiscal system of the country. Whilst, however, fully recognising the validity of the objections which may be urged against the tax as it now exists, we do not propose that any changes should be made at present.

Desirability of finality in dealing with this question.

247. It is exceedingly desirable that any changes that are made should be final. The frequent changes in the personnel of the Indian Government have exercised a very baneful effect upon the manner in which the question of direct taxation has been treated. Fixity of policy has been conspicuous by its absence. In the last 22 years no less than 23 Acts of the Legislature have been passed, in which successive Governments have either rung the changes on the various expedients for imposing direct taxes, or have for the time being adopted a policy opposed to any direct taxation whatsoever. It was impossible under such a procedure that any system of direct taxation should take root in the country. It was certain that these frequent changes would keep alive rather than allay the unpopularity originally attendant on the imposition of any direct tax. The practical result of the system which has been followed has been that the fundamental principle, that the tax which each individual is bound to pay ought to be certain and not arbitrary, has been violated. Frequent changes have rendered it difficult for the tax-payers to ascertain the true amount due from them, and have facilitated arbitrary and illegal exactions on the part of the tax-gatherers.

248. After full consideration, therefore, we are of opinion that it will be desirable to continue to levy the License Tax in its present form, objectionable though it be, at all events until the experience of another year has enabled us to judge more thoroughly than is at present possible of the policy which should in the future be adopted in respect to this Tax.

Special reasons for postponing change of system.

219. The Indian fiscal system may now be said to be in a state of transition, and, if we were to make any change now, we could feel no assurance that some further change might not be required in connection with the financial arrangements of 1883-84. The special features in connection with the actual financial position which render it desirable to postpone the further consideration of this question are:—

(i) That the economy which may result from our proposals in connection with military re-organisation is as yet uncertain.

(ii) That the proposed Customs reforms and the reduction of the Salt Duty will certainly increase the Railway receipts, but to what extent it is impossible to foresee.

(iii) That increased consumption will partially recoup us the loss consequent on the reduction of the Salt Duty, but to what extent is uncertain.

(iv) That during the year 1882-83 we have to provide a sum of £223,000 in order to complete the Frontier Railways, a charge which will not recur.

(v) That, for the reasons I have already given, we cannot count with certainty on being able to take so high an Opium Estimate in the future as that which we propose for 1882-83.

(vi) That it is within the range of possibility that we may be in a better position a year hence to judge of the future of silver than is at present possible.

No new general tax will be imposed.

250. Although, however, the consideration of the question is postponed, I may at once say that the Government does not contemplate the imposition of any new general direct tax payable by all classes of the community. There are good reasons for supposing that during the last decade there has been, generally speaking, a considerable advance in the trade-wealth of the country, whilst the improvement in the position of the agricultural classes has been proportionately less rapid, at all events in some Provinces. The agricultural classes in most parts of the country are already sufficiently taxed. Whilst we consider that an amendment of the present system of direct taxation, so as to embrace in a more equitable manner all classes of the non-agricultural community, is not only open to no valid objections, but would, if it should become necessary, be just in itself, we should be opposed to the imposition of any direct tax which would add to the amount already contributed by the agricultural classes in the form of Land Revenue or Provincial Rates anything in excess of their fair share of the public burdens. So long as the agricultural classes contribute their fair share of the public burdens in either of these forms, we should not consider it necessary that they should be embraced in any system of direct taxation to which the non-agricultural community might be subject.

Summary of attitude of Government in respect to this question.

251. In order to prevent any future misapprehension, it may be desirable to sum up in a few words the attitude of the Government in respect to the License Tax. It is as follows. We recognise the evils of the present Tax. We recognise that in its present form it cannot be incorporated into the permanent fiscal system of the country. Beyond this we do not at present go. We reserve to ourselves complete liberty of action in the future, either to propose the abolition of the License Tax, to recast it, or even, should such a course appear desirable when the financial arrangements for the year 1883-84 come under consideration, to allow it to continue in existence in its present form for a while longer.

XIII.—Budget Estimates, 1882-83.

Budget Estimates, 1882-83

252. The Budget Estimates for the coming year have been framed on the assumption that effect will be given to the various reforms to which I have alluded. They give the following results:—

	£
Revenue	66,459,000
Expenditure	66,174,000
Surplus ...	285,000

Observations on the surplus.

253. It has been laid down by successive Governments that, after providing for all ordinary expenditure, the Indian Budget should show a surplus of £500,000 to meet any unforeseen charges that may arise in the course of the year. The surplus which is at present anticipated during the year 1882-83 falls short of that sum by £215,000. The Estimates have been very carefully framed. Ample provision has been made for all expenditure that can now be foreseen. The net Opium Revenue has been taken at £588,000 less than the Regular Estimate for 1881-82, and at £1,201,000 less than the actual receipts of 1880-81. The net Railway receipts are taken at £468,000 less than the Regular Estimate for 1881-82.[1] A very moderate allowance has been made for increased consumption of salt consequent on the large reduction of duty. A reference to the columns in Appendix II, in which the Budget Estimates for the coming year are compared with the Regular Estimates of the current year, will show that in most cases allowance has been made for a decrease of Revenue and for an increase of Expenditure.[2] At the same time it is to be borne in mind that the Opium trade is at present in a somewhat unsettled state. It is not at all impossible that even our present moderate estimate for Opium (£7,250,000 net) may prove too high. Again, a bad harvest in India, or a partial cessation in the demand for wheat or other Indian produce in Europe, may produce a heavy falling-off in the traffic receipts of Railways and at the same time depreciate Exchange. High prices would also influence the Military and other Estimates. The instability of the value of silver is a permanent source of danger to the Indian Revenue. The consumption of salt may increase even less than is now anticipated. These, and other points, have all to be taken into consideration. There must always be some uncertainty as to the ultimate effect of such important reforms as those which are now proposed. Those reforms are, however, so desirable in themselves that we consider that the Estimates for the coming year may justifiably be based on a surplus of only £285,000. Further, it is to be borne in mind—and this is a consideration of great importance—that we already have in hand the surplus of the current year (£1,577,000), which amounts to more than three times the normal surplus (£500,000) for which it is, generally speaking, considered desirable to make provision.

Military Expenditure.

254. In the last Financial Statement (para. 104) I alluded to the fact that a Commission composed of high authorities had pronounced the possibility of reducing the cost of the Army, and I expressed an opinion that, when once we were free from Afghan complications, the question of reducing Military Expenditure was of all others that which most seriously demanded the attention of Government.

Subject of Military reductions has been considered.

255. This important subject has been fully considered by the Government during the course of the year, and although it has been deemed impossible to accept the proposals of the Commission in their entirety, at the same time the highest Military authorities in India are of opinion that the cost of the Army can be materially reduced without the Military strength of the Empire being impaired; indeed, that certain measures of re-organisation would not only prove economical but would also improve the efficiency of the Army.

Military Estimates for 1882-83.

256. The whole Military system has been carefully reviewed, and the proposals of the Government of India are now before the Secretary of State. I will not, however, dwell on this subject any further as, in the course of the debate on the Bills which I am about to introduce, my Honourable Colleague in charge of the Military Department proposes to deal fully with it. The Budget Estimates for the year 1882-83 provide for a net Military Expenditure of £15,260,000, being less than the ordinary net expenditure of any year since 1876-77.

XXIX & 36. Exchange.

257. *Loss by Exchange* has been taken at £2,775,000 net, being £519,000 less than the Regular Estimate for the current year. The requirements of the Home Treasury during the course of the coming year are estimated at

[1] Part of this difference appears under *XXV & 32. Railways.* Part is included in *1. Interest on Debt.*

[2] There is a net *decrease* of expenditure in 1882-83 of £1,292,000, but this decrease appears almost entirely under two heads. In the first place, the *Army* Expenditure is taken at £2,602,000 less than in 1881-82. This large difference is, of course, mainly due to the provision made in 1881-82 for War Expenditure. In the second place, there is a decrease of £529,000 under the head of *Loss by Exchange.* This is due to the requirements of the Home Treasury being about £1,500,000 less in 1882-83 than in 1881-82.

£15,592,000 (true sterling). Of this amount, £250,000 will be received from Her Majesty's Government at home in consideration of the Indian Government supplying the Hong-Kong Military Treasure Chest. The remainder, *viz.*, £15,342,000 is the estimate of the amount of Council Bills to be drawn. The rate of exchange has been taken at 1*s.* 8 *d.*

XIV.—Issue of Stock Notes.

Issue of Stock Notes.

258. Before I proceed to discuss the Estimate of Ways and Means for the year, it will be desirable to allude to a recent decision of the Government which bears upon this important question.

Imports of Treasure.

259. The value of the net imports of gold into India from 1860-61 to 1880-81, inclusive, was £78,308,300; and of silver, during the same period, £151,478,300. It cannot be doubted that a considerable portion of this large amount is hoarded, either in the shape of coin or ornaments. Nothing, indeed, is more remarkable in India, than the contrast between the large quantities of the precious metals which are imported annually, and the small amount of floating capital which is available for purposes of temporary accommodation in the market.

Advantages of attracting petty investments.

260. The question of whether it would not be possible to devise some means for borrowing from *bonâ fide* local investors the amount we require annually for Productive Public Works, has for long occupied the attention of the Government. The advantages to be derived from any such scheme, supposing it to be practicable, are obvious. In the first place, we diminish the amount of the remittances to England, which have to be made either in the form of Secretary of State's bills or commercial bills when the holders of sterling or rupee securities are resident out of India. In the second place, we encourage thrift and the accumulation of capital, and afford a safe investment to the poorer classes. In the third place, we give to a certain number of people a direct interest in the stability of the Government.

Mr. Hope's scheme.

261. In 1879 a scheme based on a consideration of the American "Refunding "Certificates" and of the system of French "Rentes" was laid before the Government of India by Mr. Hope. In August 1880 the Secretary of State drew the attention of the Government of India to the subject in the following terms: "I concur in the opinion that, desirable as is the object of obtaining "subscriptions to loans in small amounts from the residents in the country, "it would not be wise to attempt to accomplish that purpose by any measure "distasteful to the large holders of your securities. The experience of other "countries, especially France, shows, however, that a very large amount of "money may be obtained in small sums from the Natives of the country, if "facilities for their investment are afforded, and I request Your Excellency "will carefully consider whether any such scheme can be applied to the circumstances of India without being open to the objections pointed out by "your Government."

Scheme worth trying.

262. We have accordingly reconsidered this important question. The opinions, both official and unofficial, which were collected in 1879, show that the principles involved meet with almost unanimous approval. Doubts, however, were expressed as to whether a rate of interest not exceeding 4 per cent. was sufficiently high to attract small investors in India. My own view of the question coincides with that set forth in the *Bombay Gazette* of November 12th, 1879, in the following terms—"In this particular matter the best "kind of 'ventilation' will be that of a practical experiment. No one can "say positively whether the plan will succeed or not, until it is tried; while "to try it would not cost much either in money or in trouble. The idea is "pretty generally accepted as a good one, if it will work; but whether it will "work or not can only be ascertained after a period of probation. After that, "should the plan not prove successful, then no harm would have been done, "and only the expense of printing a few Government Resolutions, together "with the supply of the Notes themselves, will have been incurred." We propose, therefore, to try the experiment.

263. The difficulty indicated by the Secretary of State, namely, that nothing should be done to depreciate our ordinary stock, has, we hope, been obviated by providing that the new "Stock Notes," as they will be called, shall be issued in denominations of small amount, that the interest shall be payable yearly instead of half-yearly, and that the Notes will be non-enfaceable

to Europe. For the rest, the details of the scheme, into which I need not enter as they are fully explained in the Government Resolution attached to this Statement (see Appendix B), have been framed with a view to making this new form of investment as attractive as possible to small local investors.

264. It is not improbable that the Stock Notes will compete with the Savings Banks deposits. But if they do so, no harm will have been done; for, for all purposes of encouraging thrift and the accumulation of capital amongst the people, they will answer the same purposes as the Savings Banks, whilst, from the Government point of view, Stock Notes will be a more convenient form of investment than the Savings Banks, inasmuch, as in the former case, the capital will not be redeemable for at least 20 years, whilst in the latter case it is payable at call. It is thought that the obligation not to discharge the Notes for at least 20 years will be appreciated by investors, more especially as in consequence of the adoption of this course, the rate of interest can legitimately be fixed slightly ($\frac{1}{4}$ per cent.) above that which is given for Savings Banks deposits.

XV.—Ways and Means.

Ways and Means, 1882.

265. I now proceed to state the Estimate of *Ways and Means* for the coming year.

Closing balance, 1881-82.

266. Last March it was estimated that the year 1881-82 would close with a balance of £10,000,000. It is now estimated that the closing balance of the year will be £14,200,000.

Closing balance, 1882-83.

267. We estimate that the balance on March 31st, 1883, will be £10,848,000. This estimate provides for a capital expenditure during the year of £2,765,000 on *Productive Public Works* and of £185,000 on the East Indian Railway.

Minimum balance in autumn months.

268. In deciding whether a loan is necessary to meet this Capital Expenditure, which, I need hardly say, stands outside the ordinary Account, the important point to consider is, not so much the estimated closing cash balance on March 31st, 1883, as the minimum balance during the months of October, November, and December. During these months the balances are always lower than at any other period of the year. It is, of course, economical to work with as low a cash balance as possible, but in view of the limited extent to which temporary accommodation can be obtained in the Indian market, it is not at all desirable to let the Government cash balance sink too low. The business of the country can be carried on with a cash balance of £8,000,000, but it is not desirable that the balance should be allowed to sink below £8,500,000. A closing cash balance of £10,848,000 would correspond with a balance of about £7,400,000 in the month of November. According to this estimate, therefore, the balances would require strengthening during the year to the extent of £1,000,000 to £1,500,000.

Special points to be considered.

269. On the other hand, the following points have to be taken into consideration.

In the first place, the Estimates of Revenue and Expenditure are cautious. Unless anything unforeseen occurs, the results will probably show an improvement over the Estimates.

In the second place, the creation of the Post Office Savings Banks will probably strengthen the balances to a greater extent than £80,000, for which sum only credit has on this account been taken.[1]

In the third place, the issue of Stock Notes will contribute a certain addition to the balances of the year. No credit has, however, been taken on this account in the present estimate of *Ways and Means*.

In the fourth place, it is not impossible that during the course of the year the Bombay Port Trust may repay to the Government a loan of £760,000. No credit has, however, been taken on this account.

The experience of a few months is necessary in order to enable us to judge of the extent to which these various considerations will affect the Estimate of *Ways and Means* for the year.

[1] Should the new Savings Bank scheme result in a large increase of deposits, it will eventually, in all probability, become necessary either permanently to strengthen the Cash Balance or to adopt some special method for financing these deposits. The whole of this money is, I need hardly say, held at call.

Usual reservation.

270. It has been usual, in notifying the intentions of Government in respect to borrowing, to speak under reserve. Indeed, of late years a note has always been attached to the Estimate of *Ways and Means* (see Statement VII) to the effect that

"the estimates in this Statement of the amounts to be borrowed and to be supplied to the Home "Treasury by Bills are the best that can now be made; but they are subject to modification "as the year goes on: the Government must not be understood to pledge itself that the "Secretary of State will raise by Bills the exact amount stated; or that the exact amount stated "will be borrowed during the year; or that it will be borrowed in India or in England as the "case may be."

Special attention drawn to reservation.

271. I take the present opportunity of drawing special attention to this reservation. I am fully aware of how desirable it is that the Government should state as distinctly as possible what are its intentions in respect to borrowing. At the same time I must point out that to frame, twelve months in advance, an accurate estimate of the cash necessary to carry on the whole work of Government in India, is at all times a matter of very great difficulty. The difficulty is especially great this year owing, in the first place, to the large fiscal reforms which are about to be introduced, the full effect of which upon several heads of Revenue, notably *Salt* and *Railways*, can only be learnt by experience; and, in the second place, owing to the uncertainty which must for the present prevail as to the extent to which the new Stock Notes will be taken up. All that the Government can do is to place the public fully in possession of the facts of the case as they now stand, and to indicate what is the most probable conclusion that is to be drawn from these facts. I cannot at present go further than to say (1) that it is uncertain whether we shall require any loan or not; (2) that if we have to borrow at all, it is not probable that we shall require more than £1,500,000 at most; and (3) that unless any extraordinary and unforeseen circumstance, such, for instance, as a famine, should arise, it is probable that our requirements will not be greater than could be supplied by the local banks temporarily under arrangements by which they would be repaid before the opening of the export season. But it must be clearly understood that I can at present give no sort of pledge as to the course the Government will ultimately pursue, and that we reserve to ourselves the most complete liberty of action during the year to take whatever steps further experience may show to be necessary.

XVI.—Conclusion.

Conclusion.

Length of Statement.

272. I regret the length to which this Statement has extended. It is difficult, in making an Indian Financial Statement, to draw the line between saying too much and saying too little. The English practice of merely giving the broad features of the finance of the year has many advantages. The objection to applying this method to India is that, if the details are not given in the Financial Statement, they do not come under the consideration of the public at all until the Accounts are finally made up. Last year I endeavoured to make my Statement as short as possible. The result, so far as I could judge from the comments of the Press both in England and India, was that the broad features of the financial position were generally well understood, but that misapprehension prevailed on some points which might, perhaps, have been removed had my Statement been less brief. This year my Statement is necessarily much longer, as the subjects which I have had to treat are of greater importance; but I have endeavoured, so far as is possible, to avoid descending into too great detail. I think it is, on the whole, better to omit explanations on matters of comparatively minor importance than to run the risk of the main issues being obscured amidst a mass of detail. I need, however, hardly add that there is not a single item in the Estimates about which full explanation cannot be given, if the necessity for doing so should arise.

Recapitulation.

273. It will be desirable, finally, to recapitulate briefly the main facts of the present Financial Statement, to state the issues which call for the decision of this Council, and to indicate the features of the Statement which, although they do not necessitate legislation, are of sufficient importance to demand special attention.

274. The main facts are as follows:—

Deficit of 1880-81. (i) The Accounts of the year 1880-81 close with a deficit of £4,044,000. This deficit was wholly due to the expenditure on the war Excluding the net expenditure on account of the war, there was a surplus of £6,320,000.

Surplus of 1881-82. (ii) We estimate that the year 1881-82 will close with a surplus of £1,577,000 after payment to the Provincial Governments of £570,000 for their Afghan war contribution, and of £360,000 in connection with the renewal of the quinquennial contracts. On the other hand, about £250,000 of the English War contribution has been credited to the year in excess of the War Expenditure, thus abnormally increasing the surplus. But for these extraordinary items of Revenue and Expenditure, the surplus would have been £2,357,000.

Surplus of 1882-83. (iii) We estimate the surplus of the year 1882-83 at £285,000. If no taxes were taken off and the Opium Revenue were taken at £7,250,000 net, the Surplus would be £3,171,000 (see Statement X).

Proposals involving legislation. 275. The proposals now made by the Government which involve legislation, are—

Remission of the Patwari Cess in the N.-W. Provinces. (i) The remission of the Patwari Cess in the North-Western Provinces and the payment by Government of the patwaris in Oudh, who are now paid by the land-owners. This proposal involves a virtual remission of taxation to the extent of £316,000.

Abolition of Import Duties. (ii) The total abolition of the Cotton Duties and the General Import Duties. This involves a remission of taxation to the extent of £1,219,000.

Reduction of Salt Duty. (iii) The reduction of the rate of the duty on salt to Rs. 2 a maund everywhere except in the Trans-Indus districts of the Punjab and in British Burma. This involves a loss of Revenue of about £1,400,000. Legislation is not absolutely required in order to introduce this change, but as the present Salt Act requires some amendments, independently of any change in the rate of duty, we propose to take this opportunity to bring a Bill to effect these amendments under the consideration of the Council.

Other points not involving legislation. 276. The remaining points of special importance which do not involve legislation are—

Subordinate Civil Services. (i) The improvement in the position of the Subordinate Civil Services, which it is estimated will cost about £50,000 a year.

Provincial contracts. (ii) The arrangements in connection with the renewal of the Provincial contracts.

Opium. (iii) The policy of the Government in respect to Opium. The net Revenue from this source has been taken at £7,250,000 in the Estimates for the coming year.

The License Tax. (iv) The attitude of the Government in respect to the License Tax. It is proposed to make no change at present, but we reserve to ourselves complete liberty of action for the future.

Stock Notes. (v) The introduction of a scheme to facilitate borrowing from small local investors by the issue of Stock Notes.

Military Expenditure. 277. To these must be added the steps which have been taken so far to reduce the cost of the Army and to improve its efficiency. As I have already mentioned, my Honourable Colleague, General Wilson, who can speak both with far greater authority and a more intimate knowledge of the subject than any to which I can pretend, will, in the course of the debate, explain fully the actual position of affairs in respect to Military Expenditure.

Conclusion. 278. I commend these measures to the attention of this Council and of the public in the confident belief that they will receive fair and impartial consideration, and in the firm conviction that their adoption will benefit India.

Services rendered by Mr. Hope. 279. I cannot close this Statement without cordially acknowledging the obligations the Government is under to Mr. Hope, the able Secretary in the Financial Department. Mr. Hope's wide economic knowledge, his great experience of every branch of the Indian administration, and the keen interest which he feels in every measure tending to promote the welfare of the people of India, have been invaluable in the consideration of the important measures which have recently been under discussion.

STATEMENTS.

I.—REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND.

Estimates, 1882-83.

REVENUES.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
I.—Land Revenue ...	21,910,314	22,495,000	22,449,000	...	46,000	22,172,000	...	277,000
II.—Tributes ...	742,209	705,000	721,000	16,000	...	701,000	...	20,000
III.—Forest	709,320	770,000	820,000	50,000	...	809,000	...	11,000
IV.—Excise ...	3,135,226	3,031,000	3,411,000	380,000	...	3,331,000	...	80,000
V.—Assessed Taxes ...	558,720	550,000	538,000	...	12,000	538,000	...	...
VI.—Provincial Rates ...	2776,379	2,858,000	2,885,000	22,000	...	2,649,000	...	236,000
VII.—Customs	2,[illegible]	2,[illegible]000	2,290,000	...	77,000	1,181,000	...	1,109,000
VIII.—Salt	7,115,[illegible]	7,[illegible]000	7,213,000	60,000	...	6,049,000	...	1,164,000
IX.—Opium	10,480,[illegible]	8,[illegible]000	9,900,000	1,[illegible]000	...	9,500,000	...	400,000
X.—Stamps	3,250,[illegible]	3,[illegible]000	3,328,000	36,000	...	3,342,000	14,000	...
XI.—Registration ...	[illegible]	[illegible]000	280,000	...	10,000	284,000	4,000	...
XII.—Mint	89,565	[illegible]000	58,000	...	31,000	145,000	87,000	...
XIII.—Post Office ...	1,018,653	967,000	976,000	[illegible]000	...	967,000	...	9,000
XIV.—Telegraph ...	539,087	481,000	476,000	...	5,000	525,000	49,000	...
XV.—Minor Departments ...	78,492	101,000	113,000	12,000	...	66,000	...	47,000
XVI.—Law and Justice ...	687,764	664,000	643,000	...	21,000	659,000	16,000	...
XVII.—Police ...	241,769	236,000	242,000	6,000	...	248,000	6,000	...
XVIII.—Marine	246,519	210,000	206,000	...	4,000	183,000	...	23,000
XIX.—Education	170,238	143,000	179,000	36,000	...	177,000	...	2,000
XX.—Medical	43,368	42,000	43,000	1,000	...	41,000	...	2,000
XXI.—Stationery and Printing	62,462	61,000	60,000	...	1,000	59,000	...	1,000
XXII.—Interest	875,679	678,000	892,000	214,000	...	652,000	...	240,000
XXIII.—Superannuations ...	315,999	315,000	312,000	...	3,000	307,000	...	5,000
XXIV.—Miscellaneous ...	731,742	271,000	379,000	108,000	...	268,000	...	111,000
XXV.—Railways	7,952,973	7,950,000	9,087,000	1,137,000	...	8,910,000	...	177,000
XXVI.—Irrigation and Navigation	829,402	903,000	923,000	20,000	...	962,000	39,000	...
XXVII.—Other Public Works ...	547,313	485,000	557,000	72,000	...	485,000	...	72,000
XXVIII.—Army	924,127	814,000	969,000	155,000	...	868,000	...	101,000
English Contribution for Afghan War ...	2,695,000	3,000,000	2,305,000	...	695,000	...	...	2,305,000
Military Operations in Afghanistan ...	602,607	61,000	267,000	206,000	...	...	...	267,000
XXIX.—Gain by Exchange ...	407,521	412,000	391,000	...	21,000	381,000	....	10,000
GRAND TOTAL ...	72,559,901	70,160,000	72,913,000	2,753,000	...	66,459,000	...	6,454,000
Deficit	4,044,139	...	...	...	...	...	...	...

EXPENDITURE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	6,051,065	6,287,000	[illegible]4,000	[illegible]7,000	...	6,391,000	...	23,000
2.—Interest, other Accounts	413,973	409,000	[illegible]3,000	[illegible]6,000	...	459,000	14,000	...
3.—Refunds and Drawbacks ...	469,206	350,000	[illegible]3,000	[illegible]8,000	...	511,000	88,000	...
4.—Land Revenue ...	2,983,679	3,032,000	[illegible]3,000	5,000	...	3,168,000	131,000	...
5.—Forest ...	465,976	571,000	[illegible]0,000	29,000	...	581,000	...	19,000
6.—Excise ...	95,404	99,000	99,000	...	...	99,000	...	...
7.—Assessed Taxes ...	21,237	15,000	14,000	...	1,000	15,000	1,000	...
8.—Provincial Rates ...	46,435	48,000	49,000	1,000	...	49,000	...	...
9.—Customs ...	198,927	206,000	196,000	...	[illegible]0,000	163,000	...	33,000
10.—Salt ...	363,537	428,000	544,000	[illegible]5,000	...	639,000	95,000	...
11.—Opium ...	2,028,757	2,263,000	2,062,000	...	[illegible]2,000	2,250,000	188,000	...
12.—Stamps ...	107,465	114,000	109,000	...	[illegible]0,000	119,000	10,000	...
13.—Registration ...	178,351	186,000	178,000	...	[illegible],000	186,000	8,000	...
14.—Mint ...	92,618	105,000	94,000	...	11,000	108,000	14,000	...
15.—Post Office ...	1,175,505	1,098,000	1,150,000	52,000	...	1,173,000	23,000	...
16.—Telegraph ...	497,834	562,000	567,000	5,000	...	637,000	70,000	...
17.—Administration ...	1,532,056	1,519,000	1,502,000	...	13,000	1,504,000	2,000	...
18.—Minor Departments ...	401,140	458,000	547,000	89,000	...	442,000	...	105,000
19.—Law and Justice ...	3,203,613	3,351,000	3,181,000	...	170,000	3,347,000	166,000	...
20.—Police ...	2,524,198	2,571,000	2,551,000	...	20,000	2,635,000	84,000	...
21.—Marine ...	551,586	735,000	620,000	...	115,000	621,000	1,000	...
22.—Education ...	998,468	1,058,000	1,057,000	...	1,000	1,149,000	92,000	...
23.—Ecclesiastical ...	158,638	159,000	160,000	1,000	...	163,000	3,000	...
24.—Medical ...	666,735	698,000	678,000	...	20,000	703,000	25,000	...
25.—Stationery and Printing	485,010	512,000	562,000	50,000	...	440,000	...	122,000
26.—Political ...	531,183	562,000	663,000	101,000	...	520,000	...	143,000
27.—Allowces. & Assignments...	1,898,773	1,943,000	1,932,000	...	11,000	1,939,000	7,000	...
28.—Civil Furlough Allces. ...	223,741	234,000	223,000	...	11,000	234,000	11,000	...
29.—Superannuations ...	2,150,553	2,064,000	2,073,000	9,000	...	2,101,000	28,000	...
30.—Miscellaneous ...	280,130	271,000	293,000	22,000	...	271,000	...	22,000
31.—Famine Relief & Insurance								
Relief ...	34,469	...	23,000	23,000	...	...	...	23,000
Protective Works ...	...	750,000	727,000	...	23,000	750,000	23,000	...
Reduction of Debt ...	...	750,000	750,000	...	...	750,000	...	...
32.—Railways ...	6,478,559	7,189,000	7,124,000	...	65,000	7,592,000	468,000	...
Subsidized Railways ...	...	...	39,000	39,000	...	50,000	11,000	...
Frontier Railways ...	2,293,615	790,000	209,000	...	581,000	223,000	14,000	...
33.—Irrigation & Navigation...	1,185,114	1,385,000	1,382,000	...	3,000	1,527,000	145,000	...
34.—Other Public Works ...	4,312,997	5,035,000	5,322,000	287,000	...	5,371,000	49,000	...
35.—Army ...	16,717,713	16,459,000	17,119,000	660,000	...	16,128,000	...	[illegible]
Military Operations in Afghanistan ...	11,368,489	2,271,000	1,611,000	...	660,000	...	...	[illegible]
36.—Loss by Exchange ...	3,124,330	3,475,000	3,685,000	[illegible]0,000	...	3,156,000	...	[illegible]
	76,306,079	70,012,000	70,014,000	2,000	...	68,164,000	...	[illegible]
Provincial & Local { Surpluses ...	+336,686	+114,000	+ 1,357,000	+ 1,243,000	...	...	...	[illegible]
Provincial & Local { Deficits ...	—38,725	—821,000	— 35,000	...	— 786,000	— 1,990,000	[illegible]	...
TOTAL ...	76,604,040	69,305,000	71,336,000	2,031,000	...	66,174,000	...	[illegible]
Surplus	...	855,000	1,677,000	722,000	...	285,000	...	1,392,000
37.—Productive Public Works	3,238,070	2,608,000	[illegible]6,000	[illegible]0,000	...	2,766,000	109,000	...
Pro. P. Works E. I. Railway	418,435	860,000	1,035,000	175,000	...	485,000	...	550,000
Do. do. Madras Irrigation and Canal Company's undertaking ...	...	1,405,000	...	...	1,405,000	...	...	...

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

II.—REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND.

(*Distinguishing Revenue and Charges of Productive Public Works.*)

Estimates, 1882-83.

REVENUE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
I.—Land Revenue ...	21,112,995	21,788,000	21,770,000	...	18,000	21,487,000	...	283,000
II.—Tributes	742,209	705,000	721,000	16,000	...	701,000	...	20,000
III.—Forest	709,320	770,000	820,000	50,000	...	809,000	...	11,000
IV.—Excise	3,135,226	3,031,000	3,411,000	380,000	...	3,331,000	...	80,000
V.—Assessed Taxes ...	558,720	550,000	538,000	...	12,000	538,000	...	...
VI.—Provincial Rates ...	2,776,370	2,863,000	2,885,000	22,000	...	2,649,000	...	236,000
VII.—Customs	2,539,612	2,367,000	2,290,000	...	77,000	1,181,000	...	1,109,000
VIII.—Salt	7,115,988	7,153,000	7,213,000	60,000	...	6,049,000	...	1,164,000
IX.—Opium	10,480,051	8,763,000	9,900,000	1,137,000	...	9,500,000	...	400,000
X.—Stamps	3,250,581	3,290,000	3,328,000	38,000	...	3,342,000	14,000	...
XI.—Registration ...	281,230	290,000	280,000	...	10,000	294,000	4,000	...
XII.—Mint	89,565	89,000	58,000	...	31,000	145,000	87,000	...
XIII.—Post Office ...	1,018,653	967,000	976,000	9,000	...	967,000	...	9,000
XIV.—Telegraph ...	539,087	481,000	476,000	...	5,000	525,000	49,000	...
XV.—Minor Departments...	78,492	101,000	113,000	12,000	...	66,000	...	47,000
XVI.—Law and Justice ...	687,764	664,000	643,000	...	21,000	659,000	16,000	...
XVII.—Police	241,769	236,000	242,000	6,000	...	248,000	6,000	...
XVIII.—Marine	246,519	210,000	206,000	...	4,000	183,000	...	23,000
XIX.—Education ...	170,238	143,000	179,000	36,000	...	177,000	...	2,000
XX.—Medical	43,368	42,000	43,000	1,000	...	41,000	...	2,000
XXI.—Stationery & Printing	62,462	61,000	60,000	...	1,000	59,000	...	1,000
XXII.—Interest	875,679	678,000	892,000	214,000	...	652,000	...	240,000
XXIII.—Superannuations ...	315,999	315,000	312,000	...	3,000	307,000	...	5,000
XXIV.—Miscellaneous ...	731,742	271,000	379,000	108,000	...	268,000	...	111,000
XXV.—Railways Subsidized...	...	...	2,000	2,000	...	1,000	...	1,000
XXVI.—Irrigation & Navign.	197,908	180,000	129,000	...	51,000	133,000	4,000	...
XXVII.—Other Public Works	547,313	485,000	557,000	72,000	...	485,000	...	72,000
XXVIII.—Army	924,127	814,000	969,000	155,000	...	868,000	...	101,000
English Contribution for Afghan War ...	2,695,000	3,000,000	2,305,000	...	695,000	...	...	2,305,000
Military operations in Afghanistan ...	602,607	61,000	267,000	206,000	...	...	...	267,000
XXIX.—Gain by Exchange ...	407,521	412,000	391,000	...	21,000	381,000	...	10,000
TOTAL ...	63,178,115	60,780,000	62,355,000	1,575,000	...	56,036,000	...	6,319,000
Revenue from Productive Public Works.								
XXV.—Railways—								
State (Gross Earnings)	2,269,135	2,420,000	2,495,000	65,000	...	2,776,000	291,000	...
Guaranteed (Net Traffic Receipts)	2,913,313	2,730,000	3,490,000	760,000	...	3,473,000	...	17,000
East Indian Railway ...	2,770,525	2,800,000	3,110,000	310,000	...	2,660,000	...	450,000
XXVI.—Irrign. & Navigation—								
Direct Receipts ...	639,144	739,000	804,000	65,000	...	844,000	40,000	...
Madras Irrigation and Canal Company (Net Traffic Receipts, &c.)	—7,650	—16,000	—10,000	6,000	...	—15,000	...	5,000
I.—Portion of Land Revenue due to Irrigation	797,319	707,000	679,000	...	28,000	685,000	6,000	...
Total ...	9,381,786	9,380,000	10,558,000	1,178,000	...	10,423,000	...	135,000
GRAND TOTAL REVENUE ...	72,559,901	70,160,000	72,913,000	2,753,000	...	66,459,000	...	6,454,000
Deficit	4,044,139	...	...	...	...	...	...	...

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

EXPENDITURE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83 compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	3,669,195	3,838,000	4,087,000	249,000	...	3,917,000	...	170,000
2.—Interest, other Accounts...	413,973	409,000	445,000	36,000	...	459,000	14,000	...
3.—Refunds and Drawbacks...	469,206	350,000	423,000	73,000	...	511,000	88,000	...
4.—Land Revenue ...	2,983,679	3,032,000	3,037,000	5,000	...	3,168,000	131,000	...
5.—Forest	465,976	571,000	600,000	29,000	...	581,000	...	19,000
6.—Excise	95,404	99,000	99,000	...	...	99,000	...	...
7.—Assessed Taxes ...	21,237	15,000	14,000	...	1,000	15,000	1,000	...
8.—Provincial Rates ...	46,435	48,000	49,000	1,000	...	49,000	...	...
9.—Customs	188,927	203,000	196,000	...	10,000	163,000	...	33,000
10.—Salt	883,537	478,000	544,000	116,000	...	699,000	95,000	...
11.—Opium	2,023,757	2,249,000	2,062,000	...	201,000	2,250,000	188,000	...
12.—Stamps	102,465	124,000	109,000	...	5,000	119,000	10,000	...
13.—Registration	174,351	186,000	178,000	...	8,000	186,000	8,000	...
14.—Mint	92,618	105,000	94,000	...	11,000	108,000	14,000	...
15.—Post Office	1,175,505	1,098,000	1,150,000	52,000	...	1,173,000	23,000	...
16.—Telegraph	497,834	562,000	567,000	5,000	...	637,000	70,000	...
17.—Administration ...	1,532,050	1,519,000	1,502,000	...	17,000	1,504,000	2,000	...
18.—Minor Departments ...	401,140	458,000	547,000	89,000	...	442,000	...	105,000
19.—Law and Justice ...	3,203,613	3,351,000	3,181,000	...	170,000	3,347,000	166,000	...
20.—Police	2,634,198	2,571,000	2,551,000	...	20,000	2,635,000	84,000	...
21.—Marine	551,586	735,000	620,000	...	115,000	621,000	1,000	...
22.—Education	998,468	1,058,000	1,057,000	...	1,000	1,149,000	92,000	...
23.—Ecclesiastical ...	158,638	159,000	160,000	1,000	...	163,000	3,000	...
24.—Medical	666,735	698,000	678,000	...	20,000	703,000	25,000	...
25.—Stationery & Printing ...	485,010	512,000	562,000	50,000	...	440,000	...	122,000
26.—Political	531,183	562,000	663,000	101,000	...	520,000	...	143,000
27.—Allowances & Assignments	1,898,778	1,943,000	1,932,000	...	11,000	1,939,000	7,000	...
28.—Civil Furlough Allowces.	223,741	234,000	223,000	...	11,000	234,000	11,000	...
29.—Superannuations ...	2,150,553	2,064,000	2,073,000	9,000	...	2,101,000	28,000	...
30.—Miscellaneous ...	280,130	271,000	293,000	22,000	...	271,000	...	22,000
31.—Famine Relief & Insurance								
Relief	34,469	...	23,000	23,000	...	...	...	23,000
Protective Works ...	...	750,000	727,000	...	23,000	750,000	23,000	...
Reduction of Debt ...	...	750,000	750,000	...	...	750,000	...	...
32.—Railways	77,603	417,000	281,000	...	136,000	592,000	311,000	...
Subsidized Railways ...	...	...	39,000	39,000	...	50,000	11,000	...
Frontier Railways ...	2,293,615	790,000	209,000	...	581,000	223,000	14,000	...
33.—Irrigation & Navigation...	709,103	926,000	879,000	...	47,000	974,000	95,000	...
34.—Other Public Works ...	4,312,997	5,035,000	5,322,000	287,000	...	5,371,000	49,000	...
35.—Army	16,717,713	16,459,000	17,119,000	660,000	...	16,128,000	...	991,000
Military Operations in Afghanistan ...	11,368,489	2,271,000	1,611,000	...	660,000	...	...	1,611,000
36.—Loss by Exchange ...	3,124,330	3,475,000	3,685,000	210,000	...	3,156,000	...	529,000
	67,046,642	60,332,000	60,341,000	9,000	...	58,137,000	...	2,204,000
Provincial and Local { Surpluses and Deficits ...	+ 336,686	+ 114,000	+1,357,000	+1,243,000	...	...	...	+1,357,000
	— 38,725	— 821,060	— 35,000	...	—786,000	—1,990,000	-1,955,000	...
EXPENDITURE ORDINARY ...	67,344,603	59,625,000	61,663,000	2,038,000	...	56,147,000	...	5,516,000
Expenditure on Productive Public Works (Working Expenses and Interest).								
32.—Railways—								
State (Working and Maintenance) ...	1,607,528	1,669,000	1,716,000	47,000	...	1,741,000	25,000	...
Guaranteed (Interest, Surplus Profits, &c.) ...	3,677,809	3,516,000	3,690,000	174,000	...	3,825,000	135,000	...
East Indian Railway ...	1,116,219	1,587,000	1,437,000	...	150,000	1,434,000	...	3,000
33.—Irrigation & Navigation—								
Working and Maintenance Madras Irrigation & Canal Company (Interest, &c.)	425,473	426,000	453,000	27,000	...	503,000	50,000	...
1.—Interest on Debt ...	50,538	33,000	50,000	17,000	...	50,000	...	...
	2,381,870	2,449,000	2,327,000	...	122,000	2,474,000	147,000	...
Total ...	9,259,437	9,680,000	9,673,000	...	7,000	10,027,000	354,000	...
GRAND TOTAL ...	76,604,040	69,305,000	71,336,000	2,031,000	...	66,174,000	...	5,162,000
Surplus	...	855,000	1,577,000	722,000	...	285,000	...	1,292,000
37.—Productive Public Works	3,238,070	2,608,000	2,656,000	48,000	...	2,765,000	109,000	...
Do. do. E. I. Railway ...	418,435	860,000	1,035,000	175,000	...	485,000	...	666,000
Do. do. Madras Irrigation and Canal Company's undertakings	...	1,405,000	...	...	1,405,000	...	...	...

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

III.—REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND IN THE THREE DIVISIONS, IMPERIAL, PROVINCIAL AND LOCAL.

REVENUE.	Regular Estimates, 1881-82.				Budget Estimates, 1882-83.			
	Imperial.	Provincial.	Local.	Total.	Imperial.	Provincial.	Local.	Total.
	£	£	£	£	£	£	£	£
Opening Balance		1,950,000	1,386,200			3,267,600	1,395,000	
I.—Land Revenue	21,219,300	1,099,600	130,100	22,449,000	13,695,800	8,358,800	117,400	22,172,000
II.—Tributes	721,000	...	...	721,000	701,000	...	...	701,000
III.—Forest	757,100	35,900	27,000	820,000	398,200	384,100	26,700	809,000
IV.—Excise	645,900	2,763,700	1,400	3,411,000	1,676,900	1,652,800	1,300	3,331,000
V.—Assessed Taxes	375,400	162,600	...	538,000	269,000	269,000	...	538,000
VI.—Provincial Rates	176,800	457,200	2,251,000	2,885,000	400	639,700	2,008,900	2,649,000
VII.—Customs	2,043,900	246,100	...	2,290,000	1,006,600	174,400	...	1,181,000
VIII.—Salt	7,187,100	25,900	...	7,213,000	6,020,700	28,300	...	6,049,000
IX.—Opium	9,900,000	...	...	9,900,000	9,500,000	...	...	9,500,000
X.—Stamps	574,100	2,753,900	...	3,328,000	1,687,900	1,654,100	...	3,342,000
XI.—Registration	600	279,400	...	280,000	142,500	141,500	...	284,000
XII.—Mint	58,000	...	...	58,000	145,000	...	...	145,000
XIII.—Post Office	971,800	3,400	800	976,000	962,500	3,400	1,100	967,000
XIV.—Telegraph	476,000	...	...	476,000	525,000	...	...	525,000
XV.—Minor Departments	60,000	42,900	10,100	113,000	9,000	46,300	10,700	66,000
XVI.—Law and Justice	84,700	557,900	400	643,000	40,800	617,600	600	659,000
XVII.—Police	400	201,100	40,200	242,000	200	210,500	37,700	248,000
XVIII.—Marine	77,600	128,100	...	206,000	74,400	108,600	...	183,000
XIX.—Education	1,400	126,400	51,200	179,000	1,500	124,900	50,600	177,000
XX.—Medical	4,300	33,600	5,100	43,000	1,700	35,600	3,700	41,000
XXI.—Stationery and Printing ...	14,700	45,300	...	60,000	7,000	52,000	...	59,000
XXII.—Interest	859,000	13,100	19,900	892,000	628,800	10,400	12,800	652,000
XXIII.—Pensions	294,500	14,000	3,500	312,000	272,500	31,000	3,500	307,000
XXIV.—Miscellaneous	65,300	184,200	129,500	379,000	44,900	120,300	102,800	268,000
XXV.—Railways	8,523,100	563,900	...	9,087,000	8,281,300	628,700	...	8,910,000
XXVI.—Irrigation and Navigation ...	315,600	606,200	1,200	923,000	275,900	685,000	1,100	962,000
XXVII.—Other Public Works ...	72,200	325,400	159,400	557,000	59,900	311,700	113,400	485,000
XXVIII.—Army	969,000	...	...	969,000	868,000	...	...	868,000
English Contribution for Afghan War.	2,305,000	...	...	2,305,000	...	...	...	...
Military Operations in Afghanistan.	267,000	...	...	267,000	...	...	...	...
XXIX.—Gain by Exchange	390,000	1,000	...	391,000	381,000	...	...	381,000
Total Revenue ...	59,410,800	10,671,400	2,830,800	72,913,000	47,678,000	16,288,700	2,492,300	66,459,000
Deposits and Advances (Local) ...		...	468,100			...	466,700	
GRAND TOTAL ...		12,621,400	4,685,100			19,556,300	4,354,000	

EXPENDITURE.	Regular Estimates, 1881-82.				Budget Estimates, 1882-83.			
	Imperial.	Provincial.	Local.	Total.	Imperial.	Provincial.	Local.	Total.
	£	£	£	£	£	£	£	£
1.—Interest on Debt	5,732,500	681,500	...	6,414,000	5,662,700	728,300	...	6,391,000
2.—Interest, Other Accounts ...	440,500	900	3,600	445,000	455,000	...	4,000	459,000
3.—Refunds and Drawbacks ...	228,800	180,800	13,400	423,000	161,900	339,100	7,000	511,000
4.—Land Revenue	851,600	1,639,900	545,500	3,037,000	258,700	2,575,600	333,700	3,168,000
5.—Forest	558,200	21,600	20,200	600,000	287,700	268,100	25,200	581,000
6.—Excise	21,500	76,700	800	99,000	49,600	48,600	800	99,000
7.—Assessed Taxes	700	13,300	...	14,000	7,700	7,300	...	15,000
8.—Provincial Rates	—300	5,200	44,100	49,000	—100	5,900	43,200	49,000
9.—Customs	22,600	173,400	...	196,000	—200	163,200	...	163,000
10.—Salt	486,000	58,000	...	544,000	575,500	63,500	...	639,000
11.—Opium	2,062,000	...	...	2,062,000	2,250,000	...	...	2,250,000
12.—Stamps	14,400	94,600	...	109,000	62,500	56,500	...	119,000
13.—Registration	300	177,700	...	178,000	93,200	92,800	...	186,000
14.—Mint	94,000	...	...	94,000	108,000	...	...	108,000
15.—Post Office	1,055,900	35,600	58,500	1,150,000	1,070 900	36,000	66,100	1,173,000
16.—Telegraph	567,000	...	...	567,000	637,000	...	...	637,000
17.—Administration	884,100	589,300	28,600	1,502,000	788,500	686,300	29,200	1,504,000
18.—Minor Departments	396,500	113,500	37,000	547,000	270,700	136,000	35,300	442,000
19.—Law and Justice	567,700	2,613,100	200	3,181,000	175,700	3,171,100	200	3,347,000
20.—Police	82,200	2,205,500	263,300	2,551,000	79,000	2,271,500	284,500	2,635,000
21.—Marine	473,900	146,100	...	620,000	483,300	137,700	...	621,000
22.—Education	9,300	721,800	325,900	1,057,000	9,600	771,100	368,300	1,149,000
23.—Ecclesiastical	119,700	40,300	...	160,000	163,000	...	...	163,000
24.—Medical	174,300	405,300	98,400	678,000	21,000	571,100	110,900	703,000
25.—Stationery and Printing ...	246,400	313,000	2,600	562,000	92,000	345,300	2,700	440,000
26.—Political	662,300	600	100	663,000	519,500	400	100	520,000
27.—Allowances	1,217,000	715,000	...	1,932,000	1,253,100	685,900	...	1,939,000
28.—C. F. & A. Allowances ...	222,500	500	...	223,000	234,000	...	...	234,000
29.—Superannuation	1,906,000	166.200	800	2,073,000	1,603,800	496,300	900	2,101,000
30.—Miscellaneous	79,000	122,100	91,900	293,000	57,800	114,500	98,700	271,000
31.—Famine Relief and Insurance—								
Relief	200	22,800	...	23,000	...	...	...	...
Protective Works	727,000	...	...	727,000	750,000	...	...	750,000
Reduction of Debt	750,000	...	...	750,000	750,000	...	...	750,000
32.—Railways	6,633,900	490,100	...	7,124,000	6,923,700	668,300	...	7,592,000
Subsidized Railways	39,000	...	...	39,000	50,000	...	...	50,000
Frontier Railways	209,000	...	...	209,000	223,000	...	...	223,000
33.—Irrigation and Navigation ...	742,100	635,700	4,200	1,382,000	795,400	722,700	8,900	1,527,000
34.—Other Public Works	1,677,400	2,215,200	1,429,400	5,322,000	1,510,700	2,265,900	1,594,400	5,371,000
35.—Army	17,119,000	...	...	17,119,000	16,128,000	...	...	16,128,000
Military Operations in Afghanistan	1,611,000	...	...	1,611,000	...	...	...	...
36.—Loss by Exchange	3,685,000	...	...	3,685,000	3,156,000	...	...	3,156,000
Total Expenditure ...	52,370,200	14,675,300	2,968,500	70,014,000	47,720.900	17.429.000	3,014,100	68,164,000
37.—Productive Public Works ...	3,691,000			3,691,000	3,250,000			3,250,000
Add—Contributions to Imperial ...		17,900		17,900		328,600		328,600
Provincial ...			55,100	55.100			103,000	103,000
Local ...		196,900		196,900		302,300		302,300
Total ...	56,061,200	14,890,100	3,023,600	73,974,900	50,970,900	18,059,900	3,117,100	72,147,900
Deduct—Imperial Allotment ...		4,811,200		4,811,200				
Contribution from Imperial ...		670,000		670,000		600		600
Provincial			196,900	196,900		302,300		302,300
Local ...		55,100		55,100		103,000		103,000
Total for Deduction ...	...	5,536,300	196,900	5,733,200		103,600	302,300	405,900
Net Expenditure	56,061,200	9,353.800	2,826,700	68,241,700	50,970,900	17,956,300	2,814,800	71,742,900
Deposits and Advances (Local) ...			463,400				150,800	
Closing Balance ...		3,267,600	1,395,000			1,600,000	1,088,400	
GRAND TOTAL ...		12,621,400	4,685,100			19,556,300	4,354,000	
*Surplus or Deficit		1,317,600	4,100	1,321,700		1,667,600	322,500	1,990,100

* Being difference between Total Revenue and Net Expenditure.

Fort William;
Dept. of Finance and Commerce,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

IV.—RECEIPTS AND DISBURSEMENTS AT THE TREASURIES OF THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND.

RECEIPTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83 compared with Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Imperial revenue ...	72,862,022	70,160,000	72,913,000	2,753,000	...	66,459,000	...	6,454,000
II.—Public debt* ...	8,488,407	7,105,000	5,620,000	...	1,485,000	1,950,000	...	3,670,000
III.—Treasury notes and service funds ...	997,763	1,030,000	1,045,000	15,000	...	1,091,000	46,000	...
IV.—Savings banks' deposits	2,658,490	769,000	1,534,000	765,000	...	1,635,000	101,000	...
V.—Political and other excluded funds ...	596,690	452,000	612,000	160,000	...	623,000	11,000	...
VI.—Provincial and local surplus ...	336,686	114,000	1,357,000	1,243,000	...	...	...	1,357,000
VII.—Deposits and advances...	25,167,826	24,366,000	16,978,000	...	7,388,000	19,646,000	2,668,000	...
VIII.—Loans to municipalities, native states, &c. ...	932,124	215,000	306,000	91,000	...	210,000	...	96,000
IX.—Guaranteed railway capital ...	1,842,061	1,643,000	2,145,000	502,000	...	2,729,000	584,000	...
X.—Money orders ...	4,570,858	5,433,000	5,602,000	169,000	...	5,602,000	...	...
XI.—Remittances in India ...	21,785,293	15,930,000	15,520,000	...	410,000	13,082,000	...	2,438,000
XII.—Secretary of State's bills drawn* ...	15,239,677	17,200,000	17,504,000	304,000	...	15,342,000	...	2,162,000
XIII.—Remittances between India and England ...	2,104,084	2,005,000	1,877,000	...	128,000	2,070,000	193,000	...
Total ...	156,981,981	146,422,000	143,013,000	...	3,409,000	130,439,000	...	12,574,000
Balance ...	15,300,001	16,510,000	17,498,850	988,850	...	17,251,000	...	247,850
GRAND TOTAL ...	172,281,982	162,932,000	160,511,850	...	2,420,150	147,690,000	...	12,821,850

DISBURSEMENTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Imperial expenditure ...	80,260,545	74,178,000	75,027,000	849,000	...	69,424,000	...	5,603,000
2.—Public debt	4,868,592	4,583,000	4,693,000	110,000	...	3,138,000	...	1,555,000
3.—Treasury notes and service funds	750,396	817,000	794,000	...	23,000	827,000	33,000	...
4.—Savings banks' deposits ...	1,114,796	1,146,000	1,444,000	298,000	...	1,385,000	...	59,000
5.—Political and other excluded funds ...	1,115,482	492,000	602,000	110,000	...	580,000	...	22,000
6.—Provincial and local deficits	38,725	821,000	35,000	...	786,000	1,990,000	1,955,000	...
7.—Deposits and advances ...	20,674,356	26,915,000	18,234,000	...	8,681,000	17,849,000	...	385,000
8.—Loans to municipalities, native states, &c. ...	1,106,650	113,000	136,000	23,000	...	125,000	...	11,000
9.—Guaranteed railway capital	2,007,661	2,159,000	2,586,000	427,000	...	3,271,000	685,000	...
10.—Money orders	4,550,357	5,433,000	5,584,000	151,000	...	5,584,000	...	...
11.—Remittances in India ...	21,394,055	14,998,000	14,677,850	...	320,150	13,091,000	...	1,586,850
12.—Secretary of State's bills paid	15,142,215	17,200,000	17,504,000	304,000	...	15,342,000	...	2,162,000
13.—Remittances between India and England ...	1,819,302	2,087,000	1,944,000	...	143,000	2,089,000	145,000	...
Total ...	154,783,132	150,942,000	143,260,850	...	7,681,150	131,695,000	...	8,565,850
Balance ...	17,498,850	11,990,000	17,251,000	5,261,000	...	12,995,000	...	4,256,000
GRAND TOTAL ...	172,281,982	162,932,000	160,511,850	...	2,420,150	147,690,000	...	12,821,850

* The Estimates in this Statement of the amounts to be supplied to the Home Treasury by Bills in 1882-83 are the best that can now be made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself that the Secretary of State will raise by Bills the exact amount stated.

Abstract of the above showing how the Ways and Means are provided.

ACCOUNTS, 1880-81.	£		£	REGULAR ESTIMATES, 1881-82.	£	BUDGET ESTIMATES, 1882-83.	£		£
Public debt ...	3,679,815	Deficit of Imperial revenue	7,398,523	Public debt ...	927,000	Treasury notes and service funds	264,000	Deficit of Imperial revenue	2,965,000
Treasury notes and service funds ...	247,367	Political and other excluded funds ...	518,792	Treasury notes and service funds ...	251,000	Savings banks' deposits ...	250,000	Public debt	1,188,000
Savings banks' deposits ...	943,694	Loans to municipalities, native states, &c. ...	174,526	Savings banks' deposits ...	90,000	Political and other excluded funds ...	43,000	Deficit of provincial and local revenue ...	1,990,000
Surplus of provincial and local revenue ...	297,961	Guaranteed railway capital ...	165,600	Political and other excluded funds ...	10,000	Deposits and advances ...	1,797,000	Guaranteed railway capital	542,000
Deposits and advances ...	4,493,470	Balance increased ...	2,198,849	Surplus of provincial and local revenue ...	1,322,000	Loans to municipalities, native states, &c. ...	85,000	Remittances	28,000
Money orders ...	20,501			Loans to municipalities, native states, &c. ...	170,000	Money orders	18,000		
Secretary of State's bills drawn ...	97,462			Money orders ...	18,000	Balance reduced ...	4,256,000		
Remittances ...	676,020			Remittances ...	775,150				
				Balance reduced ...	247,850				
TOTAL ...	10,456,290	TOTAL ...	10,456,290	TOTAL ...	3,811,000	TOTAL ...	6,713,000	TOTAL ...	6,713,000

FORT WILLIAM;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

J. WESTLAND,
Comptroller General.

E. W. KELLNER,
Deputy Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

V.—REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA.

Estimates, 1882-83.

REVENUE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
I.—Land Revenue ...	21,112,995	21,738,000	21,770,000	...	18,000	21,487,000	...	283,000
II.—Tributes ...	742,209	705,000	721,000	16,000	...	701,000	...	20,000
III.—Forest ...	707,718	768,100	818,000	49,900	...	806,900	...	11,100
IV.—Excise ...	3,135,226	3,031,000	3,411,000	380,000	...	3,331,000	...	80,000
V.—Assessed Taxes ...	558,720	550,000	538,000	...	12,000	538,000	...	...
VI.—Provincial Rates ...	2,776,370	2,863,000	2,885,000	22,000	...	2,649,000	...	236,000
VII.—Customs	2,520,612	2,367,000	2,290,000	...	77,000	1,181,000	...	1,109,000
VIII.—Salt	7,115,988	7,153,000	7,213,000	60,000	...	6,049,000	...	1,164,000
IX.—Opium	10,480,051	8,763,000	9,363,000	1,177,000	...	9,530,000	...	400,000
X.—Stamps	3,250,581	3,290,000	3,328,000	38,000	...	3,312,000	14,000	...
XI.—Registration ...	281,220	290,000	285,000	...	10,000	284,000	4,000	...
XII.—Mint	89,525	89,000	58,000	...	31,000	145,000	87,000	...
XIII.—Post Office ...	1,018,053	967,000	976,000	9,000	...	967,000	...	9,000
XIV.—Telegraph ...	508,743	452,600	422,800	...	29,800	493,700	70,900	...
XV.—Minor Departments ...	62,491	62,500	68,600	6,100	...	65,500	...	3,100
XVI.—Law and Justice ...	687,764	664,000	643,000	...	21,000	659,000	16,000	...
XVII.—Police	241,769	236,000	242,000	6,000	...	248,000	6,000	...
XVIII.—Marine	246,519	210,000	206,000	...	4,000	183,000	...	23,000
XIX.—Education	170,238	143,000	179,000	36,000	...	177,000	...	2,000
XX.—Medical ...	41,258	37,700	39,000	1,300	...	39,000	...	...
XXI.—Stationery and Printing	62,316	61,000	60,000	...	1,000	59,000	...	1,000
XXII.—Interest	678,129	668,000	838,000	170,000	...	647,000	...	191,000
XXIII.—Superannuation Contributions	212,546	215,600	208,100	...	7,500	296,800	...	1,300
XXIV.—Miscellaneous ...	636,362	265,000	365,800	100,800	...	262,000	...	103,800
XXV.—Railways (Subsidized)	...	...	—300	—300	...	...	...	—300
XXVI.—Irrigation and Navigation	197,968	189,000	129,000	...	51,000	133,000	4,000	...
XXVII.—Other Public Works,...	533,502	472,500	543,300	70,800	...	469,000	...	74,300
XXVIII.—Army	837,075	777,000	902,500	125,500	...	813,500	...	89,000
Military Operations in Afghanistan ...	602,607	61,000	267,000	206,000	...	...	...	267,000
XXIX.—Gain by Exchange ...	407,521	412,000	391,000	...	21,000	381,000	...	10,000
Total ...	59,935,616	57,512,000	59,692,800	2,150,800		55,817,400	...	3,875,400
Revenue from Productive Public Works.								
XXV.—Railways—								
State (Gross Earnings)...	2,268,905	2,420,000	2,484,800	64,800	...	2,775,800	291,000	...
Guaranteed (Net Traffic Receipts) ...	2,913,313	2,729,800	3,490,000	760,200	...	3,473,000	...	17,000
East Indian Railway ...	2,770,525	2,800,000	3,110,000	310,000	...	2,660,000	...	450,000
XXVI.—Irrign. and Navigation—								
Direct Receipts ...	638,656	738,500	803,800	65,300	...	843,800	40,000	...
Madras Irrigation and Canal Company (Net Traffic Receipts, &c.)...	—7,650	—16,000	—10,000	6,000	...	—15,000	...	5,000
I.—Portion of Land Revenue due to Irrigation	797,319	797,000	679,000	...	28,000	685,000	6,000	...
Total ...	9,381,068	9,379,300	10,557,600	1,178,300	...	10,422,600	...	135,000
GRAND TOTAL ..	69,316,684	66,921,300	70,250,400	3,329,100	...	66 240,000	...	4,010,400

EXPENDITURE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease	Budget Estimates, 1882-83.	Budget Estimates, 1882-83 compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	1,327,977	1,367,300	1,580,700	213,400	...	1,477,300	...	103,400
2.—Interest, other Accounts	413,112	407,300	342,300	35,000	...	457,200	14,900	...
3.—Refunds and Drawbacks ...	469,266	350,000	423,000	73,000	...	511,000	88,000	...
4.—Land Revenue ...	2,982,998	3,031,000	3,036,400	5,300	...	2,167,400	130,600	...
5.—Forest	461,908	565,900	594,800	29,000	...	575,800	...	19,000
6.—Excise	95,401	99,000	99,000	...	...	99,000	...	...
7.—Assessed Taxes ...	21,237	15,000	14,000	...	1,000	15,000	1,000	...
8.—Provincial Rates ...	46,435	48,000	49,000	1,000	...	49,000	...	...
9.—Customs	198,927	206,000	196,000	...	10,000	163,000	...	33,000
10.—Salt	363,536	428,000	541,000	116,000	...	639,000	95,000	...
11.—Opium	2,028,669	2,262,500	2,060,900	...	201,600	2,249,900	189,000	...
12.—Stamps	75,863	74,000	77,000	3,000	...	80,000	2,600	...
13.—Registration	173,351	186,600	178,600	...	8,000	186,600	8,000	...
14.—Mint	89,227	85,200	74,200	...	11,000	104,400	33,200	...
15.—Post Office	1,039,147	997,900	1,051,300	53,400	...	1,069,400	18,100	...
16.—Telegraph	408,955	459,600	455,900	...	3,700	514,900	59,000	...
17.—Administration ...	1,291,483	1,298,300	1,275,300	...	23,000	1,286,300	11,000	...
18.—Minor Departments ...	371,280	438,700	525,500	86,800	...	420,800	...	104,700
19.—Law and Justice ...	3,203,317	3,349,000	3,180,700	...	168,900	3,345,700	165,000	...
20.—Police	2,524,198	2,571,000	2,551,000	...	20,000	2,635,000	84,000	...
21.—Marine	398,915	432,100	391,000	...	38,100	376,300	...	17,700
22.—Education	958,061	1,057,600	1,056,600	...	1,000	1,148,600	92,000	...
23.—Ecclesiastical	157,983	158,200	159,500	1,300	...	162,000	2,500	...
24.—Medical	659,532	690,500	670,500	...	20,000	695,500	25,000	...
25.—Stationery and Printing...	410,491	421,400	424,400	10,000	...	349,000	...	125,400
26.—Political	444,896	535,700	636,200	100,500	...	492,700	...	143,500
27.—Allowances and Assignts....	1,873,872	1,881,900	1,910,900	29,000	...	1,873,900	...	37,000
28.—Civil Furlo. Allowances	6,217	4,000	5,000	1,000	...	4,000	...	1,000
29.—Superannuations ...	779,589	708,000	706,000	...	2,000	741,000	35,000	...
30.—Miscellaneous ...	249,307	251,000	271,000	20,000	...	253,000	...	18,000
31.—Famine Relief and Insurance—								
Relief	32,638	...	22,800	22,800	...	...	...	22,800
Protective Works ...	...	750,000	727,000	...	23,000	750,000	23,000	...
Reduction of Debt ...	...	750,000	750,000	...	...	750,000	...	...
32.—Railways	77,003	417,000	281,000	...	136,000	592,000	311,000	...
Subsidized Railways ...	...	...	34,700	34,700	...	33,500	...	1,200
Frontier Railways ...	1,598,918	386,000	—131,000	...	517,000	120,000	251,000	...
33.—Irrigation and Navigation	703,817	925,900	878,800	...	47,100	973,800	95,000	...
34.—Other Public Works ...	4,224,748	4,939,400	5,221,000	281,600	...	5,280,300	59,300	...
35.—Army ...	12,613,468	12,392,000	13,034,800	642,800	...	12,103,000	...	931,800
Military Operations in Afghanistan ...	11,297,926	2,271,000	1,610,000	...	661,000	...	...	1,610,000
36.—Loss by Exchange ...	3,124,330	3,475,000	3,685,000	210,000	...	3,156,000	...	529,000
	57,268,190	50,690,600	50,764,600	74,000	...	48,860,300	...	1,904,300
Provincial and Local ... { Surpluses + and Deficits — ...	+ 336,686	+ 114,000	+1,357,000	+1,243,000	...	...	...	+1,357,000
	—38,725	—821,000	—35,000	...	—786,000	—1,920,000	-1 955,000	...
Total ...	57,566,151	49,983,600	52,086,600	2,103,000	...	46,870,300	...	5,216,300
Expenditure on Productive Public Works (Working Expenses and Interest).								
32.—Railways—								
State (Working & Maintenance)	1,607,528	1,669,600	1,716,000	47,000	...	1,741,000	25,000	...
Guaranteed (Interest, Surplus Profits, &c.) ...	423,305	249,000	425,000	176,000	...	547,000	122,000	...
East Indian Railway ...	123,046	204,600	199,600	...	5,000	214,700	15,100	...
33.—Irrigation & Navigation—								
Working and Maintenance Madras Irrigation and Canal Company (Interest, &c.)	425,347	426,000	453,000	27,000	...	503,000	50,000	...
	555	—200	—200	...	...	—200	...	...
1.—Interest on Debt ...	2,037,876	2,209,400	1,973,100	...	236,300	2,132,000	158,900	...
Total ...	4,617,657	4,757,800	4,766,500	8,700		5,137,500	371,000	...
GRAND TOTAL ...	62,183,808	54,741,400	56,853,100	2,111,700	...	52,007,800	...	4,845,300
37.—Productive Public Works	2,667,392	2,150,000	2,211,000	61,000	...	2,215,000	4,000	...
Do. do. E. I. Railway...	418,435	860,000	535,000	...	32 5.000	485,000	...	50,000

Fort William;
Dept. of Finance and Commerce,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy to the Govt. of India.

VI.—REVENUE AND EXPENDITURE OF THE HOME

Estimates,

REVENUE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
III.—Forest	1,602	1,900	2,000	100	...	2,100	100	...
XII.—Mint	40	...	...	...	...	...	...	...
XIV.—Telegraph ...	30,344	28,100	53,200	24,800	...	31,300	...	21,900
XV.—Minor Departments	16,091	38,500	44,400	5,900	...	500	...	43,900
XX.—Medical ...	2,110	4,300	4,000	...	300	2,000	...	2,000
XXI.—Stationery and Printing ...	66	...	...	...	...	...	...	...
XXII.—Interest ...	197,550	10,000	54,000	44,000	...	5,000	...	49,000
XXIII.—Superannuation Contributions ...	103,453	99,100	103,900	4,800	...	100,200	...	3,700
XXIV.—Miscellaneous ...	95,380	6,000	13,200	7,200	...	6,000	...	7,200
XXV.—Railways ...	...	...	2,300	2,300	...	1,000	...	1,300
XXVII.—Other Public Works ...	13,811	12,500	13,700	1,200	...	16,000	2,300	...
XXVIII.—Army ..	87,052	87,000	66,500	29,500	...	54,500	...	12,000
English Contribution for Afghan War ...	2,695,000	3,000,000	2,305,000	...	695,000	...	...	2,305,000
TOTAL ...	3,242,499	3,238,900	2,662,200	...	575,800	218,600	...	2,443,600
Revenue from Productive Public Works.								
XXV.—Railways ...	230	200	200	...	...	200	...	...
XXVI.—Irrigation ...	488	500	200	...	300	200	...	...
	718	700	400	...	300	400	...	...
TOTAL ...	3,243 217	3,238,700	2,662,600	...	576,100	219,000	...	2,443,600

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 5th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

TREASURY OF THE GOVERNMENT OF INDIA.

1882-83.

EXPENDITURE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	2,341,218	2,470,700	2,506,300	35,600	...	2,439,700	...	66,600
2.—Interest, other Accounts	561	1,700	2,700	1,000	...	1,800	...	900
4.—Land Revenue ...	681	900	600	...	300	1,000	400	...
5.—Forest	4,068	5,200	5,200	...	...	5,200	...	...
10.—Salt	1	...	...	...	...	...	...	...
11.—Opium	88	500	1,100	600	...	100	...	1,000
12.—Stamps	31,602	40,000	31,600	...	8,400	39,000	7,400	...
14.—Mint	3,391	19,800	22,800	3,000	...	3,600	...	19,200
15.—Post Office ...	106,358	100,100	98,700	...	1,400	103,600	4,900	...
16.—Telegraph ...	88,879	102,400	111,100	8,700	...	122,100	11,000	...
17.—Administration ...	240,573	220,100	226,700	6,600	...	217,700	...	9,000
18.—Minor Departments ...	29,851	19,300	21,500	2,200	...	21,200	...	300
19.—Law and Justice ...	266	1,400	300	...	1,100	1,300	1,000	...
21.—Marine	152,671	302,900	226,000	...	76,900	244,700	18,700	...
22.—Education	407	400	400	...	...	400	...	..
23.—Ecclesiastical ...	655	800	500	...	300	1,000	500	...
24.—Medical	7,203	7,500	7,500	...	...	7,500	...	...
25.—Stationery & Printing	74,609	87,600	127,600	40,000	...	131,000	3,400	...
26.—Political	86,287	26,300	26,800	500	...	27,300	500	...
27.—Allowances and Assignments	24,901	61,100	21,100	...	40,000	65,100	44,000	...
28.—Civil Furlough Allowances	217,524	230,000	218,000	...	12,000	230,000	12,000	...
29.—Superannuations ...	1,370,964	1,356,000	1,367,000	11,000	...	1,360,000	...	7,000
30.—Miscellaneous ...	30,823	20,000	22,000	2,000	...	18,000	...	4,000
31.—Famine Relief ...	1,831	...	200	200	...	...	...	200
32.—Railways (Frontier Railways) ...	694,697	404,000	340,000	...	64,000	103,000	...	237,000
Subsidized Railways...	...	...	4,300	4,300	...	16,500	12,200	...
33.—Irrigation ...	5,286	100	200	100	...	200	...	...
34.—Other Public Works ...	88,249	95,600	101,000	5,400	...	90,700	...	10,300
35.—Army	4,104,245	4,067,000	4,084,200	17,200	...	4,025,000	...	59,200
Military Operations in Afghanistan ...	70,563	...	1,000	1,000	...	...	...	1,000
TOTAL ...	9,778,452	9,641,400	9,576,400	...	65,000	9,276,700	...	299,700
Expenditure on Productive Public Works.								
1.—Interest ...	343,994	239,600	353,900	114,300	...	342,000	...	11,900
32.—Railways (Guaranteed)	3,254,504	3,267,000	3,265,000	...	2,000	3,278,000	13,000	...
E. I. Railway	993,173	1,382,400	1,237,400	...	145,000	1,219,300	...	18,100
33.—Irrigation (Madras Irrigation and Canal Company)	50,109	33,200	50,200	17,000	...	50,200	...	...
	4,641,780	4,922,200	4,906,500	...	15,700	4,889,500	...	17,000
TOTAL ...	14,420,232	14,563,600	14,482,900	...	80,700	14,166,200	...	316,700
37.—Productive Public Works	570,678	458,000	445,000	...	13,000	550,000	105,000	...
Do. do. E. I. Railway	...	...	500,000	500,000	...	...	...	500,000
Do. do. Madras Irrign. & Canal Co.'s undertakings	...	1,405,000	...	...	1,405,000	...	...	...

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

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VII.—RECEIPTS AND DISBURSEMENTS AT THE TREASURIES OF THE GOVERNMENT OF INDIA IN INDIA.

RECEIPTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82.	
							Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Imperial revenue ...	69,618,805	66,921,300	70,250,400	3,329,100	...	66,240,000	...	4,010,400
II.—Public debt* ...	3,451,163	3,000,000	3,000,700	700	...	...	...	3,000,700
III.—Treasury notes and service funds ...	994,057	1,026,200	1,041,000	14,800	...	1,087,000	46,000	...
IV.—Savings banks' deposits	2,058,490	769,000	1,534,000	765,000	...	1,635,000	101,000	...
V.—Political and other excluded funds ...	596,690	452,000	612,000	160,000	...	623,000	11,000	...
VI.—Provincial and local surplus... ...	336,686	114,000	1,357,000	1,243,000	...	...	...	1 357,000
VII.—Deposits and advances...	25,162,130	24,363,000	16,961,500	...	7,401,500	19,143,000	2,181,500	...
VIII.—Loans to municipalities, native states &c.	932,124	215,000	306,000	91,000	...	210,000	...	96,000
IX.—Guaranteed railway capital ...	1,602,478	1,542,600	1,479,500	...	63,100	1,674,000	194,500	...
X.—Money orders ...	4,570,858	5,433,000	5,602,000	169,000	...	5,602,000	...	...
XI.—Remittances in India ...	21,785,293	15,930,000	15,520,000	...	410,000	13,082,000	...	2,438,000
XII.—Remittances between India and England ...	1,803,187	1,879,500	1,570,900	...	308,600	1,722,[illegible]	[illegible],100	...
Total ...	132,911,961	121,645,600	119,235,000	...	2,410,600	111,018,000	...	8,217,000
Balance	13,029,894	12,799,993	13,371,101	[illegible],108	...	14,199,651	828,550	...
GRAND TOTAL ...	145,941,855	134,445,593	132,606,101		1,839,492	125,217,651	...	7,388,450

DISBURSEMENTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82.	
							Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Imperial expenditure ...	65,269,635	57,751,400	59,599,100	1,847,700	...	54,707,800	...	4,891,300
2.—Public debt ...	363,681	30,800	230,300	199,500	...	590,000	359,700	...
3.—Treasury notes and service funds ...	749,952	816,400	793,500	...	22,900	826,500	33,000	...
4.—Savings banks' deposits ...	1,114,796	1,146,000	1,414,000	298,000	...	1,385,000	...	59,000
5.—Political and other excluded funds ...	1,115,482	492,000	602,000	110,000	...	580,000	...	22,000
6.—Provincial and local deficits	38,725	821,000	35,000	...	786,000	1,990,000	1,955,000	...
7.—Deposits and advances ...	20,473,562	24,412,000	16,415,200	..	7,996,800	17,846,000	1,430,800	...
8.—Loans to municipalities, native states, &c. ...	1,106,650	113,000	136,000	23,000	...	125,000	...	11,000
9.—Guaranteed railway capital	1,029,506	1,054,400	1,124,500	70,100	...	1,901,000	776,500	...
10.—Money orders ...	4,550,357	5,433,000	5,584,000	151,000	...	5,584,000	...	...
11.—Remittances in India ...	21,394,055	14,998,000	14,677,850	...	320,150	13,091,000	...	1,586,850
12.—Secretary of State's bills paid*	15,142,215	17,200,000	17,504,000	304,000	...	15,342,000	...	2,162,000
13.—Remittances between India and England ...	222,138	178,200	261,000	82,800	...	401,000	140,000	...
Total ...	132,570,754	124,[illegible],000	118,406,450	...	6,039,750	114,369,300	...	4,037,150
Balance ...	13,371,101	[illegible],[illegible]	14,199,651	4,200,258	...	10,848,351	...	3,[illegible],300
GRAND TOTAL ...	145,941,855	134,445,593	132,606,101	...	1,839,492	125,217,651	...	7,388,450

* The Estimates in this Statement of the amounts to be supplied to the Home Treasury by Bills in 1882-83 are the best that can now be made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself that the Secretary of State will raise by Bills the exact amount stated.

Abstract of the above showing how the Ways and Means are provided.

ACCOUNTS, 1880-81.			
	£		£
Surplus of Imperial revenue ...	4,349,170	Political and other excluded funds ...	[illegible]
Public debt ...	3,087,482	Loans to municipalities, native states, &c. ...	174,636
Treasury notes and service funds ...	244,105	Secretary of State's bills paid	15,142,215
Savings banks' deposits ...	943,694	Balance increased ...	341,207
Surplus of provincial and local revenue ...	297,961		
Deposits and advances ...	4,688,568		
Loans to municipalities, native states, &c. ...	572,972		
Guaranteed railway capital	20,601		
Money orders ...	1,972,287		
Remittances ...			
TOTAL ...	16,176,740	TOTAL ...	16,176,740

REGULAR ESTIMATES, 1881-82.		BUDGET ESTIMATES, 1882-83.			
	£		£		£
Surplus of Imperial revenue ...	10,651,300	Secretary of State's bills paid ...	17,504,000	Surplus of Imperial revenue ...	11,532,200
Public debt ...	2,770,400	Balance increased ...	828,550	Treasury notes and service funds ...	260,500
Treasury notes and service funds ...	247,500			Savings banks' deposits ...	250,000
Savings banks' deposits ...	90,000			Political and other excluded funds ...	43,000
Political and other excluded funds ...	10,000			Deposits and advances ...	1,297,000
Surplus of provincial and local revenue ...	1,322,000			Loans to municipalities, native states, &c. ...	85,000
Deposits and advances ...	540,300			Money orders ...	18,000
Loans to municipalities, native states, &c. ...	170,000			Remittances ...	1,312,000
Guaranteed railway capital	355,000			Balance reduced ...	3,351,300
Money orders	18,000				
Remittances ...	2,152,050				
TOTAL ...	18,332,550	TOTAL ...	18,332,550	TOTAL ...	18,149,000

BUDGET ESTIMATES, 1882-83.	
	£
Public debt ...	590,000
Deficits of provincial and local revenue ...	1,990,000
Guaranteed railway capital ...	227,000
Secretary of State's bills paid ..	15,342,000
TOTAL ...	18,149,000

Fort William;
Dept. of Finance and Commerce,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

VIII.—RECEIPTS AND DISBURSEMENTS AT THE HOME

RECEIPTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with the Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Public revenue ...	3,243,217	3,238,700	2,662,600	...	576,100	219,000	...	2,443,600
II.—Public debt*	5,037,244	4,105,000	2,619,300	...	1,485,700	1,950,000	...	669,300
III.—Service funds ...	3,706	3,800	4,000	200	...	4,000	...	...
VII.—Deposits and advances ...	5,696	3,000	16,500	13,500	...	503,000	486,500	...
IX.—Guaranteed railway capital	239,583	100,400	665,500	565,100	...	1,055,000	389,500	...
XII.—Secretary of State's bills drawn	15,239,677	17,200,000	17,504,000	304,000	...	15,342,000	...	2,162,000
XIII.—Remittances between India and England	300,897	125,500	306,100	180,600	...	348,000	41,900	...
Total ...	24,070,020	24,776,400	23,778,000	...	998,400	19,421,000	...	4,357,000
Balance	2,270,107	3,710,007	4,127,749	417,742	...	3,051,349	...	1,076,400
GRAND TOTAL ...	26,340,127	28,486,407	27,905,749	...	580,658	22,472,349	...	5,433,400

*The Estimates in this Statement of the amount to be supplied to the Home Treasury by Bills in 1882-83 and of the Debt transactions are the best that can now be made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself that the Secretary of State will raise by Bills the exact amount stated, or that the Debt transactions will be carried out as estimated.

Abstract of the above showing how the Ways and Means are provided.

ACCOUNTS, 1880-81.				REGULAR ESTIMATES, 1881-82.		BUDGET ESTIMATES, 1882-83.	
	£		£		£		£
Net public debt ...	592,338	Deficit of revenue ...	11,747,693	Service funds	3,500	Service funds ...	1,600
Service funds	3,262	Net deposits and advances	195,098	Secretary of State's bills drawn ...	17,504,000	Deficit of revenue ...	14,497,200
Secretary of State's bills drawn	15,239,677	Net guaranteed railway capital	738,572	Balance decreased ...	1,076,400	Net debt	498,600
		Net remittances between India and England ...	1,296,267			Net guaranteed railway capital	315,000
		Balance increased ...	1,857,612			Net miscellaneous remittances between India and England	1,340,000
TOTAL ...	15,835,272	TOTAL ...	15,835,272	TOTAL ...	18,583,900	TOTAL ...	16,750,200

FORT WILLIAM;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

TREASURY OF THE GOVERNMENT OF INDIA.

DISBURSEMENTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with the Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Public expenditure ...	14,990,910	16,426,600	15,427,900	...	998,700	14,716,200	...	711,700
2.—Public debt	4,444,911	4,552,200	4,462,700	...	89,500	2,548,000	...	1,914,700
3.—Service funds	444	600	500	...	100	500	...	...
7.—Deposits and advances ...	200,794	2,503,000	1,818,800	...	684,200	3,000	...	1,815,800
9.—Guaranteed railway capital	978,155	1,104,600	1,461,500	356,900	...	1,370,000	...	91,500
13.—Remittances between India and England ...	1,597,164	1,908,800	1,683,000	...	225,800	1,688,000	5,000	...
TOTAL ...	22,212,378	26,495,800	24,854,400	...	1,641,400	20,325,700	...	[illegible]
Balance	4,127,749	1,990,607	3,051,349	1,060,742	...	2,146,649	...	[illegible]
GRAND TOTAL ...	26,340,127	28,486,407	27,905,749	...	580,658	22,472,349	...	[illegible]

T. C. HOPE,
Secy. to the Govt. of India.

J. WESTLAND,
Comptroller General.

IX.—CLOSING BALANCES OF THE PROVINCIAL GOVERNMENTS.

	Actuals, 1880-81.				Regular Estimate, 1881-82.				Budget Estimate, 1882-83.			
	Provincial.	Local.	Local Deposits and Advances.	Total.	Provincial.	Local.	Local Deposits and Advances.	Total.	Provincial.	Local.	Local Deposits and Advances.	Total.
	£	£	£	£	£	£	£	£	£	£	£	£
India, General ...	...	6,416	175	6,591	...	2,100	200	2,300	...	—1,200	200	—1,000
Central Provinces	66,882	45,509	—942	111,249	145,700	35,500	—6,300	174,900	147,800	24,000	—6,300	165,500
British Burma	288,597	97,531	...	386,128	290,600	64,800	...	355,400	88,200	13,200	...	101,400
Assam	53,016	1,852	—1,851	53,017	98,900	2,000	—1,900	99,000	67,400	2,000	—1,900	67,500
Bengal	499,113	197,687	—2,964	693,835	708,800	169,300	12,000	890,100	84,600	93,800	27,000	205,400
North-Western Provinces and Oudh	666,561	258,592	—1,126	923,027	1,062,600	290,700	100	1,353,400	621,000	260,800	1,300	883,100
Punjab	150,314	96,583	—488	246,409	301,700	117,300	—500	418,500	178,300	118,800	—500	296,600
Madras	73,071	498,792	45,447	617,310	107,200	506,700	39,700	653,600	126,300	413,200	39,700	579,200
Bombay	148,003	144,716	—8	292,711	552,100	163,600	—300	715,400	286,400	104,900	—600	390,700
Total ...	1,950,056	1,348,006	38,263	3,336,327	3,267,600	1,352,000	43,000	4,662,600	1,600,000	1,029,500	58,900	2,688,400

Fort William;
Dept. of Finance and Commerce.
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

J WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

X.—STATEMENT SHOWING THE NET REVENUE AND EXPENDITURE OF INDIA.

In thousands of Conventional £.

Revenue.	1880-81.	1881-82.		1882-83.	
		Budget.	Regular.	Budget. Preliminary.*	Budget. Final.
	Actuals.				
	£	£	£	£	£
Land Revenue	18,139	18,736	18,733	18,284	18,319
Assessed Taxes	508	525	534	529	523
Customs	2,341	2,161	2,096	2,013	2,013
Salt	6,753	6,735	6,569	6,390	6,410
Opium	8,451	6,850	7,838	7,250	7,250
Excise	3,040	2,928	3,212	3,228	3,228
Stamps	3,143	3,116	3,010	3,000	3,000
Registration	100	104	100	98	98
Forest	243	199	202	228	226
Tributes and Contributions, Mint and Miscellaneous, less Refunds and Drawbacks	723	289	343	139	124
Provincial Rates	3,136	3,614	3,095	2,841	2,800
Provincial and Local Adjustments, Ordinary	—109	707	—1,000	1,990	1,990
Ditto, Special	...	...	...	...	...
Total Net Revenue	46,909	46,149	44,732	47,001	44,115
Deficit ...	4,044				
Total ...	50,953	46,149	44,732	47,001	44,115

Expenditure.	1880-81.	1881-82.		1882-83.	
		Budget.	Regular.	Budget. Preliminary.*	Budget. Final.
	Actuals.				
	£	£	£	£	£
Administration	1,532	1,519	1,502	1,504	1,504
Law and Justice	2,516	2,687	2,538	2,688	2,688
Police	2,282	2,335	2,309	2,387	2,387
Education	828	915	878	972	972
Ecclesiastical	159	159	160	163	163
Minor Departments, Marine, Medical, Stationery and Printing—					
Post Office and Telegraph	1,789	2,201	2,250	2,175	2,175
Political, and Allowances, &c., under Treaties	2,430	2,505	2,595	2,459	2,459
Pinlough and Superannuation, &c., Allowances	2,058	1,983	1,984	2,028	2,028
Army—					
Ordinary	15,794	15,645	16,150	15,260	15,260
	Actuals, 1880-81.	Budget Estimate, 1881-82.	Regular final.		
War and Frontier Railways...	13,060	3,000	1,553		
English Contribution for Afghan War	2,695	3,000	2,305	10,365	... —752 ... ...
Famine Relief and Insurance	35	1,500	1,500	1,500	1,500
Interest, exclusive of that for Productive Public Works	3,207	3,569	3,640	3,724	3,724
Loss by Exchange	2,717	3,063	3,294	2,775	2,775
Public Works Ordinary	4,354	5,713	5,833	6,591	6,591†
Productive Public Works—					
					50,066 43,794 43,881 44,226 44,226
	Budget Estimate, 1881-82.	Regular, 1881-82.	Budget Preliminary.	Budget final.	
†Local & Minor Works	8,921	10,055	9,870	9,870	
—Interest and charges ...	8,782	9,221	9,170	9,474	9,474 —122 300 —885 —396 —396
Total Net Expenditure					49,944 44,094 42,996 43,830 43,830
			Surplus ...		... 855 1,577 3,171 285
			Total ...		49,944 44,949 44,573 47,001 44,115

* These figures show the Budget as it would have stood if no additional expenditure had been incurred on account of Famine Relief Insurance in Oudh was not undertaken by the State.

† Includes 223 Frontier Railways.

Fort William;
Dept. of Finance and Commerce,
The 8th March 1882.

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

APPENDIX A.

Table I.—*Miscellaneous.*

	1877-78.	1878-79.	1879-80.	1880-81.	1881-82.	1882-83.
	£	£	£	£	£ Estimates.	£ Estimates.
Deficit of recorded Revenue compared with whole recorded Expenditure	8,334,139	2,337,507	4,547,279	7,700,644	2,114,000	2,965,000
Productive Public Works, Capital Expenditure	4,791,682	4,381,888	3,364,550	3,656,505	3,691,000	3,250,000
Recorded Revenue compared with the recorded Expenditure, excluding Expenditure on Productive Public Works—						
Surplus	.....	2,044,391	.....	.....	1,577,000	285,000
Deficit	3,543,057	.....	1,182,949	4,044,139	.....	.....
Net Public Debt incurred	7,345,416	4,199,268	5,105,160*	5,679,815	927,000	—1,188,000
Net Public Debt incurred, including Capital transactions with Guaranteed Railway and other Companies and Native States, &c.	6,490,200	3,209,100	5,756,708	5,339,444	656,000	—1,645,000
Value of commodities exported, excluding Gold and Silver	65,222,000	60,937,000	67,212,000	74,581,000		
Value of commodities imported, excluding Gold and Silver	41,464,000	37,800,000	41,166,000	53,117,000		
Excess of Exports over Imports, excluding Gold and Silver	23,758,000	23,137,000	26,046,000	21,464,000		
Net imports of Gold	468,000	(Exports) 896,000	1,750,000	3,655,000		
Net imports of Silver	14,676,000	3,970,000	7,870,00	3,893,001		
Total Net Imports of Gold and Silver	15,144,000	3,074,000	9,620,000	7,548,000		
Excess of Exports over Imports, including Gold and Silver	8,614,000	20,063,000	16,426,000	13,916,000		
Grand total value of Imports and Exports of all kinds	126,253,000	109,777,000	122,000,000	138,125,000		
Secretary of State's Bills sold (Rupees)	11,69,85,000	18,78,21,000	18,95,71,000	18,32,77,000	21,23,18,000	18,71,10,000
Sterling Equivalent received	16,134,000	15,465,000†	15,749,000‡	15,259,777	17,589,500§	15,592,500‖
Silver coined at the Indian Mints	16,180,000	7,210,770	10,257,993	4,240,676	9,17,830	
Gold coined in Germany	7,112,000	5,475,340	1,500,877	...		
Silver coined in Germany	1,669,000	88,498	...	52¼ (July	52¼	
Maximum rate of an Os. troy standard Silver in London	55⅜ (8th Oct.)	544d. (2nd April)	53⅛ (Nov.)	51 (Jan.)	50⅞ (July)	
Minimum ditto	55⅛ (21st June)	48¾d. (21st Dec.)	49¼ (April)	12 1-6	12 6-4	
Maximum rate of a Sovereign in Calcutta	11 14 0 (5th Sept.)	12 11 (March)	12 11 (May)	(throughout the	(throughout).	
Minimum ditto	11 4 0 (10th April)	11 11 (11th June)	11 15 (Jan.)	year.)		
Average Exchanges upon Secy. of State's Bills sold per rupee	Is. 8·79d.	Is. 7·76d.	Is. 7·94d.	Is. 7·956d.	Is. 7·88d.	Is. 8d.
Fixed rate of Exchange for the adjustment of transactions between the Indian and Imperial Treasuries		1s. 9d.	1s. 7¼d.	1s. 8¼d.	1s. 8d.	1s. 8d.
Maximum rate of Discount on Loans on demand at the Bank of Bengal, Calcutta		9 (1st April)	9 (April)	7 (April)	9 (Feb.)	
Minimum ditto		3 (7th Nov.)	3 (Jan.)	3 (Nov. to Jan.)	4 (June)	
Maximum rate of Discount at the Bank of England		6 (Oct. & Nov.)	3 (Apl. to Oct.)	3 (April)	6 (Feb.)	
Minimum ditto		2½ (subsequently 30th May)	2 (Nov. to Feb.)	2½	2½ (throughout first half year)	
Maximum Money balances of the three Presidency Banks	6,574,900 (Jan.)	6,978,500 (July)	7,733,500 (Feb.)	7,472,500 (Feb.)	6,667,600 (July)	
Minimum ditto	3,672,200 (April)	4,589,300 (Jan.)	4,150,400 (April)	4,442,700 (March)	3,340,600 (Jan.)	
Maximum price in Calcutta of Govt. Four per cent. Rupee Securities	98¾ (27th June)	97 (July & Aug.)	95¾ (July)	102½ (Mar.)	106 6 (June)	
Minimum ditto	92 (8th Sept.)	91⅞ (March)	91¼ (May)	99-10 (May)	99 8 (Aug.)	
Maximum amount outstanding on London Register, of Rupee Securities enfaced for interest drafts	14,588,744	15,950,002 (Feb.)	19,431,239 (Mar.)	19,739,473 (June)	21,328,200 (Feb)	
Minimum ditto	13,057,364	13,826,423 (Oct.)	15,908,182 (May)	18,710,445 (Jan.)	19,013,628 (Apl)	
Maximum rate of discount in London of such securities (in Gold)	844 (5th April)	81¾ (1st April)	80¼ (Oct.)	84¼ (Feb.)	87 (July	
Minimum ditto	81¼ (23rd Jan.)	72 (23rd Oct.)	71¼ (May)	78 (May)	82¼ (Sep.)	
Maximum price in London of Secretary of State's Four per cent. Sterling Bonds	104¾ (30th Aug.)	104¾ (July&Aug.)	105¼	105¼ (Jan.)	106¾ (July)	
Minimum ditto	100¼ (21st Mar.	97 (Oct.)	100⅜	101¾ (Sep.)	103¼ (Sep.)	
Maximum Government Paper Currency outstanding	15,737,790	14,584,900 (Sept.)	14,329,700 (Jan.)	14,513,100 (Dec.)	14,422,600 (Sep)	
Minimum ditto	11,130,528	11,423,600 (March)	11,113,800 (June)	12,538,400 (Apl.)	12,877,500 (Apl)	
Number of Savings Banks	343	338	371	238	363	
Number of Depositors in Savings Banks	83,518	84,563	91,288	107,776	113,295	
Amount deposited in Savings Banks	1,925,335	1,912,401	2,282,823	3,213,671	3,188,370	
Average of each Deposit	23	22	25	29	28	
Net addition to Deposits	10,353	(Decrease) 12,934	370,422	930,848	25,301 (Decrease).	
Cash Reserve at the Bank of France in December of each year —in 000's of Francs	2,042,500	2,041,700	1,979,017	1,786,873	1,817,164	
ditto	865,400	1,058,100	1,220,501	1,222,604	1,161,468	
Silver	43	53	62	68	64	
Percentage of Silver on the Total Reserve						

* Exclusive of £4,30,862, Debt incurred for the purchase of the East Indian Railway. † Includes £3,16,183, amount remitted by Bills of Exchange on India. ‡ Includes £3,50,000 Hong-Kong Bills. § Includes £1,16,183, amount remitted by Bills of Exchange on India. ‖ Includes £3,50,000 Hong-Kong Bills. Includes £366,447, Gold remittances from India.

APPENDIX A—*contd.*

Commercial and Financial Statistics.

Table II.—*Sea-borne Trade for the Year.*

(Principal articles arranged in order of their declared value).

No.	EXPORTS.		1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
1	Cotton—						
	Raw—						
	Quantity	Cwt.	4,557,914	3,459,077	2,966,060	3,948,476	4,541,539
	Value	£	11,746,184	9,383,534	7,913,046	11,145,453	13,241,734
	Average declared value per lb.— { Annas		As. 3 8	As. 3 10	As. 3 10	As. 4 0	As. 4 2
	{ Pence, at average exchange		4·71	4·98	4·73	4·98	5·20
	Twist and Yarn—						
	Quantity	Lbs.	7,926,710	15,600,291	21,332,508	25,862,474	26,901,346
	Value	£	367,303	682,059	886,481	1,109,234	1,282,576
	Average declared value per lb.	Annas	As. 7 5	As. 7 0	As 6 7	As. 6 10	As. 7 8
	Other manufactures - Value	£	445,079	460,674	511,498	512,513	626,558
	Average declared value { Grey or unbleached ...	Annas	As. 2 6	As. 2 3	As. 2 1	As. 2 0	As. 2 0
	per yard— { Coloured, printed, or dyed ...	,,	As. 5 3	As. 4 10	As. 4 7	As. 4 5	As. 4 9
	Percentage of manufactures on whole value exported ...	...	6·47	10·85	15·01	12·70	12·60
2	Opium—						
	Quantity	Chests	96,870	92,820	91,200	105,507	92,190
	Value	£	12,404,748	12,374,355	12,993,979	14,323,314	13,600,148
	Average declared value per chest, in Rupees ...	Rs.	1,281	1,333	1,425	1,358	1,475
3	Rice and Paddy—						
	Quantity	Cwt.	19,914,334	18,428,386	21,237,233	22,165,765	27,266,040
	Value	£	5,815,221	6,950,276	8,973,722	8,402,502	9,057,153
	Average declared value of husked rice per cwt.— { Rupees		2 15 1	3 12 6	4 4 4	3 12 11	3 5 7
	{ Shillings, at average exchange ...		5·02	6·55	7·03	6·33	5·57
4	Seeds—						
	Quantity	Cwt.	9,582,865	12,187,020	7,200,977	7,091,469	10,229,109
	Value	£	5,319,124	7,360,284	4,675,036	4,685,893	6,345,209
	Average declared value of Linseed per cwt.— { Rupees		5 5 11	5 13 10	6 3 11	6 8 8	6 2 8
	{ Shillings, at average exchange ...		9·17	10·16	10·28	10·87	10·26
5	Jute—						
	Raw and manufactured—Value	£	3,356,124	4,289,241	4,898,860	5,565,394	5,064,701
	Average declared value of Raw Jute per cwt.— { Rupees		5 13 1	6 7 3	6 5 0	6 8 8	6 12 4
	{ Shillings, at average exchange ...		9·94	11·18	10·89	10·87	11·26
	Percentage of manufactures on whole value exported ...		21·43	17·97	22·42	21·48	22·32
6	Hides and Skins—						
	Quantity	No.	19,792,877	22,916,317	21,223,408	24,291,356	23,395,702
	Value	£	2,998,884	3,756,888	3,096,847	3,738,005	3,733,565
	Percentage of dressed or manufactured to whole value	...	40·77	48·29	42·06	36·35	43·23
7	Indigo—						
	Quantity	Cwt.	100,384	120,605	105,051	100,923	116,870
	Value	£	2,962,785	3,494,334	2,960,462	2,947,227	3,571,581
	Average declared value per cwt.— { Rupees		295 2 4	289 11 9	281 13 0	292 0 5	305 9 8
	{ Sterling at average exchange	£	25·19	25·09	23 20	24·26	25·41
8	Wheat—						
	Quantity	Cwt.	5,583,336	6,340,150	1,044,709	2,195,550	7,444,375
	Value	£	1,956,332	2,856,990	513,778	1,121,015	3,277,942
	Average declared value per cwt.— { Rupees		3 8 0	4 8 1	4 14 8	5 1 8	4 6 5
	{ Shillings, at average exchange		5·98	7·80	8·09	8·48	7·32
9	Tea—						
	Quantity	Lbs.	27,784,124	33,459,075	34,432,573	38,173,521	46,413,510
	Value	£	2,607,425	3,044,571	3,138,424	3,051,020	3,054,240
	Average declared value per lb.— { Annas		As. 15 0	As. 14 6	As. 14 7	As. 12 9	As. 10 6
	{ Shillings, at average exchange		1·60	1·57	1·50	1·33	1·09
10	Coffee—						
	Quantity	Cwt.	302,489	297,327	341,186	359,313	369,357
	Value	£	1,345,822	1,338,499	1,543,643	1,626,747	1,599,669
	Average declared value per cwt.— { Rupees		44 7 10	45 0 3	45 3 11	45 4 5	43 4 11
	{ Shillings at average exchange ...		75·97	77·98	74·50	75·23	72·02
11	Wool—						
	Raw and manufactured—Value	£	1,298,490	1,151,518	1,243,275	1,242,486	1,324,412
	Average declared value of Raw Wool per lb.— { Annas		As. 7 2	As. 6 6	As. 6 4	As. 6 8	As. 7 2
	{ Pence, at average exchange... ...		9·22	8·44	7·82	8·31	8·94
12	Silk—						
	Raw and manufactured—Value	£	1,000,566	854,629	746,687	744,659	771,016
	Average declared value of Raw Silk per lb.— { Rupees		5 7 8	4 10 5	4 4 7	3 10 11	4 3 4
	{ Shillings, at average exchange ...		9·25	8·06	7·06	6·12	7·00
13	Oils—						
	Value...	£	377,740	371,552	537,579	569,453	561,139
14	Lac—						
	Value	£	536,976	362,048	298,716	371,496	578,320
15	Teak Wood—						
	Quantity	Cubic Tons	45,108	56,939	37,413	38,620	65,626
	Value	£	332,764	406,652	268,959	281,959	500,047
	Average declared value per cubic ton— { Rupees		73 12 4	71 6 8	71 14 3	73 0 2	76 3 2
	{ Sterling, at average exchange	£	6·29	6·19	5·92	6·07	6·34
16	Saltpetre—						
	Quantity	Cwt.	466,218	389,002	382,405	509,872	352,995
	Value	£	381,706	379,002	361,766	469,797	351,728
	Average declared value per cwt.— { Rupees		8 3 0	9 11 11	9 7 4	9 3 7	9 15 3
	{ Shillings at average exchange		13·96	16·88	15·57	15·33	16·57
17	Sugar—						
	Value	£	925,196	745,851	204,360	205,871	311,751

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APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE II.—*Sea-borne Trade for the Year*—continued.

No.	IMPORTS.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
1	COTTON—					
	Twist and Yarn—					
	Quantity ... ... Lbs.	33,270,208	36,196,661	33,145,651	33,212,952	45,877,379
	Value ... ... £	2,733,535	2,850,616	2,779,774	2,745,306	3,699,273
	Average declared value per lb. { Annas	13·14	12·60	13·42	13·23	12·90
	{ Pence, at average exchange	1s. 4·83d.	1s. 4·37d.	1s. 4·57d.	1s. 4·48d.	1s. 4·09d.
	Other manufactures—					
	Value ... ... £	16,012,932	17,332,639	14,137,694	16,923,747	22,914,314
	TOTAL COTTON GOODS—Gross Imports ... £	18,746,467	20,183,255	16,917,468	19,669,053	26,613,587
	Re-exports—					
	Twist and Yarn—					
	Quantity ... ... Lbs.	*830,539*	*934,437*	*754,648*	*842,239*	*625,840*
	Value ... ... £	*58,423*	*62,733*	*51,217*	*54,712*	*47,475*
	Other manufactures—					
	Value ... ... £	*1,064,392*	*1,089,614*	*1,132,627*	*1,061,457*	*1,151,417*
	Total Re-exports ... £	*1,122,815*	*1,152,347*	*1,183,844*	*1,116,169*	*1,198,892*
	TOTAL COTTON GOODS—Net Imports ... £	17,623,652	19,030,908	15,733,624	18,552,884	25,414,695
2	METALS ... ... Value £	3,792,165	3,736,958	3,372,903	3,444,195	3,846,996
3	RAILWAY PLANT AND ROLLING-STOCK ... ... „ „	1,194,145	1,727,560	1,491,831	1,528,497	2,742,689
4	SILK (Raw and Manufactured) ... ... „ „	1,036,684	1,482,951	1,491,285	1,521,126	2,417,402
5	SUGAR ... ... „ „	403,556	798,036	1,480,880	1,068,788	1,611,157
6	LIQUORS ... ... „ „	1,585,345	1,683,655	1,372,487	1,496,108	1,537,812
7	WOOLLEN MANUFACTURES ... ... „ „	911,890	955,112	961,666	1,028,450	1,466,121
8	COAL (excluding coke and patent fuel)—					
	Quantity ... ... Tons.	523,384	603,731	473,027	587,634	712,020
	Value .. .. £	918,309	1,004,912	881,444	1,125,482	1,280,060
	Average declared value per ton— { Rupees	17·54	16·64	18·63	19·15	17·98
	{ Shillings, at average exchange ...	30·34	28·83	30·68	31·82	29·90
9	PROVISIONS ... ...Value £	661,059	858,797	975,835	1,048,882	920,181
10	MACHINERY AND MILL-WORK ... ... „ „	963,504	873,960	893,875	644,192	835,508
11	APPAREL ... ... „ „	542,915	579,106	546,089	561,293	688,408
12	SALT—					
	Quantity ... ... Tons.	298,776	254,281	274,180	352,238	373,376
	Value ... ... £	430,890	401,366	503,612	702,532	665,517
	Average declared value per ton— { Rupees	14·42	15·78	21·65	21·65	17·82
	{ Shillings, at average exchange ...	24·62	27·35	35·65	35·97	29·63
13	SPICES ... ...Value £	432,989	488,884	509,043	526,328	542,861
14	OILS ... ... „ „	78,413	295,667	369,865	545,931	529,175

TABLE III.—*Sea-borne Trade for the first Ten Months of the Year.*

(*Principal articles arranged in order of their declared value.*)

	1877-78.	1878-79.	1879-80.	1880-81.	1881-82.
	£	£	£	£	£
Value of commodities Exported, excluding gold and silver	52,210,342	47,821,206	51,518,840	58,278,889	64,518,336
Value of commodities Imported, excluding gold and silver	34,457,473	32,426,305	33,530,283	44,019,148	40,975,795
Excess Exports ...	17,752,869	15,394,901	17,988,557	14,259,741	23,542,541
Net Imports of silver	13,117,467	2,187,577	6,681,284	3,331,588	2,846,788
Net Imports of gold	278,765	—482,078	1,388,522	2,958,798	4,214,854
TOTAL NET IMPORTS OF GOLD AND SILVER ...	13,396,232	1,705,499	8,069,806	6,290,386	7,061,642
GRAND TOTAL IMPORTS AND EXPORTS OF ALL KINDS ...	104,112,057	88,090,522	96,913,709	111,081,061	114,406,777

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE III.—*Sea-borne Trade for the first Ten Months of the Year*—continued.

No.	EXPORTS.	TEN MONTHS, 1ST APRIL TO 31ST JANUARY				
		1877-78.	1878-79.	1879-80.	1880-81.	1881-82.
1	COTTON, RAW { Quantity ... ... Cwt.	2,585,377	2,281,507	2,895,634	3,399,355	3,855,588
	{ Value ... ... £	6,949,554	6,149,132	7,989,392	10,045,853	10,290,948
	{ Average value per lb. ... ... Rs.	0-3-10	0-3-10	0-3-11	0-4-3	0-3-10
	„ MANUFACTURES—					
	Twist and Yarn { Quantity ... ... Lbs.	12,779,989	18,306,631	20,446,026	22,632,378	26,346,512
	{ Value ... ... £	558,913	767,675	854,727	1,076,159	1,185,811
	{ Average value per lb. ... Rs.	0-6-11	0-6-8	0-6-8	0-7-7	0-7-2
	Other manufactures—Value ... ... £	392,895	431,844	420,627	526,904	540,963
	TOTAL COTTON (RAW AND MANUFACTURED) ... £	7,901,362	7,348,651	9,264,746	11,648,916	12,017,723
2	OPIUM ... { Quantity ... ... Chests	77,387	76,165	91,082	75,444	75,959
	{ Value ... ... £	10,264,066	10,917,614	12,299,005	11,115,263	10,656,680
	{ Average value per chest ... ... Rs.	1,326-5-3	1,433-6-8	1,350-5-2	1,473-5-0	1,402-15-3
3	WHEAT ... { Quantity ... ... Cwt.	6,206,669	1,035,857	1,810,650	6,292,924	18,052,526
	{ Value ... ... £	2,790,304	508,125	917,109	2,762,759	7,844,119
	{ Average value per cwt. ... ... Rs.	4-7-11	4-14-6	5-1-0	4-6-3	4-5-6
4	RICE AND PADDY. { Quantity ... ... Cwt.	10,186,650	12,420,606	12,723,419	16,369,942	17,765,895
	{ Value ... ... £	4,017,310	5,699,274	5,150,492	5,690,268	5,398,390
	{ Average value per cwt. ... ... Rs.	3-15-1	4-9-5	4-0-9	3-7-7	3-0-7
5	SEEDS ... { Quantity ... ... Cwt.	11,239,493	6,357,845	5,766,213	8,700,116	8,535,775
	{ Value ... ... £	6,758,930	4,089,485	3,764,064	5,369,367	4,985,915
	{ Average value per cwt. ... ... Rs.	6-0-2	6-6-11	6-8-5	6-2-9	5-13-6
6	JUTE (Raw and Manufactured)—Value ... £	3,679,332	4,076,573	4,539,802	4,172,591	4,857,656
7	INDIGO ... { Quantity ... ... Cwt.	90,577	64,514	78,533	87,477	115,725
	{ Value ... ... £	2,632,728	1,767,026	2,256,424	2,734,908	3,531,771
	{ Average value per cwt. ... ... Rs.	290-10-7	273-15-0	287-5-2	312-10-3	305-2-11
8	TEA ... { Quantity ... ... Lbs.	30,306,610	30,692,313	34,273,392	42,347,398	43,667,412
	{ Value ... ... £	2,770,735	2,808,432	2,749,011	2,797,637	3,261,579
	{ Average value per lb. ... Rs.	0-14-7	0-14-8	0-12-10	0-10-7	0-11-11
9	HIDES AND SKINS. { Quantity ... ... Cwt.	709,852	630,278	709,708	632,180	637,183
	{ Value ... ... £	2,990,696	2,455,043	2,785,714	2,919,811	3,099,954
	{ Average value per cwt. ... ... Rs.	42-2-1	38-15-2	39-4-0	46-3-0	48-10-5
10	COFFEE ... { Quantity ... ... Cwt.	191,693	201,626	188,171	269,445	204,121
	{ Value ... ... £	846,358	885,939	833,663	1,160,862	858,252
	{ Average value per cwt. ... ... Rs.	44-2-5	43-15-0	44-4-10	43-1-4	42-0-9
11	WOOL (Raw and Manufactured)—Value ... ... £	939,198	1,049,930	1,007,620	1,045,637	827,203
12	LAC ... ... £	299,599	234,712	220,109	414,104	538,509
13	SUGAR ... ... £	673,022	184,724	156,542	279,767	511,156
14	SILK (Raw and Manufactured)—Value ... ... £	766,098	607,139	584,584	581,255	502,787
15	TEAK ... { Quantity ... ... Cubic tons	44,153	34,115	30,835	52,822	48,569
	{ Value ... ... £	311,678	247,752	222,883	398,647	434,522
	{ Average value per cubic ton ... Rs.	70-2-9	72-9-11	72-4-6	75-7-6	89-7-5
16	OILS ... ... £	308,569	424,437	457,190	433,080	370,365
17	SALTPETRE .. { Quantity ... ... Cwt.	311,682	311,091	421,245	301,985	271,553
	{ Value ... ... £	304,068	293,222	386,478	298,924	276,184
	{ Average value per cwt. ... ... Rs.	9-12-1	9-8-4	9-2-10	9-14-4	10-2-8

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE III.—*Sea-borne Trade for the first Ten Months of the Year*—concluded.

No.	IMPORTS.			Ten Months, 1st April to 31st January.				
				1877-78.	1878-79.	1879-80.	1880-81.	1881-82.
1	COTTON— Twist and yarn ...	Quantity	Lbs.	30,872,371	29,736,857	27,309,908	38,777,313	34,326,157
		Value	£	2,425,336	2,480,020	2,248,420	3,133,285	2,706,394
		Average value per lb. ...	Rs.	0-12-7	0-13-4	0-13-2	0-12-11	0-12-7
		Ditto in sterling at average exchange ...		1s. 4½d.	1s. 4½d.	1s. 4½d.	1s. 4d.	1s. 3⅞d.
	Other manufactures—Value		£	14,512,524	12,274,502	13,819,121	18,908,436	17,205,010
	TOTAL COTTON GOODS—Gross Imports ...		£	16,937,860	14,754,532	16,067,541	22,041,721	19,911,404
	Re-exports—							
	Twist and yarn ...	*Quantity ... ...*	*Lbs.*	*736,160*	*651,373*	*730,083*	*479,928*	*632,769*
		Value	*£*	*49,811*	*44,508*	*47,720*	*36,840*	*43,563*
		Average value per lb. ...	*Rs.*	*0-10-10*	*0-10-11*	*0-10 5*	*0-12-3*	*0-11-0*
	Other manufactures—Value		*£*	*875,357*	*966,712*	*857,854*	*899,570*	*1,018,796*
	Total Re-exports		*£*	*925,168*	*1,011,220*	*905,574*	*936,410*	*1,062,359*
	TOTAL COTTON GOODS—Net Imports... ...		£	16,012,692	13,743,312	15,161,967	21,105,311	18,849,045
2	METALS		Value £	3,008,118	2,919,762	2,849,490	3,100,352	2,911,296
3	RAILWAY PLANT AND ROLLING-STOCK		„ „	1,227,159	1,249,238	1,080,073	2,278,383	1,899,919
4	SILK (Raw and Manufactured)		„ „	1,271,782	1,308,615	1,263,584	2,046,391	1,748,234
5	LIQUORS		„ „	1,431,367	1,113,119	1,248,620	1,257,911	1,203,906
6	WOOLLEN MANUFACTURES		„ „	849,529	846,254	901,663	1,315,961	1,166,313
7	SUGAR		„ „	657,043	1,137,030	853,947	1,339,169	1,071,975
8	MACHINERY AND MILLWORK		„ „	724,078	781,963	549,956	650,035	985,866
9	PROVISIONS		„ „	714,619	831,861	883,442	769,765	894,292
10	COAL (excluding Coke and Patent Fuel)—	Quantity	Tons	469,270	377,684	449,267	514,951	528,290
		Value	£	764,610	708,320	860,501	945,191	835,022
		Average value per ton	Rs.	16-4 8	18-12-1	19-2-5	18-5-8	15-12 11
11	APPAREL		Value £	491,306	464,159	466,912	587,827	578,682
12	SALT ...	Quantity	Tons	217,202	223,563	277,156	321,146	303,541
		Value	£	324,628	477,375	611,324	802,651	491,246
		Average value per ton	Rs.	14-15 1	21 5-7	22-0-9	17-8-4	16 2-11
13	OILS		Value £	253,369	289,122	445,185	479,508	444,411
14	SPICES		„ „	389,649	430,862	406,200	462,766	425,013

TABLE IV.—*Wholesale Prices of typical commodities in Gold and Silver in London and Calcutta in December of each year.*

(*Prices of March 1873=100.*)

In London—(*prices quoted from the* London Economist.)	Measured in Gold.							Measured in Silver.*						
	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1875.	1876.	1877.	1878.	1879.	1880.	1881.
Scotch Pig Iron (Warrants) ...	54	49	43	36	55	43	44	58	51	48	44	63	50	51
Coals, Hetton, Wallsend (London) ...	75	57	55	60	50	52	51	79	59	61	72	57	60	59
Copper, Chili Bars	92	85	74	64	74	68	79	98	90	82	77	85	78	91
Straits Tin	56	52	45	42	62	63	76	60	54	50	50	71	73	88
Wheat	83	91	94	72	85	77	80	88	96	104	87	97	89	92
Flour, town-made	90	82	98	69	86	81	91	96	86	109	83	98	93	105
Beef, inferior	128	98	85	90	85	100	97	136	102	94	108	97	116	112
Cotton, No. 40, Mule Twist	86	80	71	61	77	75	77	91	84	78	73	87	87	89
Wool, Southdown Hogs	85	80	76	65	71	76	68	91	85	84	78	81	87	78
Sugar, Foreign Muscovado	77	113	74	80	95	80	71	82	119	82	96	108	92	83
Coffee	105	101	98	73	83	71	64	111	106	109	88	94	81	74
Saltpetre	83	87	98	89	96	102	105	88	92	109	108	110	118	121
Gold	...	...	...	..	...	...	...	106	105	111	120	114	115	115
Silver	94	95	90	83	88	86	87	...	...	...	...	...	...	...
In Calcutta (*prices quoted from the* Calcutta Price Current.)														
Grey Shirtings (8¼ lbs.)								84	78	73	74	81	80	78
Mule Twist, White, good, No. 40								87	87	75	75	88	83	81
„ „ Turkey red, No. 40 (12 lbs.)								94	85	85	78	77	69	69
„ „ Orange, No. 40—60								87	90	83	73	87	88	85
Copper, Sheathing								102	93	83	80	87	80	87
Iron, flat, bolt, bar and square								78	68	60	56	76	56	65
Spelter, hard								148	143	130	107	121	95	96
Hides, buffalo, slaughtered								75	104	75	69	96	93	88
Indigo, good								90	110	86	100	119	105	113
Jute, picked								125	150	147	153	169	148	140
Lacdye, fine								55	69	58	54	73	49	36
Shell Lac, fine orange								119	68	49	56	153	122	93
Linseed, fine bold clean								92	102	106	*Nil*	120	104	93
Rice, Ballam								135	159	168	259	153	103	97
Silk, raw, Cossimbazar								40	98	80	69	87	80	86
Tea, good Souchong								104	123	100	77	82	64	89
Wheat, Doodiah								78	96	104	109	109	92	92
Gold								102	103	105	109	110	115	115

* The values measured in silver in London have been calculated from the values in gold on the basis of the price of standard silver in London.

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE V.—*Actual CAPITAL EXPENDITURE on STATE RAILWAYS in 1880-81, and estimated expenditure on such works in 1881-82 and 1882-83 and to the end of 1882-83.*

	Accounts, 1880-81.	1881-82, Regular Estimate.	1882-83, Budget Estimate.	To end of 1882-83.	Sanctioned outlay.	Balance remaining unspent.
	£ 418,435	£ 1,035,000	£ 485,000	£ 11,675,000	£ ...	£ ...
East Indian	277,338	309,450				
Rajputana	458,669					
Western Rajputana	77,828	52,700	468,930	8,235,000	8,235,000	...
Sindia-Neemuch	363,436	264,300				
Neemuch-Nasirabad	53,118	35,000	20,000	889,000	889,000	...
Sindia	13,078	24,600	11,300	1,285,000	1,285,000	...
Holkar	13,331	16,130	15,500	609,000	609,000	...
Wurdah Coal	204,403	242,020	97,160	926,000	1,037,460	111,460
Nagpur-Chattisgurh	15,183	26,700	41,700	1,331,000	1,331,000	...
Rangoon and Irrawaddy Valley	...	205,570	376,100	582,000	1,170,000	588,000
Rangoon and Sittang Valley	35,764	—7,700	1,500	2,103,000	2,103,000	...
Northern Bengal	48,320	—18,300	28,450	604,000	604,000	...
Tirhoot	5,496	317,900	316,750	642,000	600,000	—42,000
Tirhoot Extension	30,981	22,170	18,450	398,000	398,000	...
Patna and Gya	—260	—860	—300	33,000	33,000	...
Nalhatti	8,508	—2,500	—2,450	677,000	677,000	...
Calcutta and South-Eastern	106,895	20,267	5,000	330,000	330,000	...
Cawnpore-Farakhabad	14,120	8,500	10,000	78,000	78,000	...
Ghazipore-Dildarnagar	—915	640	150	109,000	109,000	...
Muttra Hathras	40,870	20,710	...	67,000	67,000	...
Muttra-Achneyra	...	...	25,000	25,000	25,000*	...
Bareilly-Philibhit*	—33,889	3,330	12,750	1,010,000	1,010,000	...
Dhond and Manmad	280,290	321,950	262,175	6,993,000	6,993,000	...
Indus Valley	617,826	120,600	34,700	4,569,000	4,569,000	...
Punjab Northern	...	20,000	180,000	200,000	450,000	250,000
Amritsur-Pathankot	—76,770	—66,277	—55,165	155,000	...	—155,000
Stores and Reserve	2,553,620	1,936,900	1,867,700	31,850,000	32,602,460	752,460
PRODUCTIVE PUBLIC WORKS outlay						
Railways constructed wholly from ORDINARY FUNDS—						
Frontier Railways— Punjab Northern, Northern Section	1,021,508	1,093,200	182,500	2,625,000	...	..
Kandahar ... Upper section	380,440	—596,000	...	...	...	...
Kandahar ... Lower „	405,547	179,550	30,800	1,328,000	...	...
Stores and Reserve, &c.	486,120	—468,910	9,700	165,000	...	...
Bhopal	...	70,000	55,000	125,000	125,000	...
Sonarpur-Diamond-Harbour	12,152	100,000	88,800	201,000	235,980	34,980
Parbatipore-Dinagepore	...	25,000	60,000	85,000	119,108	34,108
Cawnpore-Farakhabad Extension*	...	...	100,000	100,000*	...	...
Jumna Bridge*	...	...	30,000	30,000*	...	...
Patri Salt Branch	...	...	...	82,000	90,000	8,000
Total ORDINARY ...	2,305,767	403,740	556,800	4,721,000	...	...
GRAND TOTAL ...	4,859,387	2,340,640	2,424,500	36,571,000	...	...

* Estimates not yet sanctioned.

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APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE VI.—*Actual Capital Expenditure on works of Irrigation, &c., for which Capital and Revenue Accounts are kept, in 1880-81, and estimated Expenditure on such works in 1881-82, 1882-83, and to the end of 1882-83, &c.*

	1880-81, Actuals.	1881-82, Regular Estimate.	1882-83, Budget Estimate.	To end of 1882-83. Outlay against current sanctions.	Outlay against sanctions that have expired.	Total.	Estimated cost (current sanctions.)	Balance of current sanctions remaining to be spent.
	£	£	£	£	£	£	£	£
PRODUCTIVE PUBLIC WORKS—								
Orissa canals	45,059	52,500	60,600	2,035,700	...	2,035,700	1,969,900	...
Midnapore canal	23,045	20,000	29,800	821,900	...	821,900	824,900	3,000
Tidal canal	...	...	...	177,300	...	177,300	177,300	...
Sone canal	82,140	67,500	49,600	2,375,200	...	2,375,200	2,736,300	361,100
Ganges canal	20,541	30,000	51,100	658,800	1,982,900	2,641,700	991,300	332,500
Agra canal	2,926	5,000	7,400	792,500	...	792,500	800,800	8,300
Lower Ganges canal	172,882	(c)120,000	129,500	2,090,800	360,300	2,451,100	2,553,500	462,700
Eastern Jumna canal	(a)	5,000	12,000	81,700	197,600	279,300	146,600	64,900
Western Jumna canal	49,700	57,400	60,000	547,100	311,900	859,000	759,700	212,600
Bari Doab canal...	525	1,800	6,300	360,200	1,143,400	1,503,600	508,800	148,600
Other projects	217,632	287,800	490,900	...	...	5,126,800	...	...
TOTAL ...	614,450	647,000	897,200	...	...	19,064,100	...	...
IRRIGATION AND NAVIGATION WORKS—								
(Not classed as Productive Public Works)—								
Eastern Jumna canal	6,358	(b)	(b)	(b)	(b)	(b)	(b)	...
Other projects	208,599	214,000	203,400	...	...	3,244,000	...	...
TOTAL ...	214,957	214,000	203,400	...	...	3,244,000	...	...
GRAND TOTAL ...	829,407	861,000	1,100,600	...	...	22,308,100	...	...

(a) Shown under Irrigation and Navigation.
(b) Transferred to head Productive Public Works.
(c) Includes Rs. 1,00,000, additions sanctioned by the Government of India.

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE VII.—*Gross Earnings, Working Expenses and Net Traffic Earnings of Guaranteed and State Railways to the end of 1880-81, with Regular Estimates for 1881-82 and Budget Estimates for 1882-83.*

	Actuals. 1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	Regular Estimates, 1881-82.	Budget Estimates, 1882-83.
GUARANTEED RAILWAYS.							
Open mileage at beginning of year ...	4,308	4,495	4,532	4,541	4,569	4,600	4,600
Gross earnings.	£	£	£	£	£	£	£
East Indian	...	...	...	...	†18,660	...	...
Eastern Bengal	387,620	512,204	478,168	634,503	664,194	645,000	610,000
Madras	913,924	1,175,479	713,611	683,419	657,887	660,000	660,000
South Indian	230,248	341,467	334,795	357,154	377,290	377,500	388,000
Bombay, Baroda and Central India ...	727,917	835,860	794,367	777,224	888,794	1,030,000	1,120,000
Great Indian Peninsula	3,000,686	3,737,727	3,221,746	2,717,443	2,865,799	3,500,000	3,400,000
Oudh and Rohilkund	403,362	629,316	552,706	472,410	514,783	550,000	590,000
Scinde, Punjab and Delhi	1,085,138	1,252,560	1,298,414	1,791,478	2,013,628	1,500,000	1,500,000
TOTAL ...	6,767,875	8,484,613	7,393,807	7,333,631	7,900,935	8,262,500	8,268,000
Working expenses.							
Eastern Bengal	185,568	203,438	240,713	283,034	295,698	345,000	352,500
Madras	625,623	819,082	551,076	456,984	460,256	480,000	480,000
South Indian	125,755	182,275	257,497	261,844	240,113	257,500	248,000
Bombay, Baroda and Central India ...	394,689	424,253	458,969	448,183	511,789	450,000	480,000
Great Indian Peninsula	1,652,220	1,961,167	1,855,875	1,763,109	1,661,963	1,700,000	1,750,000
Oudh and Rohilkund	253,058	429,913	323,254	318,341	307,584	355,000	375,000
Scinde, Punjab and Delhi	867,598	815,328	951,500	1,325,790	1,510,219	1,205,000	1,110,000
TOTAL ...	4,108,511	4,835,456	4,658,483	4,857,284	4,987,622	4,772,500	4,795,500
Net Traffic earnings.							
East Indian	...	...	...	...	†18,660	...	...
Eastern Bengal	202,052	308,766	237,455	251,469	268,496	300,000	257,500
Madras	288,301	356,397	162,535	226,435	197,631	200,000	180,000
South Indian	104,493	159,192	77,298	95,320	137,177	120,000	140,000
Bombay, Baroda and Central India ...	333,228	411,607	315,399	329,041	377,005	580,000	640,000
Great Indian Peninsula	1,357,416	1,776,560	1,365,871	954,334	1,203,836	1,800,000	1,650,000
Oudh and Rohilkund	149,305	199,403	229,452	154,069	207,199	195,000	215,000
Scinde, Punjab and Delhi	217,540	437,242	316,914	465,679	503,309	295,000	390,000
TOTAL ...	2,649,464	3,649,157	2,735,924	2,476,347	2,913,313	3,493,000	3,472,500
STATE RAILWAYS.							
EAST INDIAN RAILWAY.							
Open mileage at beginning of year ...	1,503	1,503	1,503	1,503	1,504	1,504	1,504
Gross earnings	4,116,000	4,909,785	4,405,367	4,611,878	4,252,841	4,600,000	4,346,406
Working expenses	1,652,231	1,797,288	1,861,906	1,516,487	1,482,316	1,490,000	1,686,400
Net Traffic earnings	2,464,069	3,012,497	2,543,461	3,095,391	2,770,525	3,110,000	2,660,000
Other State Railways.							
Open mileage at beginning of year ...	683	806	1,287	2,014	2,489	3,030	3,310
Gross earnings.							
Rents of premises on account of the East Indian Railway realised in England ...	...	...	...	...	230	500	300
Rajputana and Western Rajputana (Northern Section)	239,349	261,434	330,077	379,397 / 17,244	460,327	785,000	1,150,000
Western Rajputana (Southern Section)	...	62,666	93,511	126,392	151,622	200,000	35,000
Holkar and Neemuch	39,272	1,319	10,812	10,556	22,880	32,500	52,500
Sindia	...	10,639	11,373	29,775	24,586	52,000	375,000
Wurdah Coal	3,685	76,112	108,940	182,537	401,140	317,500	150,000
Punjab Northern	50,154	...	113,921	385,633	622,227	620,000	15,000
Indus Valley	...	...	25,041	50,059	52,988	14,000	35,000
Dhond and Manmad*	...	...	...	...	15,805	37,500	160,000
Nagpur and Chattisgarh	...	62,876	97,561	108,523	141,146	153,000	65,000
Rangoon and Irrawaddy Valley ...	...	...	...	33,964	49,828	61,500	195,000
Patna and Gya	...	17,111	109,280	146,781	170,325	190,000	75,000
Northern Bengal	21,358	34,324	44,981	47,692	54,338	58,500	20,000
Tirhoot	9,775	12,016	12,509	13,548	14,667	15,500	6,000
Calcutta and South-Eastern	8,098	9,130	8,531	9,392	6,732	6,400	36,000
Nalhati	...	...	...	...	4,594	32,500	14,000
Cawnpore and Furrukhabad	8,977	9,363	10,822	12,335	14,012	13,000	6,300
Muttra-Hathras	...	...	...	...	...	2,000	4,300
Muttra-Achneyra	...	...	...	...	1,788	4,000	2,000
Ghazipore and Dildarnagar	...	...	...	...	...	...	...
TOTAL ...	380,668	557,890	976,828	1,548,729	2,269,135	2,485,400	2,776,800
Working expenses.							
Rajputana and Western Rajputana (Northern Section)	159,082	184,831	203,816 / 12,471	247,239	319,157	465,000	660,000
Western Rajputana (Southern Section) ...	...	...	...	...	...	...	...
Holkar and Neemuch	39,047	39,319	67,903	87,726	111,040	140,000	35,000
Sindia	...	2,137	12,734	12,757	19,868	23,000	40,000
Wurdah Coal	3,658	7,043	11,104	29,753	44,678	44,500	290,000
Punjab Northern	45,958	70,499	80,506	176,473	306,608	290,000	270,000
Indus Valley	...	...	109,862	214,896	480,956	405,000	...
Dhond and Manmad*	...	...	24,569	57,412	47,016	...	40,000
Nagpur and Chattisgarh	...	59,994	92,561	77,653	11,435	27,500	85,000
Rangoon and Irrawaddy Valley ...	...	...	...	18,766	27,663	89,000	35,500
Patna and Gya	...	16,403	89,573	122,965	92,519	34,500	100,000
Northern Bengal	14,189	23,572	32,993	34,317	31,551	19,500	65,000
Tirhoot	12,820	8,226	−1,738	10,118	9,022	6,300	14,000
Calcutta and South-Eastern	8,315	8,733	4,494	6,274	6,970	6,300	6,300
Nalhati	...	...	...	...	2,894	20,000	21,000
Cawnpore and Furrukhabad	4,919	5,251	5,996	6,591	7,971	9,500	17,000
Muttra-Hathras	...	...	...	...	...	1,900	5,000
Muttra-Achneyra	...	...	...	...	2,318	3,500	3,000
Ghazipore and Dildarnagar	...	...	...	...	...	...	...
TOTAL ...	287,988	426,006	740,373	1,215,231	1,607,528	1,715,700	1,740,800
Net Traffic earnings.							
Rents of premises on account of the East Indian Railway realised in England ...	...	...	...	...	230	500	300
Rajputana and Western Rajputana (Northern Section)	80,267	76,603	126,261 / 4,773	132,178	141,170	320,000	500,000
Western Rajputana (southern Section) ...	...	23,347	25,608	32,666	40,573	60,000	35,000
Holkar and Neemuch	225	−818	−1,922	−2,201	3,012	9,500	12,500
Sindia	27	3,596	269	44	−20,092	7,500	25,000
Wurdah Coal	4,196	5,913	21,894	6,063	91,533	21,500	35,000
Punjab Northern	...	...	4,059	70,137	201,071	115,000	150,000
Indus Valley	...	...	472	−6,453	5,973	14,000	15,000
Dhond and Manmad*	...	...	...	...	4,469	10,000	15,000
Nagpur and Chattisgarh	...	2,892	5,000	30,870	57,193	64,000	75,000
Rangoon and Irrawaddy Valley ...	...	...	...	15,268	22,265	17,000	20,000
Patna and Gya	...	709	19,716	23,916	77,806	94,000	90,000
Northern Bengal	7,109	10,752	11,988	13,365	22,787	21,000	55,000
Tirhoot	−3,045	4,390	14,247	3,430	5,616	−4,000	6,000
Calcutta and South-Eastern	−217	398	4,037	3,118	−238	100	300
Nalhati	...	...	...	...	1,700	12,500	15,000
Cawnpore and Furrukhabad	4,058	4,112	4,826	5,754	6,041	3,500	3,000
Muttra-Hathras	...	...	...	...	100	500	1,000
Muttra-Achneyra	...	...	...	...	...	500	500
Ghazipore and Dildarnagar	...	...	...	...	−530	...	...
TOTAL ...	92,680	131,894	236,455	333,497	681,607	769,700	1,035,800

* The working of the line has been transferred to the Great Indian Peninsula Railway from 1st January 1881; the Government of India only gets percentage of net receipts.
† Balance of Stores belonging to the collieries borne on the Revenue books on 31st December 1879 omitted to be adjusted in 1879-80.

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE VIII.—*Gross Earnings, Working Expenses and Net Earnings of Works of Irrigation, &c., for which Capital and Revenue Accounts are kept, to end of 1880-81, with Regular Estimates for 1881-82 and Budget Estimates for 1882-83.*

	Actuals.					Regular Estimates, 1881-82.	Budget-Estimates, 1882-83.
	1876-77	1877-78	1878-79.	1879-80.	1880-81.		
PRODUCTIVE PUBLIC WORKS.	£	£	£	£	£	£	£
GROSS DIRECT REVENUE—							
Orissa canals	7,156	16,110	18,200	27,919	26,978	21,800	33,200
Midnapore canal	13,699	17,009	17,071	24,722	21,646	23,200	20,200
Tidal canal ,,	4,503	6,228	6,079	4,578	5,449	5,900	6,150
Sone canals ...	7,318	10,130	43,763	53,159	47,864	56,500	51,650
Ganges canal	220,154	250,153	261,114	290,564	180,289	190,000	200,000
Agra ,,	8,952	21,467	42,633	42,151	25,316	55,000	51,900
Lower Ganges canal	...	...	...	5,860	102,823	136,500	138,606
Eastern Jumna ,,	...	...	...	...	...	72,500	72,500
Western Jumna ,,	87,813	99,210	118,056	113,055	91,013	105 000	121,470
Bari Doab ,,	59,270	56,903	80,606	119,129	107,492	103,030	102,500
Other projects ...	15,036	25,372	25,748	26,904	30,269	34,300	33,600
TOTAL ...	425,201	502,882	613,270	708,041	639,144	803,730	843,770
INDIRECT REVENUE—							
Ganges canal	64 279	72,290	67,181	66,803	44,301	44,301	44,301
Agra ,,	...	4,509	...	...	...	...	...
Lower Ganges canal	...	...	...	...	20,783	20,783	20,783
Eastern Jumna ,,	...	...	...	...	...	22,153	22,153
Western Jumna ,,	38,593	37,376	10,937	27,583	90,761	5,800	5,800
Bari Doab ,,	4,679	11,903	17,738	...	76,400	25,980	28 300
Other projects ...	25,966	27,789	31,078	507,921	571,074	500,400	564,000
TOTAL ...	133,517	153,867	126,934	602,307	797,319	679,327	685,337
TOTAL DIRECT AND INDIRECT REVENUE—							
Orissa canals	7,456	16,110	18,200	27,919	26,978	21,800	33,200
Midnapore canal	13,699	17,009	17,071	24,722	21,646	23,200	20,200
Tidal ,,	4,503	6,228	6,079	4,578	5,449	5,900	6,150
Sone canals	7,318	10,130	43,763	53,159	47,864	56,500	51,650
Ganges canal	284,433	322,543	328,295	357,457	224,590	234,301	244,301
Agra ,,	8,952	25,976	42,633	42,151	25,316	55,000	54,900
Lower Ganges canal	...	...	...	5,860	123,611	157,283	159,383
Eastern Jumna ,,	...	...	...	...	...	94,653	94,653
Western Jumna ,,	126,406	136,586	128,993	140,638	181,774	110,800	127,270
Bari Doab ,,	63,949	68,806	98,344	119,129	177,892	128,920	130,800
Other projects ,,	42,002	53,161	56,826	534,825	601,343	594,700	597,600
TOTAL ...	558,718	656,749	740,204	1,310,438	1,436,463	1,483,057	1,529,107
WORKING EXPENSES—							
Orissa canals	21,466	21,0	23,909	36,777	30,807	26,040	32,000
Midnapore canal	17,128	20,382	17,283	15,440	18,922	19,631	22,000
Tidal ,,	1,243	3,056	2,318	4,228	2,550	2,673	3,000
Sone canals	19,950	25,24	37,051	35,731	47,257	46,310	46,200
Ganges canal	105,949	97 870	96,991	107,496	81,559	78,820	78,780
Agra ,,	11,613	15,792	18,859	21,084	20,051	22,500	21,490
Lower Ganges canal	...	...	450	7,071	40,992	49,100	53,730
Eastern Jumna ,,	...	...	...	...	...	17,040	20,450
Western Jumna ,,	38,937	41,873	51,436	43,624	37,343	41,580	44,730
Bari Doab ,,	55,365	52,398	41,543	46,415	38,782	40,320	46,180
Other Projects ...	92,666	86,239	91,710	140,785	106,791	99,800	130,900
TOTAL ...	363,356	364,158	381,550	459,251	425,473	452,814	502,420
NET REVENUE—							
Orissa canals	—14,010	—5,497	—5,709	—8,858	—3 629	—4,740	1,200
Midnapore canal	—3,429	—3,373	—212	9,282	2,724	3 .69	7,290
Tidal ,,	3,260	3,172	3,761	350	2,899	3,2 7	3,150
Sone canals	—12,641	—15,111	6,712	17,428	6-7	10,190	2,450
Ganges canal	179,303	224,673	231,304	249,961	143,031	155,481	165,551
Agra ,,	—2,661	10,184	23,774	20,467	4,665	32,500	33,410
Lower Ganges canal	...	...	—450	—1,211	82,619	108,183	105,653
Eastern Jumna ,,	...	...	...	...	...	77,613	74,203
Western Jumna ,,	87,469	94,713	77,557	97,014	144,431	69,220	82,550
Bari Doab ,,	8,584	16,408	56,8 1	72,714	139,100	79,600	84,630
Other projects ...	—50,603	—33,078	—34,884	371,040	494,952	494,900	466,700
TOTAL ...	195,342	292,291	358,654	851,187	1,010,990	1,030,243	1,026,687
IRRIGATION AND NAVIGATION WORKS. (*Not classed as Productive Public Works*)							
GROSS DIRECT REVENUE—							
Eastern Jumna canal	56,541	57,563	63,198	85,127	74,113	...	...
Other projects	29,593	19,353	23,908	24,426	38,936	39,200	43,8 0
TOTAL ...	86,137	76,916	87,106	109,5 3	113,049	39,200	43,800
INDIRECT REVENUE—							
Eastern Jumna canal	22,153	22,680	22,153	22,153	22,153	...	...
Other projects	123,480	125,987	134,131	74,370	199,114	177,300	188,600
TOTAL ...	145,633	148,667	156,284	96,523	221,297	177,300	1[illegible]
TOTAL DIRECT AND INDIRECT REVENUE—							
Eastern Jumna canal	78,694	80,243	85,351	107,280	96,266	...	...
Other projects	153,076	145,340	158,039	98,796	238,080	216,500	232,400
TOTAL ...	231,770	225,583	243,390	206,076	334,346	216,500	232,400
WORKING EXPENSES—							
Eastern Jumna canal	21,474	20,357	20,415	19,502	19.901	...	...
Other projects	108,480	109,822	95,925	118,895	97,251	118,200	109,800
TOTAL ...	129,963	130,179	116,340	138,497	117,152	118,200	108,800
NET REVENUE—							
Eastern Jumna canal	57,220	59,886	64,936	87,778	76,365	...	...
Other projects	44,587	36,518	62,114	—20,199	140,329	98,300	123,600
TOTAL ...	101,807	95,404	127,050	67,579	217,194	98,300	123,600

83 THE GAZETTE OF INDIA EXTRAORDINARY, MARCH 8, 1882.

	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	1881-82. Original Estimate.	1881-82. Regular Estimate.	1882-83, Estimate.
Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Mi es.	Miles.	Miles.	Miles.
Open mileage to end of official year ...	4,093	4,308	4,495	4,532	4,541	4,588	4,600	4,593	4,600	4,667
	£	£	£	£	£	£	£	£	£	£
Gross Earnings	5,104,172	5,782,089	6,757,875	8,484,613	7,393,807	7,333,631	7,882,275	7,490,000	8,262,500	8,268,000
Working expenses	3,123,810	3,321,802	4,108,411	4,835,156	4,658,183	4,857,284	4,987,622	4,760,000	4,772,500	4,795,500
Percentage of working expenses on earnings	61·20	57·45	60·79	56·99	63·01	66·23	63·28	63·5	57·76	58·01
Net traffic earnings	1,980,362	2,460,287	2,649,464	3,649,457	2,735,324	2,476,347	2,894,653	2,730,000	3,490,000	3,472,500
Net gain by the remittance to England of Capital receipts and disbursements in India at the contract rates of exchange instead of at the average yearly rates obtained for the Secretary of State's bills ...	65,901	19,257	...	...	...	...	...	...	...	44,200
Total Revenue ...	2,046,263	2,479,544	2,649,464	3,649,457	2,735,324	2,476,347	2,894,653	2,730,000	3,490,000	3,516,700
Gross guaranteed interest paid in India ...	24,153	22,001	14,544	13,463	10,486	9,085	7,447	4,870	6,200	5,700
Ditto ditto in London* ...	3,125,524	3,142,253	3,157,152	3,157,301	3,200,335	3,241,047	3,254,504	3,267,000	3,265,000	3,290,000
Total guaranteed interest (sterling payments converted at the average exchange of the year)	3,403,397	3,505,652	3,011,444	3,659,307	3,866,311	3,907,974	3,824,152	3,926,000	3,924,290	3,939,500
Surplus paid to Railway Companies ...	11,424	86,674	79,735	243,438	204,716	97,839	91,619	165,500	333,500	449,800
Land and supervision	45,088	83,176	40,756	48,414	45,777	45,720	57,613	75,200	85,600	92,850
Interest on Revenue balances	15,461	19,912	15,918	1,991	1,525	1,344	1,216	1,500	1,800	1,800
Net loss on receipts and disbursements of Capital in India calculated in the same way as the gain	...	...	9,544	7,018	63,044	62,285	60,940	38,800	28,820	...
Total Expenditure	3,475,370	3,695,414	4,057,397	3,960,168	4,271,373	4,116,162	4,034,646	4,206,700	4,374,010	4,483,150
Net Expenditure from the Public Treasury	1,429,107	1,215,870	1,407,933	311,011	1,536,049	1,639,815	1,139,993	1,476,700	884,010	966,450
Net Revenue	...	...	...	...	...	...	...	...	...	...

* With the exception of the figures in this line which are true sterling figures, all the amounts in this table are in rupees converted into the conventional sterling of the account by the removal of one digit to the right.

APPENDIX B.

No. 1438, dated 8th March 1882.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read again—

Despatch from Her Majesty's Secretary of State for India, No. 261, dated 17th July 1879, paragraph 50.

Memorandum from Mr. T. C. Hope, C.S., dated August 1879.

Despatch to Her Majesty's Secretary of State for India, No. 81, dated 25th February 1880, paragraphs 17 and 18.

Despatch from Her Majesty's Secretary of State for India, No. 101, dated 25th March 1880, paragraph 3.

Financial Statement for 1880-81, paragraph 210.

Despatch from Her Majesty's Secretary of State for India, No. 259, dated 5th August 1880, paragraph 65.

Accounts and Finance Proceedings, July 1880, Nos. 677 to 710.

Despatch to Her Majesty's Secretary of State for India, No. 173, dated 1st July 1881.

Ditto	from	ditto	ditto,	No. 334, dated 10th Novr. 1881.
Ditto	to	ditto	ditto,	No. 366, dated 12th Decr. 1881.
Ditto	from	ditto	ditto,	No. 10, dated 12th Jany. 1882.

RESOLUTION.—The importance of increasing the portion of the Indian debt in silver, which is actually held in India, so as, on the one hand, to diminish the necessity for sterling loans, or rupee loans fed by funds from Europe, and, on the other, to afford to the masses of the people a mode of investment of their savings more profitable to themselves and to the community at large than the hoarding of coin or ornaments, depositing with small bankers, and petty private money-lending now usually resorted to, has long pressed itself on the attention of the Government of India. In 1877 the issue of local loans for particular works was advocated in the Council of the Governor General for making Laws and Regulations, and has since been partially commenced by the debenture loans started in 1879-80. In the autumn of 1879, a scheme, based on a consideration of the American "Refunding Certificates," established in 1870, and of the system of the French "Rentes," was laid before the Government of India. The scheme contemplated the issue of certificates and notes of small amount, the former to be for Rs. 12½, Rs. 25, and Rs. 50, the latter for Rs. 100 and Rs. 250, both transferable by delivery. The rate of interest was to be 4 per cent., payable to bearer.

2. The scheme was circulated to Local Governments, and by them to selected officers all over India. The Financial Department also consulted its principal authorities, and a sketch of the scheme was communicated to the public press. Official opinion was naturally much divided, the principal doubt expressed being whether a rate of interest not exceeding 4 per cent. was sufficient to attract petty sums in the mofussil, but some of the highest authorities approved of the proposal. The public press was without exception in favour of a trial of the scheme.

3. In any consideration of the probable success, or otherwise, of such a scheme, it must be premised, and distinctly borne in mind, that the masses of the people in the mofussil, and not the monied, investing, or speculating classes of the Presidency and other principal towns, are those to whom it is addressed, and whom it is intended to benefit, by fertilising petty savings and encouraging accumulation. If the notes proposed were to be issued at a rate higher

APPENDIX B—*contd.*

than 4 per cent., there can be no reasonable doubt that they would, at once, be appropriated by the monetary world, instead of by the classes in the mofussil for whom they are designed, while, at the same time, the general borrowing power of the State would be prejudiced to the extent of the excess. On the other hand, many of the officers to whom the scheme was referred have urged that those in the mofussil who have any savings at all invest them far more profitably than they could in these Notes. It is reported, for instance, that savings are employed in agricultural stock, land, houses, petty trades, and supply of "secondary wants." So far as this may be the case anywhere, it is a subject of unmixed satisfaction. But the object to which savings are usually said to be devoted is money-lending, and the interest received is stated at various rates from 12 to 76 per cent. That money generally yields in the mofussil any such profit, appears open to considerable doubt, in view of the evidence which has, on other occasions, been adduced to show how little of his advances and his nominally high interest the money-lender in many cases actually recovers, and at what worry and risk his business is often carried on. It appears safe to assume that the *average* profits are far below popular estimate, though some individuals may be pressed to the full extent to make up for the default of others. In any case, however, the fact that there is a considerable amount of money in the hands of certain classes which is now to be had at about 4 per cent., may be held to be proved by (1) the statements to that effect in the present reports by many officers; (2) the increase of the Savings Bank deposits from one crore in 1869-70 to nearly three crores in 1881; and (3) the small effect upon those deposits produced by the reduction of the rate of interest to 3¾ per cent. which was carried out on the 1st June last. His Excellency the Governor General in Council sees no reason to doubt that the increased facilities which the proposed notes offer will, notwithstanding the low rate of interest, attract much money now risked or lost in various ways. With legitimate money-lending and sound agricultural advances the Government of India have no desire to interfere; nor are the notes at all likely to do so. But if the agriculturist can be relieved from the temptations to reckless borrowing to which he is exposed in consequence of the increase, caused by general prosperity, in the amount of capital for employment and of money-lenders competing with each other, and if thrift, together with safe and profitable investment, can be encouraged, a great benefit will have been conferred on the population at large. Under these circumstances His Excellency the Governor General in Council has decided that the proposal to issue "Stock Notes" (as they will hereafter be called) shall be carried into effect. His Excellency is well aware that it is of the nature of an experiment, and will place no undue reliance upon it for financial purposes, but considers that as an experiment, it is well worthy of a fair trial, since it cannot, under careful issue, do any harm, and it must prove beneficial even though it should progress in popular appreciation with no greater rapidity than the Savings Banks have done.

4. The following are the principal features of the scheme, as finally matured:—

(1) With the object of affording greater facilities for the investment of small sums at interest, the Government of India have determined to issue a new kind of security termed "stock notes."

(2) Stock notes will be of four denominations, *viz.*, Rs. 12½, Rs. 25, Rs. 50, and Rs. 100.

(3) Stock notes will be issued at par, and will bear interest at the rate of 4 per cent. per annum.

(4) Stock notes will be transferable from hand to hand without endorsement, or any other formality whatever, the purchaser, presumably, paying to the vendor the interest accrued up to date of transfer. The amount of interest accruing monthly on each note will, for the convenience and security of the public, be stated on the face of it.

(5) The interest payable on stock notes will be free from taxation of every description.

(6) In order to obviate inconvenience to landowners from the collection and payment of land revenue, stock notes may be deposited at

APPENDIX B—*contd.*

the Government treasury where such revenue is payable, and the interest thereon will be credited, as it falls due, to the land revenue account of the depositor. The notes will be returned and the arrangement terminated whenever the depositor so desires. The interest on coupons, if they are presented undetached from the stock note to which they belong, will also be credited, when it has become due, in payment of land revenue and State demands of all kinds.

(7) Stock notes will appertain to certain circles of issue, and the value of the note and amount of interest accruing monthly will be stated thereon in the vernacular languages of the circle, as in the analogous case of currency notes.

(8) Stock notes will be obtainable on demand at all district, subdivisional, and tahsildars' or similar subordinate treasuries. Notes of any of the three lower denominations will also be exchangeable at such treasuries for their equivalent in notes of the higher denominations. Arrangements will be matured hereafter, as circumstances permit, for the sale of notes by stamp and other licensed vendors, and at post offices.

(9) A commission of 1 per cent. on actual sales will be allowed to all persons, whether in the service of Government or not, who are charged with the sale of notes of the three lower denominations. On the sale of notes of the higher denomination, no commission will be paid, except in special cases.

(10) Notes of the three lower denominations, *viz.*, Rs. 12½, Rs. 25, and Rs. 50, will be in Form A, subjoined hereto. Interest will be payable annually, on presentation of the note, on or after the dates specified thereon, at *any* of the treasuries described in clause 8 which is situated within the circle to which the note belongs. The transfer of payment of interest from one circle to another will not ordinarily be allowed. On the first presentation the disbursing officer will himself cut off, and retain as a voucher for the debit in his accounts, the coupon or portion of the note relating to the first payment of interest; and on subsequent presentations he will similarly cut off and retain the succeeding coupons. On presentation of the final or principal portion of the note he will retain it, and issue to the holder a new note, which will similarly run for a fresh series of years; and so on, unless the note shall have been advertised for repayment. No note will be discharged within twenty years from the date of issue thereof, or without six months' previous notice of intention to discharge.

(11) Notes of the higher denomination, *viz.*, Rs. 100, will be in Form B, subjoined hereto. Interest will be payable annually, on presentation of the note, on or after the dates specified thereon, at any of the treasuries aforesaid. The disbursing officer will himself cut off, and retain as a voucher, the coupon relating to the period for which interest is due. Notes must in this case, as under clause 10, be presented intact, and the proper portion will be cut off by the disbursing officer. On the tenth presentation the note itself will be retained, and a new note, with nine coupons attached, will be issued in its place, to run for a fresh term of years; and so on, subject, however, to the power to discharge, as stated in clause 10.

5. From the above statement it will be seen that stock notes differ from the ordinary Government securities in several important particulars. They will be under three disabilities or disadvantages, in comparison with them, namely, (1) the denominations will be of small amount, (2) the interest will be payable yearly instead of half-yearly, and (3) the notes will not be enfaceable to Europe. On the other hand, they will have three recommendations: th e notes themselves and the accrued interest will be readily obtainable at all treasuries, they will be transferable by simple delivery, and they will be exempt from all liability to taxation. With reference to the last point it may be explained that the exemption is principally based on the practical impossibility of levying accurately and without risk of abuses any impost on the petty amounts to be paid as interest, the difficulty in keeping accounts of such an item with the vast number of agencies through whom Stock Notes will issue, and the vexatious complications in transfers which would be created thereby. Comparing Stock Notes with Savings Banks, the investor in the latter has the security of a booked account, and of realising whenever he pleases, without the necessity of finding a purchaser, but he has to attend at a Government office, he receives interest a quarter per cent. lower, and that interest runs on his minimum monthly balance only. The balance of these advantages and disadvantages, and the extent to which the value of Stock Notes will be affected thereby, can be determined by experience alone; but if the result should, in the interior at least, be a condition of equilibrium, or circulation at par, it would be more convenient for purposes of account, and more suited to the mofussil and the masses of the people, than transfer at a fluctuating market rate.

6. It is not possible at present to specify the date when Stock Notes, which are now being manufactured under the supervision of the Bank of England, will be available at all Treasuries for purchase by the public, but definite information on this point will be published as soon as it is received. Probably the arrangements will not be complete until about the end of the month of June next. In the event, however, of banks or syndicates desiring to obtain, on the terms as to commission specified in clause (9) of paragraph 4, notes in large quantities for *bonâ fide* issue in the mofussil of any Province through private agency, special communication may at any time be made by letter, with sufficient references, to the local Accountants General or Controllers, or to the Financial Secretary to the Government of India, and special arrangements for supplying them immediately on the arrival of the notes from England may be effected.

ORDERED, that this Resolution be communicated to the Comptroller General and the several Accountants General for information, and to the Local Governments and Administrations for information and for publication in the local official Gazettes in English and such vernacular languages as they may deem fit.

T. C. HOPE,
Secretary to the Government of India.

APPENDIX B —*contd.*

Form A.

INDIA STOCK NOTE, 1882.

25 *TWENTY-FIVE Rupees.* 25

پچیس روپیہ पचिस रुपेया। २५

२५ पँचिश टाका। પચિસ રૂપૈશા ૨૫

E/15 92844 *Calcutta Circle.* E/15 92844

Interest 16 pies monthly, payable February 1st, 1886.

۱۶ پائي سود ماهانه پهلي فبروري سنه ۱۸۸۶ ع کو دیا جائیگا ،

मासिक १६ पाई हिसाबे सूद, १८८६ सालेर १ला फेबरुयारि तारिखे देओया याइबे।

१६ पाइ सुद माहाना पहली फ़ेबरवरी १८८६ को दिया जायेगा।

૧૬ પાઈ સૂદ માહાના પહલી ફેવનવરી ૧૮૮૬ કો દીશ્રા જાએગા।

E/15 92844 *Calcutta Circle.* E/15 92844

Interest 16 pies monthly, payable February 1st, 1885.

۱۶ پائي سود ماهانه پهلي فبروري سنه ۱۸۸۵ ع کو دیا جائیگا ،

मासिक १६ पाई हिसाबे सूद, १८८५ सालेर १ला फेबरुयारि तारिखे देओया याइबे।

१६ पाइ सुद माहाना पहली फ़ेबरवरी १८८५ को दिया जायेगा।

૧૬ પાઈ સૂદ માહાના પહલી ફેવનવરી ૧૮૮૫ કો દીશ્રા જાએગા।

E/15 92844 *Calcutta Circle.* E/15 92844

Interest 16 pies monthly, payable February 1st, 1884.

۱۶ پائي سود ماهانه پهلي فبروري سنه ۱۸۸۴ ع کو دیا جائیگا ،

मासिक १६ पाई हिसाबे सूद, १८८४ सालेर १ला फेबरुयारि तारिखे देओया याइबे।

१६ पाइ सुद माहाना पहली फ़ेबरवरी १८८४ को दिया जायेगा।

૧૬ પાઈ સૂદ માહાના પહલી ફેવનવરી ૧૮૮૪ કો દીશ્રા જાએગા।

E/15 92844 *Calcutta Circle.* E/15 92844

Interest 16 pies monthly, payable February 1st, 1883.

۱۶ پائي سود ماهانه پهلي فبروري سنه ۱۸۸۳ ع کو دیا جائیگا ،

मासिक १६ पाई हिसाबे सूद, १८८३ सालेर १ला फेबरुयारि तारिखे देओया याइबे।

१६ पाइ सुद माहाना पहली फ़ेबरवरी १८८३ को दिया जायेगा।

૧૬ પાઈ સૂદ માહાના પહલી ફેવનવરી ૧૮૮૩ કો દીશ્રા જાએગા।

APPENDIX B —*concld.*

Form B.

INDIA STOCK NOTE, 1882.

100 *ONE HUNDRED Rupees.* 100

ایک سو روپیہ ۱۰۰

एक शत टाका। ૧૦૦ એક સૌ રૂપૈશા ૧૦૦

F/12 00981 *Calcutta Circle.* F/12 00981

Interest 4 rupees annually, payable February 1st.

۴ روپیہ سالانہ پہلي فبروري کو دیا جائیگا ،

वार्षिक ४ टाका हिसाबे सूद, १ला फेबरुयारि तारिखे देओया याइबे।

४ रुपेया सुद साखाना पहली फ़ेबरवरी को दिया जायेगा।

૪ ચાર રૂપૈશા સૂદ સાળાના પહલી ફેવનવરી કો દીશ્રા જાએગા।

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सुद ४ रुपेया—१पहली फ़ेबरवरी, सन १८९१।

F/12 00981 **Interest 4 rupees, February 1st, 1890.**
सुद ४ रुपेया—१पहली फ़ेबरवरी, सन १८९०।

F/12 00981 **Interest 4 rupees, February 1st, 1889.**
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F/12 00981 **Interest 4 rupees, February 1st, 1888.**
सुद ४ रुपेया—१पहली फ़ेबरवरी, सन १८८८।

F/12 00981 **Interest 4 rupees, February 1st, 1887.**
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F/12 00981 **Interest 4 rupees, February 1st, 1885.**
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F/12 00981 **Interest 4 rupees, February 1st, 1884.**
सुद ४ रुपेया—१पहली फ़ेबरवरी, सन १८८४।

F/12 00981 **Interest 4 rupees, February 1st, 1883.**
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