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PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th January, 1894 :—

No. I OF 1894.

THE PRISONS BILL.

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ENACTMENTS REPEALED.

The Prisons Bill.

(Chapter I.—Preliminary.—Sections 1-3. Chapter II.—Maintenance and Officers of Prisons.—Sections 4-6.)

A Bill to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Prisons Title, extent and commencement. Act, 1894.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santal Parganas, the Hill Tracts of Chittagong, the Chutia Nagpur Division, the Tarai Parganas, the Pargana of Spiti, and the Zamindari and Amani Estates of Ganjam and Vizagapatam, and the Presidency-towns of Calcutta, Madras and Bombay; and

(3) It shall come into force on the day of

2. (1) On and after that day the enactments mentioned in the schedule shall be repealed to the extent specified in the third column thereof.

(2) But all rules and appointments made, directions given and orders issued under any of these enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given, and issued under this Act.

(3) Any enactment or document referring to any of these enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act—

(1) "prison" means any central or district or temporary gaol or house of correction or penitentiary, and includes all grounds or buildings appurtenant to or occupied for the use of the prison, but does not include a subsidiary gaol or a place (other than a gaol) specially appointed by the Local Government under section 541 of the Code of Criminal Procedure, 1882, except as to any of the provisions of this Act or the rules made under it which may have been extended to such gaol or place by rule made under section 58:

(2) "a subsidiary gaol" means a gaol not being a central or district gaol, in which only civil or unconvicted criminal prisoners or convicted criminal prisoners under a sentence not exceeding a period to be fixed in the case of each such gaol by the Local Government are confined, except when it is necessary to detain prisoners with longer sentences in a subsidiary gaol pending removal to a central or district gaol or as convict officers or menials:

(3) "criminal prisoner" means any prisoner charged with or convicted of an offence or confined under the provisions of the Code of Criminal

Procedure, 1882, or by order of a Court-martial:

(4) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Criminal Procedure Code, 1882:

(5) "civil prisoner" means any prisoner who is not a criminal prisoner as defined above;

(6) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in gaols: and

(7) "history-ticket" means the record to be kept by a prisoner of such information as is required in respect of such prisoner by this Act or the rules made under it.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide, for Accommodation for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. (1) Whenever it appears to the Inspector Temporary accommodation for prisoners. General of Prisons that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government may from time to time direct, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

(2) Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

6. An Inspector General of Prisons shall be appointed for the territories subject to each Local Government, and shall exercise, subject to the order of the Local Government, the general control and superintendence of all prisons situate in the territories under such Government:

Provided always that civil gaols in the Presidency of Bombay shall continue to be managed under the provisions of sections 8 to 16 of Bombay Act II of 1874.

The Prisons Bill.

(Chapter II.—Maintenance and Officers of Prisons.—Section 7. Chapter III.—Duties of Officers.—Sections 8-17.)

7. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Gaoler and such other officers as the Local Government thinks necessary :

Provided that in the Presidency of Bombay it shall be competent to the Local Government to declare that in certain prisons the office of Gaoler shall be held by the person appointed Superintendent.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

8. All officers of a prison shall obey the directions of the Superintendent; all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by such officer.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General of Prisons, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such directions as may from time to time be given by the Local Government, the Superintendent of a prison other than a central gaol or a prison situate in a Presidency-town shall obey all lawful orders respecting

the prison given by the District Magistrate, and shall report to the Inspector General all such orders and the action taken thereon.

Medical Officer.

12. The Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Local Government under section 59.

13. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as the Medical Officer thinks proper.

14. On the death of any prisoner, the Medical Officer shall forthwith record in writing the following particulars, namely:—

- (1) when the deceased was taken ill,
- (2) when the Medical Officer was first informed of the illness,
- (3) the nature of the disease,
- (4) when the prisoner died, and
- (5) (in cases where a post-mortem examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

Gaoler.

15. (1) The Gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

16. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent and the Medical Officer.

17. The Gaoler shall keep, or cause to be kept, the following records:—

- (1) a register of prisoners admitted;
- (2) a book showing when each prisoner is to be released;
- (3) a punishment-book for the entry of the punishments inflicted on prisoners for prison-offences;

The Prisons Bill.

(Chapter III.—Duties of Officers.—Sections 18-22. Chapter IV.—Admission, Removal and Discharge of Prisoners.—Sections 23-25. Chapter V.—Discipline of Prisoners.—Section 26.)

(4) a visitors' book for the entry of any observations made by visitors to the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules made under section 58 or section 59.

18. The Gaoler shall be responsible for the safe custody of the records to be kept by him under section 17, for the commitment warrants and all other documents confided to his care, and also for the money and other articles taken from prisoners.

19. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Where a Deputy Gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section 58 or section 59 to be performed by the Gaoler.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and, if any such articles or property be found, shall give immediate notice thereof to the Gaoler.

22. Subordinate officers shall not be absent from the prison without leave from the Superintendent or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

23. (1) When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined by

the Medical Officer, who shall enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the orders of the Medical Officer.

24. All money or other articles in respect whereof no order of a competent Court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler.

25. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed to any other prison, unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is without danger to himself or other persons.

CHAPTER V.

DISCIPLINE OF PRISONERS.

26. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing female prisoners as well as males, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the males;

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

The Prisons Bill.

(Chapter V.—Discipline of Prisoners.—Sections 27-29. Chapter VI.—Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.—Sections 30-32. Chapter VII.—Employment of Prisoners.—Sections 33-35.)

Rules as to separation of prisoners.

27. The Local Government shall have power to make rules—

(1) as to the description and construction of the cells to be used for the partial or entire seclusion of prisoners under the provisions of this Act;

(2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

28. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate

at any time with an officer of the prison, and every prisoner confined in a cell for not less than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or a medical subordinate.

29. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS.

30. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector General.

31. No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given or sold to any other prisoner; and any such prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

32. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

33. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

34. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be so employed for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight have recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner is likely to be injured by a continuance of any kind or class of labour, he shall not be employed on such labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

35. (1) Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

(2) The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

The Prisons Bill.

(Chapter VIII.—Health of Prisoners.—Sections 36-38. Chapter IX.—Visits to, and correspondence of, Prisoners.—Sections 39-40. Chapter X.—Offences in relation to Prisons.—Sections 41-43.)

CHAPTER VIII.

HEALTH OF PRISONERS.

36. (1) The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall be reported by the officer in immediate charge of them to the Gaoler.

(2) The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention,

and shall carry into effect all lawful directions given by the Medical Officer in writing respecting alterations of the discipline or treatment of any such prisoner.

37. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Local Government may by rule direct, and the Gaoler shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

38. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

VISITS TO, AND CORRESPONDENCE OF, PRISONERS.

39. (1) Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate.

(2) The Local Government shall regulate the communication and correspondence of prisoners with their friends in such manner as it may think necessary for the maintenance of good order and discipline.

40. (1) The Gaoler may demand the name and address of any visitor to a prisoner, and, when the Gaoler has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

41. Whoever, contrary to the rules made under section 59, brings, throws or attempts by any means whatever to introduce into any prison or any place provided under section 5 for the temporary shelter and safe custody of prisoners, or gives or attempts to give to any prisoner outside the limits of a prison, any article mentioned in the said rules,

and every officer of a prison who, contrary to such rules, knowingly suffers any such article to be introduced into any such prison or place, to be possessed by any prisoner or to be given to any prisoner outside the limits of a prison,

and whoever, contrary to such rules, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

42. When any person, in the presence of any officer of a prison, commits any offence specified in the preceding section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

43. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice in English and the local Vernacular setting forth the penalties incurred by persons committing any offence under section 41.

*The Prisons Bill.**(Chapter XI.—Prison-offences.—Sections 44-45.)*

CHAPTER XI.

PRISON-OFFENCES.

44. The following acts are declared to be prison-offences when committed by a prisoner:—

- (1) such wilful disobedience to the regulations of the prison by any prisoner as shall have been declared by rules made under section 58 to be a prison offence;
- (2) an assault or use of criminal force by any prisoner;
- (3) the use of insulting or threatening language by any prisoner;
- (4) immoral or indecent or disorderly behaviour by any prisoner;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison property;
- (11) tampering with or altering or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any articles contrary to the rules made under section 59 of this Act;
- (13) feigning illness or concealing illness;
- (14) wilfully bringing false accusations against any officer or prisoner;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or gaol official;
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

45. The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

- (1) a formal warning;

EXPLANATION.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

- (2) change of labour to some more irksome or severe form;
- (3) hard labour for a period not exceeding seven days in the case of prisoners not sentenced to rigorous imprisonment;
- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor General in Council;
- (5) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

- (6) solitary confinement for any period not exceeding seven days:

Provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or separate confinement:

- EXPLANATION.—Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;
- (7) separate confinement for any period not exceeding fourteen days:

Provided that after each period of separate confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to separate or solitary confinement:

EXPLANATION.—Separate confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners:

- (8) cellular confinement for any period not exceeding six months:

EXPLANATION.—Cellular confinement means such confinement with or without labour as secludes a

*The Prisons Bill.**(Chapter XI.—Prison-offences.—Sections 46-51.)*

prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem;

- (9) penal diet as defined in clause (5) combined with solitary confinement as defined in clause (6);
- (10) imposition of handcuffs of such pattern, and subject to such rules as to manner and period of imposition, as may be prescribed by rules made by the Governor General in Council;
- (11) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council;
- (12) the substitution of gunny for clothing of other material for a period which shall not exceed three months;
- (13) whipping, provided that the number of stripes shall not exceed thirty:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

46. Any two of the punishments enumerated in section 45 may be awarded for any such offence in combination, subject to the following exceptions, namely:—

- (1) formal warning shall not be combined with any other punishment;
- (2) penal diet shall not be combined with "change of labour," nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement;
- (3) solitary confinement shall not be combined with separate confinement or with cellular confinement, or separate confinement with cellular confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;
- (4) whipping shall not be combined with any other form of punishment except separate confinement and loss of privileges under the remission system.

47. (1) The Superintendent shall have power to award any of the punishments enumerated in sections 45 and 46 of this Act, except, in the case of cellular confinement for a period exceeding one month, to the previous confirmation of the Inspector General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

48. (1) No punishment other than those specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of the foregoing sections.

(2) Any Gaoler or subordinate officer of a gaol contravening this section shall be held to have committed an offence punishable under section 53 of this Act.

49. (1) No punishment of penal diet, either singly or in combination, Medical Officer to certify to fitness of prisoner or of whipping, shall be executed until the prisoner awarded such punishment has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment awarded, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 17.

(2) If he considers the prisoner unfit to undergo the punishment awarded, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

50. (1) In the punishment-book prescribed in section 17 of this Act there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the offence of which he was guilty, the date on which such offence was committed, the number of previous offences recorded against the prisoner, and the date of his last offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Gaoler and Superintendent shall affix their initials as evidence of the correctness of the entries.

51. If any prisoner is guilty of any offence against gaol discipline which, by reason of his having frequently committed such offences or

The Prisons Bill.

(Chapter XI.—Prison-offences.—Sections 52-54. Chapter XII.—Miscellaneous.—Sections 55-58.)

otherwise, in the opinion of the Superintendent is not adequately punishable by the infliction of any punishment awardable by himself under this Act, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment of either description which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the forms of punishment specified in sections 45 and 46 of this Act:

Provided that no person shall be punished twice for the same offence.

52. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or medical subordinate.

(2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted with a lighter ratan in the same manner.

53. (1) Every Gaoler or subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any provision of this Act or any rule made under section 58 or section 59, shall be liable, under the orders of the Superintendent or Inspector General, to fine not exceeding three months' pay.

(2) Any fine imposed under this section may be recovered, either by deductions from the officer's salary, or under the law for the time being in force for the recovery of fines.

54. (1) Every Gaoler or subordinate officer of a prison who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall engage without authority in any employment other than his gaol duty, or who shall be guilty of cowardice, or who shall offer any personal violence not warranted by the circumstances to any person in his custody shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred

rupees, or to imprisonment, with or without hard labour, for a period not exceeding three months, or to both.

(2) No person shall, under this section or section 53, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

55. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Local Government, so confine them.

56. (1) Prisoners under sentence of transportation shall, subject to any rules made under section 59, be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector General of Prisons for sanction to their retention for the period for which he considers their retention necessary, and the Inspector General may sanction such retention accordingly.

57. No prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

58. The Governor General in Council may for any part of British India, and each Local Government with the previous sanction of the Governor General in Council may for the territories under its administration, make rules consistent with this Act—

- (1) defining the acts which shall constitute prison offences;
- (2) determining the classification of such offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of such offences or classes of offences;

The Prisons Bill.

(Chapter XII.—Miscellaneous.—Sections 59-61.)

- (4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison offence;
- (5) for the award of marks and the shortening of sentences;
- (6) authorising the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;
- (7) extending any or all of the provisions of this Act and of any rules made thereunder to subsidiary gaols, or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882, and to the officers in charge thereof.

59. (1) The Local Government may, subject to the control of the Governor General in Council, make rules consistent with this Act—

- (1) for the government of prisons and for the guidance of all officers appointed under this Act;
- (2) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
- (3) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts;
- (4) for defining articles the introduction of which into prisons without due authority is prohibited;
- (5) for the classification of the forms of labour;
- (6) for regulating the manner in which the proceeds of the employment of prisoners shall be disposed of;
- (7) for regulating the confinement in fetters of prisoners sentenced to transportation;

- (8) for the classification and the separation of prisoners;
- (9) for the preparation and maintenance of history-tickets;
- (10) for the selection and appointment of prisoners as officers of prisons;
- (11) for rewards for good conduct;
- (12) for regulating the transfer or removal of prisoners from one prison or place to another;
- (13) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
- (14) for regulating the transmission of appeals and petitions from prisoners;
- (15) for the appointment and guidance of visitors of prisons; and
- (16) generally, in regard to the admission, custody, employment, dieting, treatment and release of prisoners, and for other purposes consistent with this Act.

(2) Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

60. All rules now in force relating to any of the matters mentioned in sections 12, 27, 35, 55, 56, 58 and 59 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively, and the existing officers of prisons shall be deemed to have been appointed under this Act.

61. All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government may from time to time appoint in this behalf other by name or by his official designation.

*The Prisons Bill.**(The Schedule.)*

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Year.	No.	Title or short title.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>			
1856 . .	VIII . .	An Act for the better control of the jails with- in the Presidency of Bombay.	So much as has not been repealed.
1870 . .	XXVI . .	Prisons Act, 1870	So much as has not been repealed.
1874 . .	XV . . .	Laws Local Extent Act, 1874	So much of Part (b) of the third schedule as relates to Act VIII of 1856.
1878 . .	XIV . . .	An Act to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh.	Section 2.
1886 . .	XX . . .	Upper Burma Laws Act, 1886	So much as relates to Act XXVI of 1870.
1891 . .	XII . . .	Repealing and Amending Act, 1891	So much of the second schedule as relates to Acts VIII of 1856 and XXVI of 1870.

Acts of the Governor of Fort St. George in Council.

1869 . .	V	Madras Jails Act, 1869	So much as has not been repealed.
1882 . .	VII . . .	Madras Jails Act Amendment Act, 1882	The whole.
1889 . .	II	An Act to amend the Madras Jails Act, 1869.	The whole.

Acts of the Governor of Bombay in Council.

1874 . .	II	An Act for the regulation of Jails in the City and Presidency of Bombay, and the enforce- ment of discipline therein.	So much as has not been repealed.
1882 . .	II	An Act to amend Bombay Act II of 1874	The whole.
1883 . .	IV	An Act to amend the Law concerning the con- finement of civil prisoners liable to im- prisonment under the Criminal Procedure Code.	The whole.
1887 . .	I	An Act to further amend Bombay Act II of 1874.	The whole.

Acts of the Lieutenant-Governor of Bengal in Council.

1864 . .	II	An Act for the regulation of Jails and the en- forcement of discipline therein.	So much as has not been repealed.
1865 . .	V	An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council, and to extend the provisions thereof to the Presidency Jail.	So much as has not been repealed.

*The Prisons Bill.**(The Schedule.)*THE SCHEDULE—*contd.*

Year.	No.	Title or short title.	Extent of repeal.
<i>Regulations made under the Statute 33 Victoria, Chapter 3.</i>			
1872 . .	III . . .	Santhal Parganas Settlement Regulation	So much of the schedule (as amended by Regu- lation III of 1886), as relates to Bengal Acts II of 1864 and V of 1865.
1874 . .	IX	Arakan Hill District Laws Regulation, 1874	So much as relates to Act XXVI of 1870.
1875 . .	II	Assam Prisons Regulation, 1875	The whole.
1890 . .	I	British Baluchistan Laws Regulation, 1890	So much as relates to Act XXVI of 1870.

STATEMENT OF OBJECTS AND REASONS.

THERE are at present four different Acts in force for the regulation of jails in British India and for the enforcement of discipline therein. These Acts differ *inter se* in various important points, namely, as to the jail-offences enumerated in them, as to the punishments which might be inflicted for these offences, and as to the authorities competent to inflict these punishments. In consequence divergent systems of jail management have grown up in the several Provinces, whereby there has been a sacrifice of that uniform enforcement of sentences of imprisonment which effective general administration requires. The object of this Bill is to repeal the four local Acts and to prescribe a uniform system of prison management in India.

2. The Bill is mainly based on Act XXVI of 1870 (*an Act to amend the law relating to Prisons*), which is in force in the North-Western Provinces and Oudh, the Punjab, the Central Provinces, Coorg and Burma, with amendments embodying the conclusions arrived at by the Government of India on the Report of the Jail Committee of 1889 and the Report of the Prison Conference of 1892, as stated in the Resolution recorded in the Home Department of the 9th November, 1892, and in the Circular letter to Local Governments and Administrations, dated the 25th March, 1893, to which it appeared necessary to give legislative form.

3. The details of the Bill which appear to call for remark are noticed in this paragraph.

Section 3 provides for clearer definitions of the terms "prison," "subsidiary gaol," "criminal prisoner," "convicted criminal prisoner," and "civil prisoner," and adds definitions of the terms "remission system" and "history-tickets".

Section 11.—The powers of a District Magistrate to issue orders to the Superintendent of a prison have been restricted to prisons other than central gaols or prisons situated in a Presidency-town.

Section 12.—The sanitary administration of a prison has been vested in the Medical Officer.

Section 23.—An addition has been made to this section, which provides a useful precaution against false charges of police torture or the means of detecting such mal-practices, if committed. It also makes separate provision for the search and examination of female prisoners after admission into prison.

Section 26 makes provision for the separation of juveniles who have arrived at the age of puberty from those who have not.

Section 28 requires the Medical Officer or a subordinate Medical Officer to visit each prisoner confined in cells at least once a day.

Section 34 restricts the employment of criminal prisoners sentenced to labour to nine hours in any one day, except on an emergency, and then only with the sanction in writing of the Superintendent. With the view of watching more closely the health of prisoners, this section provides for recording the weight of criminal prisoners at least once a fortnight upon their history-tickets, and places upon the Medical Officer the responsibility of seeing that a prisoner's health is not injured by the work on which he is employed.

Section 44.—This section follows the general principles embodied in the existing Prisons Acts (themselves based upon English legislation) and includes in the law itself a statement of the most important jail-offences. A few additional offences which seemed of sufficient importance have been included in this section, but it is still necessary to reserve the power of making rules the breach of which involve penal consequences, since every breach of a jail regulation is a jail offence, and it is not possible to include in the Act all the regulations which have to be observed in jails or expedient to make legislation necessary for the purpose of adding to or altering them. In order to provide for the equal treatment of prisoners throughout India, however the first clause of this section, relating to prison regulations generally, has been restricted by providing that, to make disobedience to such regulations punishable, the rules creating offences must be sanctioned by the Governor General in Council.

Section 45.—Hitherto there have been in use in jails, besides the punishments prescribed in the existing laws, other forms of punishments, consisting in the modification, to the disadvantage of a prisoner, of matters of discipline or treatment left to the discretion of the executive, such as loss of marks, relegation to a disagreeable form of labour, modifi-

cation of diet, forfeiture of privileges, etc. In order, however, to prevent the introduction of objectionable forms of punishment and to secure the due record of all punishments of whatever nature, it has been considered desirable to specify exhaustively all the forms of punishment which may be resorted to; and while the section retains those forms of punishment which are laid down in the present law, clauses (1), (2), (4) and (5) introduce into it the descriptions of punishment which have hitherto prevailed at the discretion of the executive. In some of the remaining clauses modifications have also been made. Clauses (6), (7) and (8) distinguish between the different degrees of solitary, separate and cellular confinement which may be used as a punishment and are borrowed from Provincial Jail Codes where they have been found successful. Clause (9) provides for the combination of penal diet and solitary confinement; the maximum period for which penal diet may (under clause (5)) be imposed at one time is entered at ninety-six hours instead of seventy-two hours as in section 48 (2) of the Act of 1870, but this is in accordance with the law in force in Bombay (Bombay Act II of 1874, section 35, proviso) and has met with general approval. Clauses (10) and (11) relate to the imposition of irons as a punishment, which under the Act of 1870 can in other Provinces than Bengal only be ordered by the Magistrate under section 49 of the Act of 1870. The restrictions which have of late years been placed on the employment of corporal punishment, and the objections to the frequent use of penal diet, make it necessary to invest Superintendents with some additional means of coercion for the control of unruly and hardened criminals. Clause (12) adds a minor punishment which has been found useful in Bengal in connection with thefts and destruction of prison clothing. Female and civil prisoners are specially excluded from the punishments of handcuffs or fetters and from whipping.

Sections 46 to 50 have been recommended by the Conference of experts on jail management from all Provinces who were convened by the Government of India in the early part of 1892 for the purpose of preparing an amended and consolidated Prisons Bill for all India.

Section 51 reproduces the section bearing number 49 in the Act of 1870, but the period of additional imprisonment which may be ordered by the Magistrate after judicial trial has been increased from six months to one year. It also provides that the Court may resort to any of the ordinary forms of jail punishment as it thinks fit, to meet the case of a Magistrate taking a different view from the Superintendent of the gravity of the prisoner's offence.

Section 54 is borrowed from the Police Act, V of 1861, section 29, and is likely to prove a useful provision.

Sections 55 and 56.—These sections are based on the rules in force in Madras and have been accepted generally by Local Governments and Administrations.

Sections 58 and 59.—These sections make provision for framing the necessary rules for regulating the matters which are left by the previous sections of the Bill to be dealt with by such rules.

A. P. MACDONNELL.

The 11th January, 1894.

J. M. MACPHERSON,

Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th January, 1894:—

No. 2 OF 1894.

A Bill to Repeal certain obsolete Enactments and to amend certain other Enactments.

[Cf. Act XII. 1891.] WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

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

It is hereby enacted as follows:—

I. (1) This Act may be called the Repeal-Title, extent and ing and Amending Act, commencement. 1894.

(2) It extends to the whole of the territories administered by the Governor of Bombay in Council; and

(3) It shall come into force at once.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

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

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

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

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

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	REMARKS.
<i>Part I.—Regulations of the Bombay Code.</i>				
1827	II	Caste questions; Pleadings.	In section 56, <i>the words and figures</i> under the rules regarding Commissioners, contained in the third clause of section XXXVIII of this Regulation.	Obsolete, in consequence of the repeal of section 38 (without any saving as to references) by Act XIV of 1869.
"	V	Acknowledgment of debts; interest; mortgages.	Appendix B	This Appendix is obsolete since the repeal of section 13 by Act XII of 1873. It was omitted from the Bombay Code, Ed. 1880.
"	XII	Police	Appendix E	This Appendix is referred to in clause 1 of section 13 of the Regulation. It was apparently not repealed by Act XVII of 1862, which left unrepealed clause 1 of section 13 "in as far as it regulates the endorsement and record of warrants issued by Magistrates." Act X of 1872 repealed "so much of section 13 as has not been repealed," but did not specifically repeal Appendix E. In consequence of the repeal of section 13, Appendix E is obsolete, and might formally be repealed.
"	XIII	Criminal Courts.	Appendices A, B, D, E, F, G, H, I, J, K, L, M and N.	These Appendices are obsolete, the sections of the Regulation to which they referred having been repealed by one or other of the enactments mentioned opposite the Regulation on page xv of the Chronological Table prefixed to the Bombay Code, Ed. 1880. (Appendix C was repealed by Bombay Act VI of 1866.)
"	XX	Customs and Duties.	So much as has not been repealed.	Parts were repealed by Acts I of 1838 and I of 1852. The portions which have not been specifically repealed are the title, the preamble, Appendices D, F and G, and the statement of tariff valuations printed at the end of the Regulation. These portions are apparently obsolete, since the rest of the Regulation has been repealed. No part of the Regulation was printed in the Bombay Code, Ed. 1880.
"	XXI	Duty on Opium and Spirits.	So much as has not been repealed.	Chapters I to IV were repealed by Act I of 1878, Chapters V to VIII by Act IV of 1857, Chapter IX by Bombay Act VIII of 1866, and Chapters X to XIII by Bombay Act V of 1878. Part of the title was repealed by Act XII of 1876, and parts of the preamble were repealed by

THE FIRST SCHEDULE—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	REMARKS.

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

1827	XXI— <i>cont'd.</i>	Duty on Opium and Spirits.		Acts XII of 1873, XII of 1876 and I of 1878. The portions which have not been specifically repealed are parts of the title and preamble and the Appendices. These portions are apparently obsolete, since the rest of the Regulation has been repealed. No part of the Regulation was printed in the Bombay Code, Ed. 1880.
"	XXIX	Dekkhan and Khandesh.	In section 2, clause first, <i>the words and figures</i> with the exception of Regulation XVIII and of any enactments relating to stamps.	These words and figures were virtually repealed by Bombay Regulation IV of 1828. Bombay Regulation XVIII of 1827, which related to stamps, was repealed by Act XXXVI of 1860, and the territories in the Dekkhan and Khandesh are now, with the rest of the Bombay Presidency, subject to the general Stamp Law contained in Act I of 1879.
1834	I	Deputy Agent for Sardars in Dekkhan.	In the title, <i>the words and figures</i> and for rescinding Regulation V of 1828, which defines the duties and jurisdiction of that office. In the preamble, <i>the words</i> to have effect from the date of promulgation.	Obsolete, section I having been repealed by Act XII of 1873. Spent.

Part II.—Rules, Ordinances and Regulations relating to the Town and Island of Bombay.

1825	II	Repealing in part Rule, Ordinance and Regulation I of 1812.	The whole	Spent.
1827	I	Repealing in part Rule, Ordinance and Regulation I of 1814.	The whole	Spent.
1828	I	Preventing goods from being left on quays.	The whole	Obsolete.
1834	I	Repealing in part Rule, Ordinance and Regulation II of 1827.	So much as has not been repealed.	Spent.

THE FIRST SCHEDULE—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	REMARKS.
<i>Part III.—Acts of the Governor General in Council.</i>				
1836	VII	Authority of certain Regulations.	So much as has not been repealed.	Section 2 was repealed by Act VIII of 1868. Section 1 was repealed by Act VIII of 1868, except as regards duties leviable on salt or opium. The section validates proceedings under certain Regulations. All of these Regulations are obsolete. Regulations III and IV of 1817, VII of 1818 and IV of 1821 were repealed by Bombay Regulation I of 1827; Regulation XIX of 1827 was repealed by Bombay Act II of 1876; Regulation XV of 1828 was repealed by Act XXIV of 1850; Regulation XX of 1830 was repealed by Act I of 1878; Regulations II and XIII of 1831 were repealed by Act I of 1838; Regulation I of 1833 was repealed by Act I of 1852; Regulation X of 1833 was repealed by Act XVII of 1850; and Regulations XX and XXI of 1827 have virtually been entirely repealed, and it is proposed to repeal the residue by the present Bill. The second paragraph of section 3 of the Bill will prevent any questions arising as to the validity of proceedings taken under any of these Regulations. See, further, the notes opposite Act I of 1878, <i>infra</i> , page 5.
1852	XI	Titles to rent-free estates.	In the preamble, <i>the words and figures</i> and incapable of being justly disposed of under the rules for the determination of titles and the rules of procedure contained in Chapters IX and X of Regulation XVII of 1827 of the Bombay Code and their supplements. So much of section 1 as has not been repealed. In section 2, <i>the words</i> the said.	<i>Qu.</i> whether these portions of the Act need be retained on the Statute-book. Chapters IX and X of Bombay Regulation XVII of 1827, and Bombay Regulation VI of 1833, were repealed by Bombay Act VII of 1863. Part of section 1 of Act XI of 1852 was repealed by Act XVI of 1874. These words should be repealed if the residue of section 1 is repealed as suggested above.
1874	XV	Laws Local Extent Act, 1874.	Section 8, clause (i)	The villages named in Act IV of 1868 belong to independent Native Chiefs—see telegram from the Government of Bombay, dated 26th July, 1893. There was therefore no necessity for enacting clause (i) of section 8 of Act XV of 1874.
1875	VI	Loan to Sir Jamsetjeebhoj.	The whole ...	The loan having been paid off, the Act is obsolete.

THE FIRST SCHEDULE—*concl'd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	REMARKS.
<i>Part III.—Acts of the Governor General in Council.—concl'd.</i>				
1876	X	Bombay Revenue Jurisdiction Act, 1876.	In the preamble, <i>the words and figures</i> and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871.	Obsolete, since the repeal of the third clause of section 17 of Act X of 1876 by Act XV of 1880, section 2.
1877	XIV	Broach and Kaira Incumbered Estates Act, 1877.	In section 39, <i>the word</i> And <i>where it first occurs, and the word</i> further.	These words are superfluous since the repeal effected by Act XXI of 1881.
1878	I	Opium Act, 1878.	In section 41, clause (b), <i>the words</i> the said. The third paragraph of section 2.	
1884	XI	Sindh Incumbered Estates Act, 1884.	Section 8 Section 9.	This paragraph refers to Act VII of 1836, which it is proposed to repeal—see <i>supra</i> , page 20. (It is not clear why the paragraph was enacted at all; it is not apparent why proceedings under Act I of 1878 should be validated by an Act of 1836, for this seems to be the effect of the paragraph.) Temporary provision. Expired. Validation clause (see second paragraph of section 3 of the Bill).

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	REMARKS.

Part I.—Regulation of the Bombay Code.

1830	XIII	Jurisdiction of Jagirdars, etc.	In section 3, clause third, after open to insert appeal to.	A clerical error.
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Part II.—Act of the Governor General in Council.

1839	XX	Levy of haqqs, etc.	In section 3, for shall be punishable as for an undue exaction under Regulation XVII of 1827, section XVI, of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government, read shall, whether he is or is not a Revenue Officer of Government, be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine not exceeding ten times the amount of the sum so levied.	Bombay Regulation XVII of 1827 was repealed by Bombay Act V of 1879. That Act applies to nearly the whole of the Bombay Presidency—see section 1 and notifications under the Scheduled Districts Act, 1874. Under section 2 of Bombay Act V of 1879 the reference to Bombay Regulation XVII of 1827 in Act XX of 1830, section 3, must be read as if made to Chapter IV of the Act of 1879. But the penalties prescribed by that chapter for undue exactions by Revenue Officers are (see section 32) fine, reduction, suspension and dismissal, and these penalties are obviously unsuitable to the case of non-officials. It seems therefore to be necessary to substitute for the reference in Act XX of 1830, section 3, a clause reproducing the penalties enacted in Bombay Regulation XX of 1827, section XVI, clause first (viz., imprisonment and fine). This is the object of the amendment suggested in column 4.
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STATEMENT OF OBJECTS AND REASONS.

The objects of this Bill are to remove obsolete matter from, and to make two formal amendments in, certain local enactments applying to the Presidency of Bombay, in view to the impending publication of the first volume of the new edition of the Bombay Code.

The Bill has been approved by the Government of Bombay.

ALEX. EDW. MILLER.

The 8th January, 1894.

J. M. MACPHERSON,
Deputy Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 27, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Land Acquisition Act, 1870, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th January 1894 :—

We, the undersigned, Members of the Select Committee to which the Bill to amend the Land Acquisition Act, 1870, has been committed, have considered the Bill as amended by the former Select Committee and appended to their Report dated 22nd March 1893, together with the papers noted in the margin, and have now the honour to submit this our Report.

2. We have only a few changes to recommend in the amended Bill. They will be found printed in italics in the copy of that Bill which we attach to this Report.

3. We propose that the Bill should not come into force until the 1st March 1894, so as to allow of an interval between the date of its passing and its coming into force during which the officers concerned may become acquainted with its provisions.

4. In order to prevent any doubt as to the right to compensation of persons who own easements affecting lands taken up under the Bill, we have added an explanation to the definition of "person interested" making the definition expressly cover such persons.

5. We have amended section 5 so as to restrict references of disputes as to the amount to be paid for damage under that section to the chief revenue-officers of districts, as we are of opinion that such references should be decided by these officers only.

6. The object of the amendment we have suggested in the proviso to section 6 is to enable land to be acquired under the Bill for the purposes of colleges, hospitals and other public institutions which are in some cases only partly supported out of public revenues or the funds of local authorities.

7. The words we have added to section 9 (2) will enable the Collector to require persons to put their statements in writing in all cases in which he may consider this course necessary or desirable. Since the Collector is bound to make an award under section 11, it will prevent misunderstanding to give him this power.

8. A question having been raised as to the competency of the Collector to summon the parties interested as witnesses under section 14, we have thought it well to remove all doubt by inserting a specific reference to such parties in the section.

9. We have proposed the addition to section 17 (2) of the words printed in italics, as the language of the sub-section as settled by the former Select Committee did not appear to us to be sufficiently wide to provide for all the cases in which it may be desirable that a Railway Administration should acquire the immediate possession of land. Such acquisition is sometimes necessary for the maintenance of the traffic of a line when no river-side station is involved.

10. The object of the slight addition made by us to section 18 (r) is to make the provisions of that section as to disputes concerning apportionment the same as those of section 30 on that subject.

11. The new sub-section we have added to section 19 will insure the submission by the Collector of an accurate and complete descriptive list of all the relevant papers which may be required by the Court.

12. We are of opinion that only such land should be deemed to be part of a house, manufactory or building which it is proposed to take under the Act, as can be held to be reasonably required for the full and unimpaired use of such house, manufactory or building. We have, therefore, added a clause to section 49 (r) directing the Court to have regard to this question when deciding any reference which may be made to it under the section.

13. In accordance with a suggestion made by the Bengal Chamber of Commerce we have required rules under section 55 to be made after previous publication, so as to give the public an opportunity of criticizing them before they are finally adopted.

14. We do not think that the amendments now proposed are of sufficient importance to require re-publication, and we recommend that the Bill appended to this Report be passed into law.

ALEX. EDW. MILLER.
A. P. MACDONNELL.
RASHBEHARY GHOSE.
C. C. STEVENS.
W. LEE-WARNER.

The 24th January 1894.

No. IV. THE LAND ACQUISITION BILL.

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*The Land Acquisition Bill.**(Part I.—Preliminary.—Sections 1-3.)***No. IV.***A Bill to amend the law for the acquisition of land for public purposes and for Companies.*

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:—

PART I.**PRELIMINARY.**

1. (1) This Act may be called the Land Acquisition Act, 1894.

Short title, extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of March 1894.

2. (1) The Land Acquisition Act, 1870, and section 74 of the Punjab Courts Act, 1884, are hereby repealed.

Repeal.

(2) But all proceedings commenced, officers appointed or authorised, agreements published and rules made under the said Land Acquisition Act shall, as far as may be, be deemed to have been respectively commenced, appointed or authorized, published and made under this Act.

(3) Any enactment or document referring to the said Land Acquisition Act or to any enactment thereby repealed shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

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

Definitions.

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

(b) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(c) the expression "Collector" means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act;

(d) the expression "Court" means a principal Civil Court of original jurisdiction, unless the Local Government

has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act;

(e) the expression "Company" means a Company registered under the Indian Companies Act, 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor General in Council, or by Royal Charter or Letters Patent;

(f) the expression "public purpose" includes the provision of village-sites in districts in which the Local Government shall have declared by notification in the official Gazette that it is customary for the Government to make such provision; and

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

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

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

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

Provided that—

(i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

*The Land Acquisition Bill.**(Part II.—Acquisition.—Sections 4-9.)*

XIV of 1882.

(iii) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

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

PART II.**ACQUISITION.***Preliminary Investigation.*

4. (1) Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen,—

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the subsoil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches;

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle;

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

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of

dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final.

Declaration of intended Acquisition.

6. (1) Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders:

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or out of some fund controlled or managed by a local authority.

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and, after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

8 The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

9. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being

X of 1870.

XVIII of 1884.

*The Land Acquisition Bill.**(Part II.—Acquisition.—Sections 10-17.)*

earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. *The Collector may in any case require such statement to be made in writing and signed by the party or his agent.*

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

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him and registered under Part III of the Indian Post Office Act, 1866.

XIV of 1866.

10. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

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

XLV of 1860.

Enquiry into Measurements, Value and Claims, and Award by the Collector

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

- (i) the true area of the land;
- (ii) the compensation which in his opinion should be allowed for the land; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims,

he has information, whether or not they have respectively appeared before him.

12. (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

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

13. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

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

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

Taking Possession.

16. When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

17. (1) In cases of urgency, whenever the Local Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, the Collector may, immediately after the publication of the notice

*The Land Acquisition Bill.**(Part III.—Reference to Court and Procedure thereon.—Sections 18-23.)*

mentioned in sub-section (1) and with the previous sanction of the Local Government, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all incumbrances:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Collector shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

PART III.**REFERENCE TO COURT AND PROCEDURE THEREON.**

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

(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made,—

- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

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

- (a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; and

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

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

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

- (a) the applicant;
- (b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and,
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

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

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

23. (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—

- first, the market-value of the land at the date of the publication of the declaration relating thereto under section 6;
- secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;
- thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;
- fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously

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(Part III.—Reference to Court and Procedure thereon.—Sections 24-28. Part IV.—Apportionment of Compensation.—Sections 29-30. Part V.—Payment.—Section 31.)

affecting his other property, moveable or immovable, in any other manner, or his earnings;

fifthly if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

(2) In addition to the market-value of the land, as above provided, the Court shall in every case award a sum of fifteen per centum on such market-value, in consideration of the compulsory nature of the acquisition.

Matters to be neglected in determining compensation.—

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or,

seventhly, any outlay or improvements on the land acquired, commenced, made or effected after the date of the publication of the declaration under section 6.

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11.

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

(3) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to

make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector.

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

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

(2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

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

PART IV.

APPORTIONMENT OF COMPENSATION.

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

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

PART V.

PAYMENT.

31. (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to

The Land Acquisition Bill.

(Part V.—Payment.—Sections 32-34. Part VI.—Temporary Occupation of Land.—Section 35.)

the persons interested entitled thereto according to the award, and shall pay it to them if they shall consent to receive it.

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

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

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

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

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

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

[L. C. C. Act, 45, ss. 69 and 78.]

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

[Ibid., s. 69.]

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

[Ibid., s. 78.]

and shall direct the payment of the interest of other proceeds arising from such investment to the person or persons who would for

the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same [L. C. C. Act, s. 69.] be applied—

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

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

(a) the costs of such investments as aforesaid;

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

33. When any money shall have been deposited in Court under this section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be. [L. C. C. Act, s. 74.]

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

PART VI.

TEMPORARY OCCUPATION OF LAND.

35. (1) Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the

The Land Acquisition Bill.

(Part VI.—Temporary Occupation of Land.—Section 37. Part VII.—Acquisition of Land for Companies.—Sections 38-42.)

same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

36. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35.

the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

38. (1) Subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

(2) In every such case section 4 shall be construed as if for the words "for such purpose" the words "for the purposes of the Company" were substituted; and section 5 shall be construed as if after the words "the officer" the words "of the Company" were inserted.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, nor unless the Company shall have executed the agreement hereinafter mentioned.

40. (1) Such consent shall not be given unless the Local Government be satisfied, by an enquiry held as hereinafter provided,—

(a) that such acquisition is needed for the construction of some work, and

(b) that such work is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

41. Such officer shall report to the Local Government the result of the enquiry, and, if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council, providing to the satisfaction of the Local Government for the following matters, namely:—

(1) the payment to Government of the cost of the acquisition;

(2) the transfer, on such payment, of the land to the Company;

(3) the terms on which the land shall be held by the Company;

(4) the time within which, and the conditions on which, the work shall be executed and maintained; and

(5) the terms on which the public shall be entitled to use the work.

42. Every such agreement shall, as soon as may be after its execution, be published in the Gazette of India, and also in the

The Land Acquisition Bill.

(Part VII.—Acquisition of Land for Companies.—Sections 43-44. Part VIII.—Miscellaneous.—Sections 45-49.)

local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement between such Company and the Secretary of State for India in Council, the Government is, or was, bound to provide land.

44. In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

PART VIII.

MISCELLANEOUS.

45. (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

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

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein and registered under Part III of the Indian Post Office Act, 1866, and service of it may be proved by the production of the addressee's receipt.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

48. (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

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

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

49. (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired:

Acquisition of part of house or building.

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

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

(2) If, in the case of any claim under section 23, sub-section (1), thirdly, by a person interested, on account of the severing of the land to be acquired from his other land, the Local Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his

*The Land Acquisition Bill.**(Part VIII.—Miscellaneous.—Sections 50-55.)*

award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the Local Government to the person interested, and shall thereafter proceed to make his award under section 11.

50. (1) Where the provisions of this Act are Acquisition of land put in force for the purpose of acquiring land at cost of a local authority or Company. the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

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

52. No suit or other proceeding shall be commenced or prosecuted Notice in case of suits for anything done in pursuance of Act. against any person for anything done in pursuance

of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Save in so far as they may be inconsistent with anything contained in Code of Civil Procedure to apply to proceedings before Court. this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act. XIV of 1877.

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

55. (1) The Local Government shall have Power to make rules. power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the condition of the rules being made, altered or added to after previous publication.

(3) All such rules, alterations and additions shall, when sanctioned by the Governor General in Council, be published in the official Gazette, and shall thereupon have the force of law.

S. HARVEY JAMES,

Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 10, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Ports Act, 1889, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 8th February 1894:—

We, the undersigned, Members of the Select Committee appointed to consider the Bill to amend Act X of 1889 as regards the Balasore Ports, have considered the Bill and have the honour to report that, after perusing the letter from the Government of Bengal (Marine Department), No. 19, dated the 3rd January, 1894, and enclosures (being communications from the Board of Revenue, the Chamber of Commerce and the representatives of two Steam Navigation Companies), we are of opinion that the Bill should be passed in the form in which it was introduced.

2. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	Date.
Gazette of India	5th August, 1893.
Calcutta Gazette	16th August, 1893.

In the Vernaculars.

Province.	Language.	Date.
Bengal	Bengali	29th August, 1893.
	Uriya	31st August, 1893.

J. WESTLAND.
ALEX. EDW. MILLER.
C. C. STEVENS.
H. F. CLOGSTOUN.
P. PLAYFAIR.

The 7th February, 1894.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 17, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th February, 1894:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend

From Mr. P. R. Desai, Pleader, District-Court, Ratnagiri, dated 2nd September, 1893 [Paper No. 1].

From High Court, Calcutta, No. 3242 A., dated 12th September, 1893 [Paper No. 2].

From Agent, Governor General in Baluchistan, No. 5555, dated 17th October, 1893 [Paper No. 3].

From Chief Commissioner, Burma, No. 872 L.—13, dated 28th October, 1893, and enclosure [Papers No. 4].

From Chief Commissioner, Coorg, No. 1771—1491, dated 3rd November, 1893 [Paper No. 5].

From Chief Commissioner, Central Provinces, No. 8498, dated 23rd November, 1893, and enclosure [Papers No. 6].

From Chief Commissioner, Ajmere-Merwara, No. 21 C., dated 15th November, 1893, and enclosures [Papers No. 7].

From Resident, Hyderabad, No. 350, dated 6th November, 1893, and enclosures [Papers No. 8].

From Government, Bombay, No. 7046, dated 10th November, 1893, and enclosures [Papers No. 9].

From Government, Bengal, No. 4661 J., dated 11th November, 1893, and enclosures [Papers No. 10].

From Chief Commissioner, Assam, No. $\frac{147 \text{ L. L.}}{8443}$ J., dated 8th November, 1893, and enclosure [Papers No. 11].

From Government, Madras, No. 2599, dated 11th December, 1893, and enclosures [Papers No. 12].

From Government, Punjab, No. 1479, dated 23rd December, 1893, and enclosures [Papers No. 13].

From Government, North-Western Provinces and Oudh, No. 3548-VI—327 B., dated 30th December, 1893, and enclosures [Papers No. 14].

is not such as to require from us any detailed explanation of the alterations which we have made.

the Code of Criminal Procedure, 1882, and the Indian Penal Code was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. There have been many suggestions with respect to the amendment of the Bill, and we have given effect to most of them. But the importance of the suggestions

3. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	10th August, 1893.
Fort Saint George Gazette	5th September, 1893.
Bombay Government Gazette	24th August, 1893.
Calcutta Gazette	30th August, 1893.
North-Western Provinces and Oudh Government Gazette	26th August, 1893.
Punjab Government Gazette	24th August, 1893.
Central Provinces Gazette	2nd September, 1893.
Burma Gazette	9th September, 1893.
Assam Gazette	9th September, 1893.
Coorg District Gazette	1st September, 1893.
Sindh Official Gazette	21st September, 1893.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil	26th September, 1893.
	Telugu	26th September, 1893.
	Hindustani	26th September, 1893.
	Kanarese	26th September, 1893.
	Malayalam	26th September, 1893.
Bombay	Marathi	12th October, 1893.
	Kanarese	12th October, 1893.
	Gujarathi	16th October, 1893.
Bengal	Bengali	19th September, 1893.
	Uriya	21st September, 1893.
	Hindi	26th September, 1893.
North-Western Provinces and Oudh	Urdu	7th October, 1893.
Burma	Burmese	16th September, 1893.
Assam	Bengali	30th September, 1893.
Coorg	Kanarese	1st November, 1893.
Sindh	Sindhi	21st September, 1893.

4. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. S. LETHBRIDGE.
ALEX. EDW. MILLER.
C. B. PRITCHARD.
A. P. MACDONNELL.
RASHBEHARY GHOSE.
G. H. P. EVANS.
G. M. CHITNAVIS.

The 14th February, 1894.

No. II.

A Bill to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code; It is hereby enacted as follows:—

Code of Criminal Procedure, 1882.

1. To section 44 of the Code of Criminal Procedure, 1882, the following shall be added, namely:—

“Any act committed, at any place out of British India, which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460, shall be deemed to be an offence for the purposes of this section.”

2. In section 45 of the Code of Criminal Procedure, 1882, the following shall be added after clause (d) and substituted for the *Explanation*, namely:—

“(e) the commission of, or intention to commit, at any place out of British India near such village any act which, if committed in British India, would be an offence punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.”

“In this section—

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
216A	Harbouring robbers or dacoits.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Indian Penal Code.

5. To section 177 of the Indian Penal Code the following shall be added, namely:—

“*Explanation*.—In section 176 and in this section the word ‘offence’ includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word ‘offender’ includes any person who is alleged to have been guilty of any such act.”

(i) ‘village’ includes village-lands; and

(ii) the expression ‘proclaimed offender’ includes any person proclaimed as an offender by any Court or authority established or continued by the Governor General in Council in any part of India in respect of any act which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.”

3. In section 54 of the Code of Criminal Procedure, 1882, the word “and” in clause *fifthly* is repealed, the word “and” shall be added to clause *sixthly*, and the following shall be inserted after clause *sixthly*, namely:—

“*seventhly*, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India.”

4. In Schedule II of the Code of Criminal Procedure, 1882, immediately after the entries relating to section 216 of the Indian Penal Code, the following shall be inserted, namely:—

6. To section 203 of the said Code the following shall be added, namely:—

“*Explanation*.—In sections 201 and 202 and in this section the word ‘offence’ includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.”

7. In section 212 of the Indian Penal Code, immediately before the *Exception* the following shall be inserted, namely:—

“‘Offence’ in this section includes any act committed at any place out of British India, which, if committed in British India, would be

punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India."

8. After section 216 of the said Code the following shall be inserted,

Addition of new sections after section 216 of same Code.

"216A. Whoever, knowing or having reason to believe that any person is about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which

may extend to seven years, and shall also be liable to fine.

"*Explanation.*—For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without British India.

"*Exception.*—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

"216B. In sections 212, 216 and 216A the word 'harbour' includes the definition of 'harbour' in sections 212, 216 and 216A, supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person in any way to evade apprehension."

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th February, 1894:—

NO. 3 OF 1894.

A Bill to amend the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

1. In section 44 of the said Code the figures "143, 144, 145, 147, 148," shall be inserted between the figure "130" and the figure "302".

2. For section 45 of the said Code the following shall be substituted, namely:—

"45. Every village-headman, village-accountant, 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, accountant, 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, in or near such village any non-bailable offence or any offence punishable under sections 143, 144, 145, 147 or 148 of the Indian Penal Code; XLV of 1860.

(d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances;

(e) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Local Government, has directed him to communicate information.

"EXPLANATION 1.—In this section village includes village-lands.

"EXPLANATION 2.—The District Magistrate may appoint one or more village-headmen for the purposes of this section in any village for which there is no such headman appointed under any other law."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to impose on the public generally the obligation to give notice of the commission of, or intention to commit, the crimes of unlawful assembly and rioting of which they may have knowledge; to include village-accountants where they are established among the officers who, by section 45, Criminal Procedure Code, are bound to give information to the authorities; and to include among the subjects of which information is to be given unlawful assemblies, rioting and generally matters touching the maintenance of the peace and the prevention of crime. It is considered that all persons having knowledge should help the authorities to prevent disturbances of the public peace. The village-accountants have special facilities for acquiring such knowledge, and should, it is thought, be bound to communicate it to the Magistrate or the Police.

Power is taken to enable the Magistrate to appoint a village-headman for the purposes of the Bill where none is appointed under any other law.

The 15th February, 1894.

A. P. MACDONNELL.

S. HARVEY JAMES,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 24, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd February, 1894:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend

From Mr. Ganesh Krishna Deshmukh, High Court Pleader, Bombay, No. 1040, dated 16th March, 1893 [Paper No. 1].

From Chief Commissioner, Coorg, No. 457-44-93, dated 4th April, 1893 [Paper No. 2].

From Mr. P. R. Desai, Pleader, District Court, Ratnagiri, dated 2nd April, 1893 [Paper No. 3].

From Agent to Governor General in Baluchistan, No. 2060, dated 20th April, 1893 [Paper No. 4].

From Resident, Hyderabad, No. 125, dated 25th April, 1893 [Paper No. 5].

From Government, Madras, No. 804 Judicial, dated 20th April, 1893, and enclosures [Papers No. 6].

From Chief Commissioner, Assam, No. ^{61 L. & L.} 3892, dated 22nd April, 1893, and enclosure [Papers No. 7].

From Chief Commissioner, Ajmere-Merwara, No. 487, dated 5th May, 1893, and enclosures [Papers No. 8].

Opinion by the Hon'ble W. H. Rattigan, dated 5th May, 1893 [Paper No. 9].

From Chief Commissioner, Burma, No. 207-L.-9, dated 9th May, 1893, and enclosures [Papers No. 10].

From Government, Madras, No. 953 Judicial, dated 9th May, 1893, and enclosures [Papers No. 11].

From Government, Punjab, No. 590, dated 13th May, 1893, and enclosures [Papers No. 12].

From High Court, Calcutta, No. 1244, dated 31st May, 1893 [Paper No. 13].

From Chief Commissioner, Central Provinces, No. 4780, dated 27th June, 1893, and enclosures [Papers No. 14].

From Government, Bengal, No. 3804 J., dated 10th August, 1893, and enclosures [Papers No. 15].

From Government, North-Western Provinces and Oudh, No. 676, dated 23rd August, 1893, and enclosures [Papers No. 16].

From Government, Bombay, No. 5476, dated 30th August, 1893, and enclosures [Papers No. 17].

From Government, Bengal, No. 659 J. D., dated 17th October, 1893, and enclosure [Papers No. 18].

the Code of Civil Procedure and the Indian Limitation Act, 1877, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. The Bill has been received with much favour, and we have suggested little alteration beyond making it as clear as possible what the amount of the deposit by the judgment-debtor must be to enable him to save his

property, and that, on the deposit being duly made, the sale must be set aside. We have also abandoned the proposed amendment of the Limitation Act, having inserted, in the section as amended, the period within which applications must be made.

3. The publication ordered by the Council has been made as follows :—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	11th March, 1893.
Fort Saint George Gazette	21st March, 1893.
Bombay Government Gazette	16th March, 1893.
Calcutta Gazette	15th March, 1893.
North-Western Provinces and Oudh Government Gazette	18th March, 1893.
Punjab Government Gazette	23rd March, 1893.
Central Provinces Gazette	18th March, 1893.
Burma Gazette	25th March, 1893.
Assam Gazette	25th March, 1893.
Coorg District Gazette	1st April, 1893.
Sindh Official Gazette	20th April, 1893.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil	11th April, 1893.
	Telugu	11th April, 1893.
	Hindustani	11th April, 1893.
	Kanarese	11th April, 1893.
Bombay	Malayalam	11th April, 1893.
	Marathi	27th April, 1893.
	Gujarathi	27th April, 1893.
	Kanarese	27th April, 1893.
Bengal	Uriya	20th April, 1893.
	Bengali	25th April, 1893.
	Hindi	2nd May, 1893.
North-Western Provinces and Oudh	Urdu	8th April, 1893.
Punjab	Urdu	27th April, 1893.
Central Provinces	Hindi	10th May, 1893.
Burma	Burmese	8th April, 1893.
Sindh	Sindhi	20th April, 1893.

4. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

RASHBEHARY GHOSE.
ALEX. EDW. MILLER.
A. P. MACDONNELL.
W. LEE-WARNER.

The 21st February, 1894.

I ASSENT to this Report without prejudice to my opinion that the Bill does not provide an adequate remedy for the evil which it was devised to cure.

W. LEE-WARNER.

The 21st February, 1894.

No. II.

A Bill to amend the Code of Civil Procedure.

XIV of 1882. WHEREAS it is expedient to amend the Code of Civil Procedure; It is hereby enacted as follows :—

1. (1) This Act may be called the Civil Procedure Code Amendment Act, 1894; and

(2) It shall come into force at once.

XIV of 1882. 2. After section 310 of the Code of Civil Procedure the following shall be inserted, namely :—

“310A. Any person whose immoveable property has been sold under this Chapter may at any time within thirty days from the date of sale apply to have the sale set aside on his depositing in Court—

(a) for payment to the purchaser, a sum equal to five per centum of the purchase-money, and

(b) for payment to the decree-holder, the amount set forth in the warrant of sale as that (including costs) for the recovery of which the sale was ordered.

“If such deposit is made within the thirty days, the Court shall pass an order setting aside the sale :

Provided that, if a person applies under the next following section to set aside the sale of his immoveable property, he shall not be entitled to make an application under this section.

“Nothing in this section shall be construed to relieve the judgment-debtor from any liability he may be under in respect of costs not covered by the warrant of sale.”

3. In section 315 of the Code of Civil Procedure the figures and letter “310A” shall be inserted after the word “section” and before the figures “312”.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 3, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st March, 1894:—

No. 4 OF 1894.

THE INDIAN TARIFF BILL.

CONTENTS.

PREAMBLE.

SECTIONS.

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5. Duties on goods crossing frontiers—
of Foreign European Settlements in
Presidencies of Madras and Bombay;
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Power to declare territory foreign.
6. Amendment of Act XVI, 1863, s. 1.
7. Duty on spirit, opium and salt when pro-
tected by a certificate.

8. Application of certain provisions as to
duties and goods.
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amount of increased or decreased duty
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SCHEDULE I.—ACTS REPEALED.

SCHEDULES II, III, & IV.—IMPORT TARIFF.

SCHEDULE V.—EXPORT TARIFF.

*A Bill to amend the law relating to Customs-
duties, and for other purposes:*

WHEREAS it is expedient to amend the law
relating to the duties of
Preamble. customs on goods imported
and exported by sea, and to provide for the levy
of duties on goods crossing the frontier of cer-
tain Foreign European Settlements in India and
of the territories of certain Native Chiefs;

It is hereby enacted as follows:—

Short title. 1. This Act may be called
the Indian Tariff Act, 1894.

It extends to the whole of British India except
Aden and Perim; and it
shall come into force on the
Local extent. Com- passing thereof.
mencement.

2. The Acts mentioned in the first schedule
are repealed to the extent
Repeal of Act. specified therein.

But all notifications published, and rules and orders made, under Saving clause. any of such Acts, and now in force, shall, so far as they are consistent herewith, be deemed to have been respectively published and made hereunder :

XVI of 1875. All references made to the Indian Tariff Act, 1875, and the Indian Tariff Act, 1882, in Acts or Regulations passed before this Act comes into force, shall be deemed to be made to this Act :

And nothing herein contained authorizes the levy of duties of customs on any article carried from one port in British India to another, except salt, opium and spirit.

3. There shall be levied and collected, in every port to which this Act applies, the duties specified in the second, third, fourth and fifth schedules hereto annexed.

4. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandi as the Governor of Fort Saint George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Customs-Collector at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council from time to time directs.

5. Duties of customs shall be levied at the rates respectively prescribed in the second, third, fourth and fifth schedules hereto annexed on goods passing by land out of or into—

(a) Foreign European Settlements bordering on any part of the territories administered by the Governor of Fort Saint George in Council or by the Governor of Bombay in Council;

(b) any territory declared, under the power next hereinafter conferred, to be foreign territory.

Subject to the control of the Governor General in Council, the Governor of Fort Saint George in Council and the Governor of Bombay in Council may, from time to time, by notification in the local official Gazette, respectively declare that the territory of any Native Chief situate within, or bordering on, the territories respectively administered by such Governors, but not subject to the jurisdiction of the Courts and Civil authorities of such territories, shall be deemed, for the purposes of this section, to be foreign territory.

The Governor General in Council may, from time to time, by notification in the Gazette of India, declare that the territory of any other Native Chief shall be deemed, for the purposes of this section, to be foreign territory.

6. In Act No. XVI of 1863, section 1, for the words "calculated at ten" the words "not exceeding five" shall be substituted.

7. Spirit, opium and salt imported from any port in British India, and protected by the certificate of an officer empowered in that behalf by the Governor General in Council or the Local Government, are chargeable with only the amount, if any, by which the duty leviable thereon under the second schedule hereto annexed exceeds the duty shown by such certificate to have been already paid in respect thereof.

The amount, if any, paid to the Government as the price of such opium or salt is not duty within the meaning of this section.

Nothing in this section applies to spirit which is exported under bond for excise-duty from one customs-port to another customs-port under the provisions of Chapter XIV of the Sea Customs Act, 1878.

8. So far as regards the Presidency of Fort Saint George the unrepealed provisions of Act No. VI of 1844, and, so far as regards the Presidency of Bombay, the unrepealed provisions of Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods, shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of section 5, clause (b).

9. All notifications published hereunder may be cancelled by the authority publishing the same.

10. In the event of any duty of customs or excise on any article being imposed, increased, decreased or remitted after the making of any contract for the sale of such article without stipulation as to the payment of duty where duty was not chargeable at the time of the making of the contract, or for the sale of such article duty-paid where duty was chargeable at that time,—

(a) if such imposition or increase so takes effect that the duty, or increased duty, as the case may be, is paid, the seller may add so much to the contract price as will be equivalent to the duty or increase of duty, and he shall be entitled to be paid and to sue for and recover such addition, and

(b) if such decrease or remission so takes effect that the decreased duty only or no duty, as the case may be, is paid, the purchaser may deduct so much from the contract-price as will be equivalent to the decrease of duty or remitted duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

11. In the first line of the 2nd paragraph of section 23 of the Sea Customs Act, VIII of 1878, the words "with the previous sanction of the Governor General in Council" shall be inserted after the word "may."

SCHEDULE I. ACTS REPEALED.

Number and year.	Short Title.	Extent of Repeal.
XI of 1882	The Indian Tariff Act, 1882	The whole.
I of 1892	An Act to amend the Indian Tariff Act, 1882	"
IX of 1893	" " "	"

SCHEDULE II.—(IMPORT TARIFF.)

Arms, Ammunition and Military Stores, including in addition to the articles specifically mentioned in this Schedule,

- (a) all articles which are either "arms" or "ammunition" within the meaning of the Indian Arms Act, XI of 1878, and
- (b) any articles which the Governor General in Council may from time to time, by notification in the Gazette of India, declare to be "Military Stores" for the purposes of this Act.

Names of Articles.	Duty. R. a.
FIREARMS AND PARTS THEREOF—	
1. Firearms other than pistols, for each	50 0
2. Barrels for the same, whether single or double, for each	30 0
3. Pistols, for each	15 0
4. Barrels for the same, whether single or double, for each	10 0
5. Springs used for firearms, for each	8 0
6. Gunstocks, sights, blocks and rollers, for each	5 0
7. Revolver-breeches, for each cartridge they will carry	2 8
8. Extractors, nippers, heel-plates, pins, screws, tangs, bolts, thumb-pieces, triggers, trigger-guards, hammers, pistons, plates, and all other parts of a firearm not herein otherwise provided for, and all tools used for cleaning or putting together or loading the same, for each	1 8
9. Machines for making or loading or closing cartridges, or each	10 0
10. Machines for capping cartridges, for each	2 8
<i>Exception I.</i> —Articles falling under the 5th, 6th, 8th, 9th, or 10th head of the foregoing list, when they appertain to a firearm falling under the 1st or 3rd head, and are fitted into the same case with such firearm, are free.	
<i>Exception II.</i> —Arms forming part of the regular equipment of an officer entitled to wear diplomatic, military, or police uniform, and a revolver or a pair of pistols accompanying a military officer, are free.	
<i>Proviso 1.</i> —No duty in excess of ten per cent. <i>ad valorem</i> shall be levied upon any of the articles mentioned in the foregoing list, when they are imported in reasonable quantity, for his own private use, by any person lawfully entitled to possess the same.	
<i>Proviso 2.</i> —When any articles which have been otherwise imported, and upon which duty has been levied or is leviable under this number, are purchased retail from the importer by a person lawfully entitled as aforesaid, in reasonable quantity for his own private use, the importer may apply to the Customs-Collector for a refund or remission (as the case may be) of so much of the duty thereon as is in excess of ten per centum <i>ad valorem</i> ; and if such Collector is satisfied as to the identity of the articles, and that such importer is in other respects entitled to such refund or remission, he shall grant the same accordingly.	

	Tariff valuation.	Rate of duty.
11. Gunpowder, common, per lb	0 5	10 per cent.
12. " " sporting, "	1 0	
12. All other sorts of arms, ammunition, and military stores	<i>ad valorem</i>	

SCHEDULE III.—(IMPORT TARIFF.)
LIQUORS, OPIUM, SALT, AND SALTED FISH.

No.	Names of Articles.	Per	Rate of duty.
1	LIQUORS—		
	Ale, beer, and porter	{ Imperial gallon or six	R a.
	Cider and other fermented liquors	{ quart bottles. }	0 1
	Liqueurs	"	6 0
	Spirit intended to be used exclusively in arts or manufactures, or in chemistry, and which has been rendered effectually and permanently unfit for human consumption. . . . .	.....	Five per cent. <i>ad valorem</i> .
	Spirit when used in drugs, medicines, or chemicals in a proportion of less than twenty per cent. of spirit of the strength of London proof.		
	Spirit when so used in a proportion of twenty per cent. and upwards.	Imperial gallon or six quart bottles of the strength of London proof.	6 0 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Spirit, perfumed, in wood or in bottles	Imperial gallon or six quart bottles.	8 0
	Spirit, other sorts	Imperial gallon or six quart bottles of the strength of London proof.	6 0 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Wines—		
	Champagne and all other sparkling wines not containing more than 45 per cent. of proof spirit	Imperial gallon or six quart bottles.	2 8
	Champagne and all other sparkling wines containing more than 45 per cent. of proof spirit	"	6 0
	All other sorts of wines not containing more than 45 per cent. of proof spirit	"	1 0
	All other sorts of wines containing more than 45 per cent. of proof spirit	"	6 0
2	OPIUM, not covered by a Government pass	ser of 80 tolas	24 0
3	SALT	Indian maund of 82½ lb avoirdupois weight.	The rate at which excise duty is for the time being leviable on salt manufactured in the place where the import takes place.
4	SALTED fish, wet (<i>ngapi</i>) or dry	"	Such rate or rates of duty not exceeding twelve annas, as the Governor General in Council may, by notification in the <i>Gazette of India</i> , from time to time prescribe.

SCHEDULE IV.—(IMPORT TARIFF.)
GENERAL DUTIES.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Articles of Food and Drink.			
1	COFFEE	cwt.	65 0	Five per cent.
2	FRUITS AND VEGETABLES—			
	Almonds without shell	"	40 0	"
	" in the shell	"	13 0	"
	Cashew or cajoo kernels	"	12 0	"
	Cocoanuts	thousand	40 0	"
	" kernel (<i>khopra</i>)	cwt.	9 0	"
	Currants, European	"	35 0	"
	" Persian	"	12 0	"
	Dates, dry, in bags	"	5 0	"
	" wet "	"	4 0	"
	" " in pots and boxes	"	8 0	"
	Figs, European	"	42 0	"
	" Persian, dried	"	6 8	"
	Garlic	"	5 0	"
	Pistachio nuts	"	25 0	"
	Prunes, Bussora (<i>álu Bokhara</i>)	"	10 0	"
	Raisins, black, Persian Gulf, Red Sea and Kish-mish	"	12 0	"
	" Munakka, Persian Gulf, and Red Sea	"	10 0	"
	" Malaga and bloom	lb	0 10	"
	" Other sorts . . . . .	.....	<i>ad valorem</i>	"
	Walnuts	cwt.	6 0	"
	All other sorts, except fresh fruits and vegetables not separately enumerated, which are free . . . . .	.....	<i>ad valorem</i>	"
3	PROVISIONS, OILMAN'S STORES, AND GROCERIES—			
	Bacon in cans, jowls and cheeks	lb	0 12	"
	Beef and pork	{ tierce of three cwt. barrel of two cwt.	75 0 50 0	"
	Biche de mer	cwt.	50 0	"
	Butter	lb	1 0	"
	Cheese	lb	0 12	"
	China preserves	box of six jars	8 0	"
	Fish-maws	cwt.	100 0	"
	Flour	barrel or sack of 200 lb	20 0	"
	Ghi	cwt.	40 0	"
	Groceries not otherwise described . . . . .	.....	<i>ad valorem</i>	"
	Pork hams	lb	0 12	"
	Sago	cwt.	10 0	"
	Shark-fins	"	30 0	"
	Singally and Sozille	"	15 0	"
	Tapioca	"	12 0	"
	Vinegar, European, in wood	Imperial gallon	1 0	"
	" Persian	"	1 0	"
	" Country	"	0 6	"
	All other sorts of Provisions, Oilman's Stores, and Groceries . . . . .	.....	<i>ad valorem</i>	"
4	SPICES—			
	Aniseed, star	cwt.	25 0	"
	Betelnuts—Goa	"	14 0	"
	" —in the husk	thousand	2 0	"
	" —white, <i>erivarddhan</i>	cwt.	28 0	"
	" all other sorts	"	7 0	"
	Cardamoms, other than bastard	"	250 0	"
	Chillies, dry	"	9 0	"
	Cloves	"	20 0	"
	" stems and heads	"	5 0	"
	" in seeds, <i>narlavang</i>	"	8 0	"
	Ginger, dry	"	20 0	"
	Mace	lb	1 8	"
	Nutmegs	"	1 0	"
	" in shell	"	0 10	"
	Pepper, black and long	cwt.	16 0	"
	" white	"	35 0	"
	All other sorts of Spices . . . . .	.....	<i>ad valorem</i>	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Articles of Food and Drink—<i>concl.</i>		<i>R a.</i>	
5	SUGAR, China, candy	cwt.	20 0	Five per cent.
	" loaf	"	23 0	"
	" soft	"	12 8	"
	" all other sorts, including saccharine produce of all kinds and confectionery . . . . .	.....	<i>ad valorem</i>	"
6	TEA, black	lb	0 10	"
	" green	"	1 4	"
	Chemicals, Drugs, Medicines and Narcotics, and Dyeing and Tanning materials.			
7	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric	lb	0 2	"
	Alkali, country (sajji-khár)	cwt.	2 0	"
	Alum	"	5 0	"
	Arsenic	"	25 0	"
	" China mansil	"	16 0	"
	Bicarbonate of soda	"	7 0	"
	Copperas, green	"	3 0	"
	Explosives, namely, blasting gelatine, dynamite, roburite, tonite, and all other descriptions . . . . .	.....	<i>ad valorem</i>	"
	Sal ammoniac	cwt.	30 0	"
	Sulphur (brimstone), flour	"	5 8	"
	" (") roll	"	5 0	"
	" (") rough	"	4 0	"
	All other sorts of chemical products and preparations . . . . .	.....	"	"
8	DRUGS, MEDICINES, AND NARCOTICS—			Five per cent.
	Aloes, black	cwt.	14 0	"
	" Socotra	"	25 0	"
	Aloe-wood	lb	3 0	"
	Asafœtida (hing)	cwt.	80 0	"
	" coarse (hingrá)	"	18 0	"
	Atáry, Persian	"	15 0	"
	Brimstone (amalsára)	"	45 0	"
	Camphor, bhemsaini (baras)	lb	100 0	"
	" refined, cake	"	1 0	"
	" crude, in powder	"	0 12	"
	Cassia lignea	cwt.	20 0	"
	China root (chobchini), rough	"	7 0	"
	" scraped	"	16 0	"
	Galangal, China	"	8 0	"
	Pellitory (akalkára)	"	30 0	"
	Salep	"	100 0	"
	Senna leaves	"	4 8	"
	Storax, liquid (rose melloes)	"	46 0	"
	Tobacco, manufactured and unmanufactured . . . . .	.....	<i>ad valorem</i>	"
	All other sorts of drugs, medicines and narcotics, except Quinine, which is free, and Opium (for which see Schedule III) . . . . .	.....	"	"
9	DYEING AND TANNING MATERIALS—			
	Alizarine dyes, all colours . . . . .	.....	<i>ad valorem</i>	"
	Aniline	lb	1 8	"
	Cochineal	"	1 0	"
	Gallnuts, myrabolams	cwt.	4 8	"
	" Persian	"	37 0	"
	Madder or manjit	"	12 0	"
	Orchilla weed	"	9 8	"
	Sappan wood and root	"	5 8	"
	All other sorts of dyeing and tanning materials	"	<i>ad valorem</i>	"
	Metals and Manufactures of Metals.			
10	AGRICULTURAL IMPLEMENTS, excluding machinery, which is free . . . . .	.....	<i>ad valorem</i>	"
11	HARDWARE AND CUTLERY, including ironmongery and plated-ware, but excluding machinery and the component parts of machinery, which are free . . . . .	.....	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals—<i>contd.</i>			
12	METALS, unwrought and wrought, and articles made of metals—		<i>R a.</i>	Five per cent.
	Brass, beads, ghúngri, China	thousand	1 0	"
	" old	cwt.	27 0	"
	" sheets, rolls, very thin	"	75 0	"
	" wire	lb	0 7	"
	" all other sorts . . . . .	.....	<i>ad valorem</i>	"
	Copper, Australian	cwt.	40 0	"
	" bolt	"	43 0	"
	" brazier's and sheets	"	43 0	"
	" China cash	"	32 0	"
	" Japan	"	38 0	"
	" nails and composition nails	"	43 0	"
	" old	"	38 0	"
	" pigs and slabs	"	38 0	"
	" sheathing, plate, and raised bottoms	"	45 0	"
	" tiles, ingots, cakes, and bricks	"	39 0	"
	" china, white, copper-ware	lb	1 2	"
	" foil or dánkpana	hundred leaves	3 0	"
	" wire	lb	0 9	"
	" all other sorts, unmanufactured and manufactured . . . . .	.....	<i>ad valorem</i>	"
	Gold leaf, European	hundred leaves	3 0	"
	" China and mock . . . . .	.....	<i>ad valorem</i>	"
	Iron, anchors and cables . . . . .	.....	"	"
	" angle and T	ton	110 0	"
	" beams, pillars, girders, bridge-work, and other descriptions of iron imported exclusively for building purposes . . . . .	.....	<i>ad valorem</i>	"
	" flat, square, and bolt, including Scotch	ton	90 0	"
	" galvanised, other than nails	cwt.	9 8	"
	" sheets and ridging	"	9 8	"
	" hoop, plate, and sheet, other than Swedish	ton	128 0	"
	" nails, rose, clasp, and flat-headed, rivets and washers	cwt.	11 0	"
	" nails, other sorts, including galvanised . . . . .	.....	<i>ad valorem</i>	"
	" nail-rod	ton	100 0	"
	" old	cwt.	2 0	"
	" pig	ton	50 0	"
	" pipes and tubes . . . . .	.....	<i>ad valorem</i>	"
	" rice bowls	set of ten	4 9	"
	" " set of six	set of six	2 9	"
	" rod, round, other than Swedish, not exceeding half an inch in diameter	ton	100 0	"
	" rod, round, other than Swedish, exceeding half an inch in diameter	"	90 0	"
	" Swedish, flat, square, and bolt	"	145 0	"
	" " nail rod	"	170 0	"
	" " round rod, not exceeding half an inch in diameter	"	180 0	"
	" tinned plates	cwt.	10 0	"
	" all other sorts, including wire, but excluding railway materials, which are free . . . . .	.....	<i>ad valorem</i>	"
	Lametta, double reels	score	4 8	"
	" single "	"	2 4	"
	Lead, ore, galena	cwt.	12 0	"
	" pig	"	9 8	"
	" pipes . . . . .	.....	<i>ad valorem</i>	"
	" sheets, other than sheets for tea chests, which are free	cwt.	10 0	"
	Orsidue and brass leaves, foreign, European	lb	1 2	"
	" China	"	1 0	"
	Patent or yellow metal, sheathing, sheets and bolts	cwt.	38 0	"
	Patent or yellow metal, sheathing, sheets, and bolts, old	"	30 0	"
	Quicksilver	lb	1 6	"
	Shot, bird	cwt.	16 0	"
	Silver bullion or coin, except current coin of the Government of India, which is free . . . . .	.....	<i>ad valorem</i>	"
	Steel, blistered	cwt.	7 0	"
	" British and foreign, other than Swedish . . . . .	.....	<i>ad valorem</i>	"
	" Cast . . . . .	.....	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
12	Metals and Manufactures of Metals—<i>conold.</i>			
	Metals, unwrought and wrought, and articles made of metals— <i>conold.</i>			
	Steel, spring	cwt.	₹ a. 7 0	Five per cent.
	" Swedish	"	13 0	"
	Steel, all other sorts, unmanufactured and manufactured, except railway materials, which are free . . . . .	.....	<i>ad valorem</i>	"
	Tin, block	cwt.	70 0	"
	" foil, China	lb	0 12	"
	" other sorts . . . . .	.....	<i>ad valorem</i>	"
	Zinc or spelter, nails	cwt.	21 0	"
	" " plates and other shapes, soft	"	16 0	"
	" " " sheet or sheathing " hard	"	13 0	"
	" " all other sorts . . . . .	.....	<i>ad valorem</i>	"
	All other sorts of metals . . . . .	.....	"	"
	Oils.			
13	OILS—			
	Cassia	lb	3 0	"
	Cocoanut	cwt.	13 0	"
	Grass	lb	1 12	"
	Jinjili or til	cwt.	15 0	"
	Linseed, European	Imperial gallon	1 12	"
	Otto of sorts	ounce	10 0	"
	Petroleum, including also naphtha and the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosine, paraffin oil, mineral oil, petrolene, gasoline, benzol, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat, or any other bituminous substance, or from any products of petroleum	Imperial gallon	.....	one-anna.
	" which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively for the batching of jute or other fibre or for lubricating purposes . . . . .	"	.....	half-anna.
	Sandalwood	lb	8 0	Five per cent.
	Turpentine	Imperial gallon	1 14	"
	Whale (except spermaceti) and fish	cwt.	15 0	"
	Wood . . . . .	.....	25 0	"
	All other sorts of oil . . . . .	.....	<i>ad valorem</i>	"
	Other Articles, unmanufactured and manufactured.			
14	APPAREL , including haberdashery and millinery and military and other uniforms and accoutrements, but excluding boots and shoes (for which see No. 39) and uniforms and accoutrements imported by a public servant for his personal use, which are free . . . . .	.....	<i>ad valorem</i>	"
15	BRUSHES , all sorts . . . . .	.....	"	"
16	BUILDING AND ENGINEERING MATERIALS , namely Asphalt, Cement of all kinds, earthenware piping, and other kinds . . . . .	.....	"	"
17	CABINET-WARE AND FURNITURE . . . . .	.....	"	"
18	CANDLES , paraffin	lb	0 5	"
	" spermaceti	"	0 6	"
	" wax	"	1 0	"
	" all other sorts, including composition	"	0 5	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—<i>contd.</i>			
19	CANES, RATTANS, ARTICLES MADE OF CANE OR RATTAN, AND BASKET WORK—			
	Canes, Malacca	dozen	₹ a. 1 0	Five per cent.
	Rattans	cwt.	7 0	"
	All other sorts except common bamboos, which are free . . . . .	.....	<i>ad valorem</i>	"
20	CARRIAGES and component parts thereof, except railway carriages and trucks, which are free . . . . .	.....	"	"
21	CHINESE AND JAPANESE-WARE , including lacquered-ware, but excluding earthenware, china, and porcelain (for which see No. 27) . . . . .	.....	"	"
22	CLOCKS, WATCHES , and other timekeepers . . . . .	.....	"	"
23	COIR AND ARTICLES MADE OF COIR, EXCEPT CABLES AND ROPE (for which see No. 25)—			
	Yarn of all kinds	cwt.	9 0	"
	All other sorts . . . . .	.....	<i>ad valorem</i>	"
24	CORAL , real . . . . .	.....	"	"
25	CORDAGE AND ROPE made of any vegetable fibre—			
	Coir, cables, tarred	cwt.	10 0	"
	" rope	"	10 0	"
	Cordage, hemp, European	"	25 0	"
	" " Manila	"	30 0	"
	Twine, sail, European	lb	0 8	"
	All other sorts of cordage and rope . . . . .	.....	<i>ad valorem</i>	"
26	CORK and articles made of cork—			
	Bottle corks	gross	1 0	"
	Vial corks	"	0 4	"
	All other sorts . . . . .	.....	<i>ad valorem</i>	"
27	EARTHENWARE (except Earthenware piping, for which see No. 16), China, China clay, and porcelain . . . . .	.....	<i>ad valorem</i>	"
28	FEATHERS . . . . .	.....	"	"
29	FIREWORKS , China	box of 133½	35 0	"
	" all other sorts . . . . .	.....	<i>ad valorem</i>	"
30	FLAX and articles made of Flax—			
	Canvas, sail, European, not exceeding 40 yards	bolt	22 0	"
	Piece-goods . . . . .	.....	<i>ad valorem</i>	"
	All other sorts, including linen-thread . . . . .	.....	"	"
31	GLASS , glass-ware, beads, false pearls, and false corals—			
	Bangles, glass, China, gilt	hundred pairs	15 0	"
	" " " not gilt	"	3 0	"
	Beads, China	cwt.	36 0	"
	Coral, false . . . . .	.....	<i>ad valorem</i>	"
	Glass, China, all colours	133½ lb	32 0	"
	" Crown, coloured	100 superficial feet	14 0	"
	" " of sizes	"	6 8	"
	Pearls, false, Bajria	lakh	3 0	"
	" " Boria	thousand	1 0	"
	" " Jauria	lakh	5 0	"
	" " Lolakh	thousand	0 12	"
	" " Nathia	"	0 3	"
	" " Tachia	"	1 0	"
	" " Wattanah	lakh	10 0	"
	All other sorts of beads, false pearls, glass and glassware . . . . .	.....	<i>ad valorem</i>	"
32	GUMS, GUM-RESINS , and articles made of gum or gum-resin—			
	Copal	cwt.	56 0	"
	Cutch and gambier	"	17 0	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—<i>contd.</i>			
32	GUMS, GUM-RESINS, and articles made of gum or gum-resin— <i>contd.</i>		<i>R a.</i>	Five per cent.
	Gum Ammoniac	cwt.	14 0	"
	" Arabic	"	18 0	"
	" Bdellium (common gum)	"	10 0	"
	" Benjamin	"	40 0	"
	" Bysabol (coarse Myrrh)	"	14 0	"
	" Olibanum or frankincense	"	12 0	"
	" Persian (false)	"	10 0	"
	" Kino	"	10 0	"
	Myrrh	"	40 0	"
	Rosin	"	4 4	"
	All other sorts of gums, gum-resins, and articles made of gum or gum-resin . . . . .	.....	<i>ad valorem</i>	"
33	HEMP and articles made of hemp— Piece goods and all other sorts (except rope, for which see No. 25) . . . . .	.....	"	"
34	HIDES AND SKINS (except raw or salted hides and skins, which are free)— Hides, border " buffalo " cow Skins, all kinds	each score " "	32 0 80 0 60 0 <i>ad valorem</i>	" " " "
35	INSTRUMENTS AND APPARATUS— Musical, Drawing, Measuring, Optical, Photographic (including materials for photography), Surveying, and Surgical (including surgical appliances) . . . . .	.....	<i>ad valorem</i>	"
36	IVORY AND IVORY-WARE— Unmanufactured— Elephants' grinders Elephants' tusks (other than hollows, centres, and points) each exceeding 20lb in weight, and hollows, centres and points each weighing 10lb and over Elephants' tusks (other than hollows, centres, and points) not less than 10lb and not exceeding 20lb each, and hollows, centres and points each weighing less than 10lb Elephants' tusks each less than 10lb (other than hollows, centres and points) Sea-cow or moye teeth, each not less than 4lb Sea-cow or moye teeth, each not less than 3lb and under 4lb Sea-cow or moye teeth, each less than 3lb Articles made of ivory	cwt. " " " " " " " "	125 0 800 0 680 0 525 0 175 0 170 0 130 0 <i>ad valorem</i>	" " " " " " " "
37	JEWELLERY, including plate— Silverware, plain " embossed or } other than European } chased All other sorts, except precious stones and pearls, unset, which are free	tola " "	1 0 1 4 <i>ad valorem</i>	" " "
38	JUTE, articles made from, except gunny bags, which are free . . . . .	.....	"	"
39	LEATHER and articles made of Leather, including Boots and Shoes, Harness and Saddlery, but excluding Belting for driving Machinery, which is free . . . . .	.....	<i>ad valorem</i>	"
40	MARINE AND NAVAL STORES, not otherwise described . . . . .	.....	"	"
41	MATCHES, Lucifer, and all other sorts . . . . .	.....	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—<i>contd.</i>		<i>R a.</i>	Five per cent.
42	MATS— Floor-matting, China and Singapore, of all sorts All other sorts, except coir-matting (for which see No. 23)	hundred	75 0 <i>ad valorem</i>	"
43	OIL AND FLOOR-CLOTH . . . . .	.....	"	"
44	PAINTS, COLOURS, PAINTERS' MATERIALS, and Compositions for application to leather and metals— Ochre, other than European, all colours Paints of sorts " Composition " Patent driers Prussian blue, China " " European Red lead Turpentine Verdigris Vermilion, Canton White lead All other sorts	cwt. " " " lb cwt. Imperial gallon cwt. box of 90 bundles cwt.	1 8 9 0 56 0 10 0 0 10 1 0 12 0 1 14 70 0 94 0 14 0 <i>ad valorem</i>	" " " " " " " " " " "
45	PAPER: Wall paper . . . . .	.....	"	"
46	PERFUMERY— Rose-flowers, dried Rose-water All other sorts, except perfumed spirit (for which see schedule III)	cwt. Imperial gallon	12 0 1 14 <i>ad valorem</i>	" " "
47	PIECE GOODS not otherwise described, except cotton piece goods, which are free . . . . .	.....	<i>ad valorem</i>	"
48	PIPES and other implements used in the consumption of tobacco . . . . .	.....	"	"
49	PITCH, TAR, AND DAMMER— Bitumen Dammer Pitch, American and European " Coal Tar, American and European " Coal " Mineral	 cwt. " " " "	" 6 0 6 0 2 8 6 0 2 8 <i>ad valorem</i>	" " " " " "
50	SEEDS— Castor Cummin " black Linseed Methi Mustard, rape, or sarson Poppy Quince, bihidána Sozirá Til or jinjili All other sorts	cwt. " " " " " " " " " "	4 8 17 0 6 0 5 8 4 0 5 0 6 0 40 0 22 0 7 8 <i>ad valorem</i>	" " " " " " " " " "
51	SHELLS AND COWRIES— Chanks—large shells, for cameos " white, live " dead Cowras Cowries, bazar, common " Maldivé " Nakhla " Sankhla " yellow, superior quality Mother-of-pearl, nacre Tortoise-shell " nakh All other sorts	hundred " " " cwt. " " " " " " " " "	6 8 7 0 4 0 0 8 3 0 7 8 65 0 60 0 2 8 30 0 7 0 1 0 <i>ad valorem</i>	" " " " " " " " " " " "

SCHEDULE IV.—(IMPORT-TARIFF)—*concl'd.*GENERAL DUTIES—*concl'd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles unmanufactured and manufactured— <i>concl'd.</i>			
52	SILK, AND ARTICLES MADE OF SILK—		R a.	Five
	Floss	lb	9 0	per cent.
	Piece-goods	"	<i>ad valorem</i>	"
	Raw silk—			
	Chaháram, Cochín-China, and yellow Shanghai .	"	5 4	"
	Mathow	"	3 4	"
	Other kinds of China	"	7 0	"
	Waste and Kachra	"	1 2	"
	Panjam	"	2 0	"
	Persian	"	4 4	"
	Siam	"	2 0	"
	Produced from the tasar or other wild worm .	"	2 8	"
	Sewing thread, China	"	9 0	"
	All other sorts	"	<i>ad valorem</i>	"
53	SOAP	"	"	"
54	STATIONERY	"	"	"
55	STONE AND MARBLE	"	"	"
56	TALLOW AND GREASE	cwt.	25 0	"
57	TOILET REQUISITES not otherwise described .	"	<i>ad valorem</i>	"
58	TOYS and requisites for all games	"	"	"
59	UMBRELLAS, COTTON, under 20 inches	each	0 10	"
	" " 20 inches and upwards	"	1 0	"
	" " oiled, other than European	"	0 9	"
	" " all other sorts, including paper kett'sals	"	<i>ad valorem</i>	"
60	WAX	cwt.	32 0	"
61	WOOD AND TIMBER	"	<i>ad valorem</i>	"
62	WOOLLEN GOODS—			
	Braid	"	"	"
	Hosiery	"	"	"
	Piece goods	"	"	"
	All other sorts	"	"	"

SCHEDULE V.—(EXPORT TARIFF.)

Name of Article.	Rate of duty.
RICE, WHETHER HUSKED OR UNHUSKED, INCLUDING RICE-FLOUR.	Three annas per Indian maund of 82½ avoirdupois weight.

STATEMENT OF OBJECTS AND REASONS.

THE embarrassed condition of the finances, and the certainty that the accounts of the present year and the estimates of the year 1894-95 show a heavy deficit, have placed the Government under the necessity of reducing expenditure so far as reduction is possible and of raising a larger revenue to meet the cost of administration.

It has accordingly been decided to increase the revenue by the imposition of indirect taxation in the form of import duties, and the present Bill practically reimposes the Tariff Schedule of 1875, with some exceptions, of which the most important is the omission of duties on Cotton Yarn and Goods.

The 28th February, 1894.

J. WESTLAND.
S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Stamp Act, 1879, with respect to Policies of Sea-insurance and Sale-certificates was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st March, 1894:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Stamp Act, 1879, with respect to Policies of Sea-insurance and Sale-certificates was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

2. We consider that there should be a definition of "policy of sea-insurance" as in section 92 of the Stamp Act, 1891 (54 & 55 Vict., c. 39), and that the substance of the notifications of the Department Finance and Commerce, Nos. 1044 and 513, dated respectively, the 5th March, 1886, and 1st February, 1887, regarding re-insurances in the case of fire as well as sea-insurances, should be incorporated in the Bill.

3. We have varied the Bill accordingly.

4. The publication ordered by the Council has been made as follows:—

In English.	
Gazette.	Date.
Gazette of India	21st October, 1893.
Fort Saint George Gazette	7th November, 1893.
Bombay Government Gazette	26th October, 1893.
Calcutta Gazette	1st November, 1893.
North-Western Provinces and Oudh Government Gazette	28th October, 1893.
Punjab Government Gazette	26th October, 1893.
Central Provinces Gazette	28th October, 1893.
Burma Gazette	11th November, 1893.
Assam Gazette	11th November, 1893.
Coorg District Gazette	1st December, 1893.
Sindh Official Gazette	20th November, 1893.

In the Vernaculars.	
Province.	Language.
Madras	Tamil 28th November, 1893.
	Telugu 28th November, 1893.
	Hindustani 28th November, 1893.
	Kanarese 28th November, 1893.
	Malayalam 5th December, 1893.
Bombay	Marathi 21st December, 1893.
	Gujarathi 21st December, 1893.
	Kanarese 28th December, 1893.
Bengal	Bengali 21st November, 1893.
	Uriya 30th November, 1893.
	Hindi 5th December, 1893.
Burma	Burmese 18th November, 1893.
Assam	Bengali 2nd December, 1893.
Sindh	Sindhi 30th November, 1893.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

J. WESTLAND.
ALEX. EDW. MILLER.
RASHBEHARY GHOSE.
C. C. STEVENS.
P. PLAYFAIR.

The 28th February, 1894.

No. II.

A Bill to amend the Indian Stamp Act, 1879, with respect to Policies of Sea and Fire Insurance and Sale-Certificates.

1 of 1879.

WHEREAS it is expedient to amend the Indian Stamp Act, 1879, with respect to policies of sea and fire insurance and sale-certificates; It is hereby enacted as follows:—

Policies of Sea and Fire Insurance.

1 of 1879.

I. To clause (15) of section 3 of the Indian Stamp Act, 1879, as amended by section 1 of Act I of 1888, the following shall be added, namely:—

"It includes also a policy of sea-insurance, such a policy (a) meaning any insurance made upon any ship or vessel, or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in or relating to, any ship or vessel, and (b) including any insurance of goods, merchandise or property for any transit which includes not only a sea risk but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance:

"and where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance."

2. Between section 7 and section 8 of the said Act, the following section shall be inserted, namely:—

"7A. (1) No contract for sea-insurance (other than such insurance as is referred to in section 55 of the Merchant Shipping Act, 1862,) shall be valid unless the same is expressed in a policy of sea-insurance.

25 & 26 Vict., c. 63.

"(2) No policy of sea-insurance made for time shall be made for any time exceeding twelve months.

"(3) No policy of sea-insurance shall be valid unless it specifies the particular risk or adventure, or the time for which it is made, the names of the subscribers or underwriters, and the amount or amounts insured.

"(4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time."

3. For division (a) of article 49 of Schedule I of the said Act, as amended by section 2 of Act I of 1888, relating to

sea-insurance, the following shall be substituted, namely:—

DESCRIPTION OF INSTRUMENT.	PROPER STAMP DUTY.	
	Rs.	A. P.
(a) In the case of sea-insurance—		
(i) for or upon any voyage—		
(i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy	0	1 0
(ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy	0	2 0
(2) for time—		
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy—		
where the insurance shall be made for any time not exceeding six months	0	3 0
where the insurance shall be made for any time exceeding six months and not exceeding twelve months	0	6 0

4. (1) In division (c) of article 49 of Schedule I of the said Act, as amended by section 2 of Act I of 1888, the following shall be added after the words "In the case of any other insurance," namely, "except such a re-assurance as is described in division (d) of this article."

(2) After division (c) of article 49 of Schedule I of the said Act, amended as aforesaid, the following division shall be added, namely:—

DESCRIPTION OF INSTRUMENT.	PROPER STAMP DUTY.
	Rs. A. P.
(d) In the case of a re-insurance, by an Insurance Company which has granted a policy of sea-insurance or a policy of insurance against loss by fire, with another Company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby	1 0 0

Sale-Certificates.

5. Section 24 of the said Act shall be held not to apply and never to have applied to any such certificate of sale as is mentioned in article 16 of Schedule I of that Act:

Provided that nothing in this section shall be deemed to affect any decree or order made by any Court or Revenue-officer before the commencement of this Act.

6. In the third column of Schedule I of the said Act, after the words "the purchase-money" against article 16, the word "only" shall be added.

S. HARVEY JAMES,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Prisoners Act, 1871, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st March, 1894:—

WE, the undersigned, Members of the Select Committee, to which the Bill to amend

the Prisoners Act, 1871, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

From Agent to Governor General in Baluchistan, No. 6298, dated 17th November, 1893 [Paper No. 1].
From High Court, Calcutta, No. 61, dated 8th January, 1894 [Paper No. 2].
From Chief Commissioner, Burma, No. 715-L.—17, dated 29th December, 1893, and enclosures [Papers No. 3].
From Chief Commissioner, Assam, No. 186 L. L. 47, dated 4th January, 1894 [Paper No. 4].
From Government, Bombay, No. 89, dated 8th January, 1894, and enclosures [Papers No. 5].
From Government, Bengal, No. 170 P., dated 13th January, 1894 [Paper No. 6].
From Chief Commissioner, Central Provinces, No. 234, dated 11th January, 1894 [Paper No. 7].
From Resident, Hyderabad, No. 15, dated 11th January, 1894 [Paper No. 8].
From Chief Commissioner, Coorg, No. 25-186—93, dated 9th January, 1894 [Paper No. 9].
From Government, Madras, No. 35, dated 10th January, 1894, and enclosures [Papers No. 10].
From Chief Commissioner, Ajmere-Merwara, No. 370 C., dated 5th February, 1894 [Paper No. 11].
From Government, North-Western Provinces and Oudh, No. 349, dated 7th February, 1894, and enclosures [Papers No. 12].
From Government, Punjab, No. 74, dated 5th February, 1894, and enclosures [Papers No. 13].

Civil Court established under Act VII of 1892.

3. Sections 4 and 5 of Bill as revised.—For the words "in alliance with", where they occur in the proposed addition to section 16 and in section 19 of the Act, we have, after consultation with the Foreign Department of the Government of India, substituted the words "under the suzerainty of". Some of the petty Feudatory States in Orissa, the Central Provinces and elsewhere, to which the sections will apply, have such limited authority that it will be more convenient to refer to them in the language used in clause (5) of section 18, 52 & 53 Vict., c. 63, and the corresponding clause of section 9, 53 Vict., c. 4.

4. Sections 6 and 7 of Bill as revised.—We have substituted new sections for sections 30 and 32 of the Act, with the object of making those sections apply as well to prisoners sentenced to transportation as to prisoners sentenced to imprisonment.

5. It has been suggested to us that the Prisoners Act, as it may be amended by this Bill, might be amalgamated with the Prisons Bill which is now under consideration. But we prefer to adhere to the arrangement come to nearly a quarter of a century ago, under which the internal management and economy of prisons were left to be regulated by Prisons Acts, and the rest of the law regarding prisoners by the Prisoners Act (Proceedings of Legislative Council, 1870, pages 404 and 418). This arrangement is well known, and no good reason has been urged for departing from it.

6. The publication ordered by the Council has been made as follows:—

In English.		Date.
Gazette.		
Gazette of India		21st October, 1893.
Fort Saint George Gazette		7th November, 1893.
Bombay Government Gazette		26th October, 1893.
Calcutta Gazette		1st November, 1893.
North-Western Provinces and Oudh Government Gazette		28th October, 1893.
Punjab Government Gazette		26th October, 1893.
Central Provinces Gazette		28th October, 1893.
Burma Gazette		11th November, 1893.
Assam Gazette		11th November, 1893.
Coorg District Gazette		1st December, 1893.
Sindh Official Gazette		30th November, 1893.

In the Vernaculars.		Date.
Province.	Language.	
Bombay.	Marathi	4th January, 1894.
	Gujarathi	4th January, 1894.
	Kanarese	4th January, 1894.
Bengal	Bengali	1st November, 1893.
	Uriya	23rd November, 1893.
	Hindi	28th November, 1893.
Burma	Burmese	25th November, 1893.
Assam	Bengali	2nd December, 1893.
Sindh	Sindhi	30th November, 1893.

7. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ALEX. EDW. MILLER.

A. P. MACDONNELL.

RASHBEHARY GHOSE.

A. S. LETHBRIDGE.

The 28th February, 1894.

No. II.

A Bill to amend the Prisoners Act, 1871.

WHEREAS it is expedient to amend the Prisoners Act, 1871; It is hereby enacted as follows:—

1. To section 1 of the said Act the following Addition to section 1, ing shall be added, namely:—

"Any reference in Part III or Part V of this Act to a prison or jail, or to imprisonment or confinement, may be read as referring to a reformatory or reformatory school or to confinement therein."

Repeal of section 9, 2. Section 9 of the said Act V, 1871. Act is hereby repealed.

3. In section 14 of the said Act, for the Amendment of section words "or in pursuance of 14, Act V, 1871. a warrant of any Court established in Calcutta, Madras or Bombay under the Presidency Small Cause Courts Act, 1882," the following shall be substituted, namely:—

"or in pursuance of a warrant of any Civil Court established in Calcutta, Madras or Bombay under any law for the time being in force."

4. (1) In section 16 of the said Act, for the Amendment of, and words "acting under the addition, to section 16, authority" the words "acting, whether within or without British India, under the general or special authority" shall be substituted.

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

"or, with the previous sanction of the Governor General in Council in each case, to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal of any Native Prince or State under the suzerainty of Her Majesty:

"Where a Court or tribunal of such a Native Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been judicially considered on the merits and confirmed by any such officer specially authorised by name or by office in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council."

5. (1) For the first fifty-one words of section 19 of the said Act the following shall be substituted, namely:—

"The Governor General in Council or the Local Government may authorise the reception, detention or imprisonment in any place in British India, or in any place under such Government, as the case may be, for the period specified in their respective sentences, of persons sentenced within the territories of any

Native Prince or State under the suzerainty of Her Majesty to imprisonment or transportation for any of the following offences:—

(2) In the same section, after the words "theft of cattle" the following shall be inserted, namely:—

"or for any other act (referred to in this section as an offence) which would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the schedule to the Foreign Jurisdiction and Extradition Act, 1879."

(3) For the proviso to the same section the following shall be substituted, namely:—

"Provided that such sentences have been pronounced after trial before a tribunal of which the presiding Judge, or, if the Court consisted of more than one Judge, at least one of such Judges, was an officer of the British Government authorised to act as such Judge by the Native Prince or State or by the Governor General in Council."

6. For section 30 of the said Act the following Substitution of new ing shall be substituted, section for section 30, namely:—

"30. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (sub. X of 1882. subject to its orders and under its control) the Inspector General of Prisons, may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement within the territories subject to the same Local Government."

Substitution of new 7. For section 32 of the section for section 32, said Act the following shall be substituted, namely:—

"32. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement in British India."

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 10, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws, and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the law relating to Prisons is published for information:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to Prisons was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. The amendments which we have made in the Bill, though numerous, do not in any material respect affect its scheme, but only give effect to the valuable suggestions on minor matters which have been received from Local Governments generally and from the Governments of Madras and Bombay particularly. These amendments are indicated in italics in the Bill annexed to this Report. We have also considered suggestions made by independent bodies interested in the Bill.

3. Section 3.—In several sections of the Bill we have found it desirable to assign certain functions to Medical Subordinates as well as to Medical Officers. We have therefore added a definition of "Medical Subordinate," whom we propose to describe as an Assistant Surgeon, Apothecary or qualified Hospital Assistant. Such Medical Subordinate need not be exclusively a prison-officer, but may be a qualified Assistant attached to a dispensary in or near the place where the prison is situated. We

From Chief Commissioner, Central Provinces, No. 671, dated 30th January, 1894 [Paper No. 1].
From Chief Commissioner, Coorg, No. 235, dated 30th January, 1894 [Paper No. 2].
From Mr. P. R. Desai, Pleader, District Court, Ratnagiri, dated 31st January, 1894 [Paper No. 3].
From Chief Commissioner, Assam, No. 14 L. J., dated 8th February, 1894 [Paper No. 4].
From Resident, Hyderabad, No. 47, dated 10th February, 1894, and enclosures [Papers No. 5].
From Chief Commissioner, Burma, No. 238 L.—4, dated 10th February, 1894, and enclosures [Papers No. 6].
From Agent to Governor General in Baluchistan, No. 877, dated 10th February, 1894 [Paper No. 7].
From High Court, Calcutta, No. 514, dated 15th February, 1894 [Paper No. 8].
From Government, Bombay, No. 1091, dated 15th February, 1894, and enclosure [Papers No. 9].
Endorsement by Officiating Deputy Secretary to Government of India, Home Department, No. 125, dated 21st February, 1894, and enclosure (letter from Government of Madras, No. 345, dated 14th February, 1894) [Papers No. 10].
From Government, Punjab, No. 241, dated February, 1894, and enclosures [Papers No. 11].
Endorsement by Officiating Deputy Secretary to Government of India, Home Department, No. 126, dated 21st February, 1894, and enclosure (letter from Indian Relief Society, dated 16th February, 1894) [Papers No. 12].
From High Court, Calcutta, No. 410, dated 26th February, 1894, and enclosures [Papers No. 13].
From Government, Bengal, No. 781 P., dated 26th February, 1894, and enclosure [Papers No. 14].
From Government, North-Western Provinces and Oudh, No. 525, dated 23rd February, 1894, and enclosures [Papers No. 15].
From Secretary, Kashi Sujan Samaj, Benares, No. 11 S.S., dated 5th March, 1894 [Papers No. 16].

have made it clear that the Medical Officer is, even in respect of sanitary administration, to be subject to the control of the Superintendent.

4. *Section 15.*—We have required detailed particulars respecting deaths of prisoners to be recorded in a register by the Medical Officer.

5. *Section 23.*—In order to remove a difficulty which has arisen in the construction of existing law, we have expressly provided that prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

6. *Section 28.*—We have made provision for the confinement of prisoners in cells as an ordinary mode of detention in prison. The circumstances of Indian jails may not, at the present time, allow of this being done, but we have thought it right to recognize separation of prisoners, especially at night time, as a desirable object to be worked up to.

7. *Section 40.*—We have added to this section a provision suggested by No. 54 of the Regulations for Government of Prisons in Schedule I to the Prison Act, 1865 (28 & 29 Vict., c. 126), with respect to interviews between prisoners and their legal advisers.

8. *Section 42.*—We have now provided for the punishment of persons improperly removing prohibited articles (such as unauthorised letters) from a prison as well as of persons improperly introducing such articles into a prison.

9. *Section 50.*—We have provided that change of labour as a punishment shall not be enforced without medical advice.

10. *Section 55.*—We have introduced this section to cover the case of prisoners who are being transferred from one prison to another or are engaged on extra-mural duty. Such prisoners are to be deemed to be in prison and are to be subject to all the same incidents as if they were actually in prison. This provision follows the law as already expressed in Bombay and other enactments, and is obviously necessary.

11. *Section 57, sub-section (1).*—We have not preserved in the Bill the obligation imposed by the present law to keep in fetters for the first three months prisoners sentenced to transportation, but have left to be determined by rules the circumstances in which such prisoners may be confined in fetters.

12. *Section 59.*—We have added to section 59 a clause enabling the Governor General in Council to define the circumstances, and regulate the conditions, under which prisoners in danger of death may be released.

13. *Sections 59 and 60.*—We have provided in these sections for the recognition of the practice which now obtains of making rules for the transfer of prisoners whose terms of sentence are about to expire, from distant prisons in which they are confined to prisons near to their homes, so that their release, when their terms expire, may be made from the latter prisons.

We have also, following English law in this respect, made provision for rules being made for regulating periods of rest from labour.

14. The other alterations in the Bill appear to require no notice. Such as they are they will be found in italics in the revised Bill annexed to this Report.

15. The publication ordered by the Council has been made as follows:—

In English.		Date.
Gazette.		
Gazette of India		13th January, 1894.
Fort Saint George Gazette		23rd January, 1894.
Bombay Government Gazette		18th January, 1894.
Calcutta Gazette		17th January, 1894.
North-Western Provinces and Oudh Government Gazette		20th January, 1894.
Punjab Government Gazette		25th January, 1894.
Central Provinces Gazette		27th January, 1894.
Burma Gazette		27th January, 1894.
Assam Gazette		27th January, 1894.
Coorg District Gazette		1st February, 1894.

In the Vernaculars.			Date.
Province.	Language.		
Bombay	Marathi		1st March, 1894.
	Gujarathi		1st March, 1894.
	Kanarese		1st March, 1894.
Bengal	Bengali		30th January, 1894.
	Hindi		6th February, 1894.
	Urdu		8th February, 1894.
North-Western Provinces and Oudh.	Urdu		3rd February, 1894.
	Burmese		17th February, 1894.
	Sindhi		8th February, 1894.

16. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. P. MACDONNELL.
ALEX. EWD. MILLER.
RASHBEHARY GHOSE.
FAZULBHOY VISRAM.
A. S. LETHBRIDGE.
G. M. CHITNAVIS.
H. F. CLOGSTOUN.
W. LEE-WARNER.

The 9th March, 1894.

No. II. THE PRISONS BILL.

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THE SCHEDULE.

ENACTMENTS REPEALED.

No. II.

A Bill to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Prisons Title, extent and commencement. Act, 1894.

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

(3) It shall come into force on the first day of July, 1894.

(4) Nothing in this Act shall apply to civil jails in the Presidency of Bombay outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of Bombay Act II of 1874, as those sections heretofore have been, or hereafter may be, amended by any Act passed, and for the time being in force, under the Indian Councils Acts, 1861 and 1892.

24 & 24 Vict.,
c. 67, and 55
& 56 Vict., c.
14.

2. (1) On and after that day the enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof.

(2) But all rules and appointments made, directions given and orders issued under any of those enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions. 3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of a Local Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(b) any place specially appointed by the Local Government under section 541 of the Code of Criminal Procedure, 1882; or

(c) any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail:

(2) "criminal prisoner" means any prisoner

duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial:

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882, or under the Prisoners Act, 1871: X of 1882.

(4) "civil prisoner" means any prisoner who is not a criminal prisoner: V of 1871.

(5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder:

(7) "Inspector General" means the Inspector General of Prisons:

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant: and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide, for Accommodation for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. An Inspector General shall be appointed for the territories subject to each Local Government, and shall exercise, subject to the orders of the Local Government, the general control and superintendence of all prisons situated in the territories under such Government.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailor and such other officers as the Local Government thinks necessary:

Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, declare by order in writing that in any prison specified in the order the office of Jailor shall be held by the person appointed to be Superintendent.

7. Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can conveniently or safely be

*The Prisons Bill.**(Chapter III.—Duties of Officers.—Sections 8-16.)*

kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

8. All officers of a prison shall obey the Control, and duties of directions of the Superintendent; all officers subordinate to the Jailor shall perform such duties as may be imposed on them by the Jailor with the sanction of the Superintendent or be prescribed by rules under section 60.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Local Government, the Superintendent of a prison other than a central prison or a prison situated in a Presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector General all such orders and the action taken thereon.

12. The Superintendent shall keep, or cause to be kept, the following records:—

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted on prisoners for prison-offences;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under section 59 or section 60.

Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Local Government under section 60.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector General for information.

15. On the death of any prisoner, the Medical Officer shall forthwith report on death of prisoner in a register the following particulars, so far as they can be ascertained, namely:—

(1) the day on which the deceased first complained of illness or was observed to be ill,

(2) the labour, if any, on which he was engaged on that day,

(3) the scale of his diet on that day,

(4) the day on which he was admitted to hospital,

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,

(8) when the prisoner died, and

(9) (in cases where a post-mortem examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

Jailor.

16. (1) The Jailor shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

The Prisons Bill.

(Chapter III.—Duties of Officers.—Sections 17-23. Chapter IV.—Admission, Removal and Discharge of Prisoners.—Sections 24-26.) Chapter V.—Discipline of Prisoners.—Section 27.)

(2) The *Failer* shall not, without the Inspector General's sanction in writing, be concerned in any other employment.

17. Upon the death of a prisoner, the *Failer* shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

18. The *Failer* shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

19. The *Failer* shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Where a Deputy *Failer* or Assistant *Failer* is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a *Failer* under this Act or any rule thereunder.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the *Failer*.

22. Officers subordinate to the *Failer* shall not be absent from the prison without leave from the Superintendent or from the *Failer*.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

24. (1) Whenever a prisoner is admitted into a prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the *Failer*, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the *Failer*.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing female as well as male prisoners the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

The Prisons Bill.

(Chapter V.—Discipline of Prisoners.—Sections 28-30. Chapter VI.—Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.—Sections 31-33.) (Chapter VII.—Employment of Prisoners.—Sections 34-36.)

28. Subject to the requirements of the last Association and foregoing section, convicted segregation of prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the *Failer*, and all articles shall be taken from him which the *Failer* deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector General.

32. No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

The Prisons Bill.

(Chapter VIII.—Health of Prisoners.—Sections 37-39. Chapter IX.—Visits to Prisoners.—Sections 40-41.—Chapter X.—Offences in relation to Prisons.—Sections 42-44.)

CHAPTER VIII.

HEALTH OF PRISONERS.

37. (1) The names of prisoners desiring to see the Medical Subordinate Sick prisoners. or appearing out of health in mind or body shall, *without delay*, be reported by the officer in immediate charge of such prisoners to the Jailor.

(2) The Jailor shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. All directions given by the Medical Officer Record of directions or Medical Subordinate of Medical Officers. in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Local Government may by rule direct, and the Jailor shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailor thinks fit to make, and the date of the entry.

39. In every prison a hospital or proper place for the reception of sick prisoners shall be provided. Hospital.

CHAPTER IX.

VISITS TO PRISONERS.

40. Due provision shall be made for the admission, at proper times, of visits to civil and unconvicted criminal prisoners. and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

41. (1) The Jailor may demand the name and address of any visitor to a prisoner, and, when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailor may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Local Government may direct.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

42. Whoever, contrary to any rule under section 60, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

The Prisons Bill.

(Chapter XI.—Prison-offences.—Sections 45-46.)

CHAPTER XI.

PRISON-OFFENCES.

45. The following acts are declared to be prison-offences when committed by a prisoner:—

- (1) such wilful disobedience to any regulation of the prison which shall have been declared by rules made under section 59 to be a prison-offence;
- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison-property;
- (11) tampering with or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any prohibited article;
- (13) feigning illness;
- (14) wilfully bringing a false accusation against any officer or prisoner;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46. The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

- (1) a formal warning;

EXPLANATION.—A formal warning shall mean a warning personally addressed

to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

- (2) change of labour to some more irksome or severe form;
- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;
- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor General in Council;
- (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months;
- (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council;
- (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council;
- (8) separate confinement for any period not exceeding six months;

EXPLANATION.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

- (9) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

- (10) cellular confinement for any period not exceeding fourteen days:

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement:

EXPLANATION.—Cellular confinement means such confinement with or

*The Prisons Bill.**(Chapter XI.—Prison-offences.—Sections 47-52.)*

without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners:

(11) solitary confinement for any period not exceeding seven days:

Provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or *cellular* confinement:

EXPLANATION.—Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

(12) penal diet as defined in clause (5) combined with solitary confinement as defined in clause (11);

(13) whipping, provided that the number of stripes shall not exceed thirty:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

47. (1) The Superintendent shall have power to award any of the punishments enumerated in the last foregoing section, subject, in the case of *separate* confinement for a period exceeding one month, to the previous confirmation of the Inspector General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

48. Any two of the punishments enumerated in section 46 may be awarded for any such offence in combination, subject to the following exceptions, namely:—

(1) formal warning shall not be combined with any other punishment except *loss of privileges under section 46, clause (4)*;

(2) penal diet shall not be combined with change of labour, *under section 46, clause (2)*, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement;

(3) solitary confinement shall not be combined with *cellular* confinement or with *separate* confinement, nor *cellular* confinement with *separate* confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(4) whipping shall not be combined with any other form of punishment except *cellular* or *separate* confinement and loss of privileges under the remission system.

49. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

50. (1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the *prison*-offence of which he was guilty, the date on which such *prison*-offence was committed, the number of previous *prison*-offences recorded against the prisoner, and the date of his last *prison*-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious *prison*-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the *Jailer* and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. If any prisoner is guilty of any offence against *prison-discipline* which, by reason of his having frequently committed such offences or

*The Prisons Bill.**(Chapter XI.—Prison-offences.—Sections 53-54.)**(Chapter XII.—Miscellaneous.—Sections 55-59.)*

otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46:

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class: and

Provided also that no person shall be punished twice for the same offence.

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate.

(2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan.

54. (1) Every *Jailer* or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach

or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall *overstay any leave granted to him*, or who shall engage without authority in any employment other than his *prison* duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall under this section be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working

outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Local Government, so confine them.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 60, be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector General may sanction such retention accordingly.

58. No prisoner shall be put in irons or under mechanical restraint by the *Jailer* of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

59. The Governor General in Council may for any part of British India, and each Local Government with the previous sanction of the Governor General in Council may for the territories under its administration, make rules consistent with this Act—

(1) defining the acts which shall constitute prison-offences;

(2) determining the classification of prison-offences into serious and minor offences;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;

*The Prisons Bill.**(Chapter XII.—Miscellaneous.—Sections 60-62.)*

XLV of 1860.

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;

(5) for the award of marks and the shortening of sentences;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances, and regulating the conditions, under which prisoners in danger of death may be released;

(8) regulating the transfer from one part of British India to another of prisoners whose term of transportation or imprisonment is about to expire; and,

(9) generally, for carrying into effect the purposes of this Act.

60. The Local Government may, subject to the control of the Governor General in Council, make rules consistent with this Act—

Power of Local Government to make rules.

(a) for the classification of prisons, and description and construction of wards, cells and other places of detention;

(b) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(c) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act;

(d) as to the food, bedding and clothing of criminal prisoners, and of civil prisoners maintained otherwise than at their own cost;

(e) for the employment, instruction and control of convicts within or without prisons;

(f) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;

(g) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(h) for regulating the disposal of the proceeds of the employment of prisoners;

(i) for regulating the confinement in fetters of prisoners sentenced to transportation;

(j) for the classification and the separation of prisoners;

(k) for regulating the confinement of convicted criminal prisoners under section 28;

(l) for the preparation and maintenance of history-tickets;

(m) for the selection and appointment of prisoners as officers of prisons;

(n) for rewards for good conduct;

(o) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire;

(p) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;

(q) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;

(r) for the appointment and guidance of visitors of prisons;

(s) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882, and to the officers employed, and the prisoners confined, therein; and

(t) generally, in regard to the admission, custody, employment, dieting, treatment and release of prisoners, and for other purposes consistent with this Act.

61. Copies of rules, under sections 59 and 60, so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the Local Government may appoint in this behalf either by name or by his official designation.

*The Prisons Bill.**(The Schedule.—Enactments repealed.)*

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

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

Acts of the Governor General in Council.

1856 .	VIII .	An Act for the better control of the jails within the Presidency of Bombay.	So much as has not been repealed.
1870 .	XXVI .	Prisons Act, 1870	So much as has not been repealed.
1874 .	XV .	Laws Local Extent Act, 1874	So much of Part (b) of the third schedule as relates to Act VIII of 1856.
1878 .	XIV .	An Act to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh.	Section 2.
1886 .	XX .	Upper Burma Laws Act, 1886	So much as relates to Act XXVI of 1870.
1891 .	XII .	Repealing and Amending Act, 1891	So much of the second schedule as relates to Acts VIII of 1856 and XXVI of 1870.

Acts of the Governor of Fort St. George in Council.

1869 .	V .	Madras Jails Act, 1869	So much as has not been repealed.
1882 .	VII .	Madras Jails Act Amendment Act, 1882	The whole.
1889 .	II .	An Act to amend the Madras Jails Act, 1869.	The whole.

Acts of the Governor of Bombay in Council.

1874 .	II .	An Act for the regulation of Jails in the City and Presidency of Bombay, and the enforcement of discipline therein.	So much as has not been repealed, except sections 9 to 16 (both inclusive) as amended by Bombay Act II of 1882.
1882 .	II .	An Act to amend Bombay Act II of 1874	Section 3.
1883 .	IV .	An Act to amend the Law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code.	The whole.
1887 .	I .	An Act to further amend Bombay Act II of 1874.	The whole.

Acts of the Lieutenant-Governor of Bengal in Council.

1864 .	II .	An Act for the regulation of Jails and the enforcement of discipline therein.	So much as has not been repealed.
1865 .	V .	An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council, and to extend the provisions thereof to the Presidency Jail.	So much as has not been repealed.

The Prisons Bill.
(*The Schedule.—Enactments repealed.*)

THE SCHEDULE—*contd.*

Year.	No.	Title or short title.	Extent of repeal.
1	2	3	4
<i>Regulations made under the Statute 33 Victoria, Chapter 3.</i>			
1872	III	Santhal Parganas Settlement Regulation	So much of the schedule (as amended by Regulation III of 1886), as relates to Bengal Acts II of 1864 and V of 1865.
1874	IX	Arakan Hill District Laws Regulation, 1874	So much as relates to Act XXVI of 1870.
1875	II	Assam Prisons Regulation, 1875	The whole.
1890	I	British Baluchistan Laws Regulation, 1890	So much as relates to Act XXVI of 1870.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 17, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the law relating to Prisons was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th March, 1894:—

We, the undersigned, Members of the Select Committee to which the Bill to amend

the law relating to Prisons was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this, our Report, with the Bill as amended by us annexed thereto.

2. The amendments which we have made in the Bill, though numerous, do not in any material respect affect its scheme, but only give effect to the valuable suggestions on minor matters which have been received from Local Governments

We, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to Prisons was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this, our Report, with the Bill as amended by us annexed thereto.

From Chief Commissioner, Central Provinces, No. 671, dated 30th January, 1894 [Paper No. 1].

From Chief Commissioner, Coorg, No. $\frac{238}{180-93}$, dated 30th January, 1894 [Paper No. 2].

From Mr. P. R. Desai, Pleader, District Court, Ratnagiri, dated 31st January, 1894 [Paper No. 3].

From Chief Commissioner, Assam, No. $\frac{14 L. L.}{791 J.}$, dated 8th February, 1894 [Paper No. 4].

From Resident, Hyderabad, No. 47, dated 10th February, 1894, and enclosures [Papers No. 5].

From Chief Commissioner, Burma, No. 238 L.—4, dated 10th February, 1894, and enclosures [Papers No. 6].

From Agent to Governor General in Baluchistan, No. 877, dated 10th February, 1894 [Paper No. 7].

From High Court, Calcutta, No. 514, dated 15th February, 1894 [Paper No. 8].

From Government, Bombay, No. 1091, dated 15th February, 1894, and enclosure [Papers No. 9].

Endorsement by Officiating Deputy Secretary to Government of India, Home Department, No. 125, dated 21st February, 1894, and enclosures (letter from Government of Madras, No. 346, dated 14th February, 1894) [Papers No. 10].

From Government, Punjab, No. 241, dated February, 1894, and enclosures [Papers No. 11].

Endorsement by Officiating Deputy Secretary to Government of India, Home Department, No. 126, dated 21st February, 1894, and enclosure (letter from Indian Relief Society, dated 16th February, 1894) [Papers No. 12].

From High Court, Calcutta, No. 410, dated 26th February, 1894, and enclosures [Papers No. 13].

From Government, Bengal, No. 781 P., dated 26th February, 1894, and enclosure [Papers No. 14].

From Government, North-Western Provinces and Oudh, No. 525, dated 23rd February, 1894, and enclosures [Papers No. 15].

From Secretary, Kashi Sujan Samaj, Benares, No. 11 S.S., dated 5th March, 1894 [Papers No. 16].

generally and from the Governments of Madras and Bombay particularly. These amendments are indicated in italics in the Bill annexed to this Report. We have also considered suggestions made by independent bodies interested in the Bill.

3. *Section 3.*—In several sections of the Bill we have found it desirable to assign certain functions to Medical Subordinates as well as to Medical Officers. We have therefore added a definition of "Medical Subordinate," whom we propose to describe as an Assistant Surgeon, Apothecary or qualified Hospital Assistant. Such Medical Subordinate need not be exclusively a prison-officer, but may be a qualified Assistant attached to a dispensary in or near the place where the prison is situated. We have made it clear that the Medical Officer is, even in respect of sanitary administration, to be subject to the control of the Superintendent.

4. *Section 15.*—We have required detailed particulars respecting deaths of prisoners to be recorded in a register by the Medical Officer.

5. *Section 23.*—In order to remove a difficulty which has arisen in the construction of existing law, we have expressly provided that prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

6. *Section 28.*—We have made provision for the confinement of prisoners in cells as an ordinary mode of detention in prison. The circumstances of Indian jails may not, at the present time, allow of this being done, but we have thought it right to recognize separation of prisoners, especially at night time, as a desirable object to be worked up to.

7. *Section 40.*—We have added to this section a provision suggested by No. 54 of the Regulations for Government of Prisons in Schedule I to the Prison Act, 1865 (28 & 29 Vict., c. 126), with respect to interviews between prisoners and their legal advisers.

8. *Section 42.*—We have now provided for the punishment of persons improperly removing prohibited articles (such as unauthorised letters) from a prison as well as of persons improperly introducing such articles into a prison.

9. *Section 50.*—We have provided that change of labour as a punishment shall not be enforced without medical advice.

10. *Section 55.*—We have introduced this section to cover the case of prisoners who are being transferred from one prison to another or are engaged on extra-mural duty. Such prisoners are to be deemed to be in prison and are to be subject to all the same incidents as if they were actually in prison. This provision follows the law as already expressed in Bombay and other enactments, and is obviously necessary.

11. *Section 57, sub-section (1).*—We have not preserved in the Bill the obligation imposed by the present law to keep in fetters for the first three months prisoners sentenced to transportation, but have left to be determined by rules the circumstances in which such prisoners may be confined in fetters.

12. *Section 59.*—We have added to section 59 a clause enabling the Governor General in Council to define the circumstances, and regulate the conditions, under which prisoners in danger of death may be released.

13. *Sections 59 and 60.*—We have provided in these sections for the recognition of the practice which now obtains of making rules for the transfer of prisoners whose terms of sentence are about to expire, from distant prisons in which they are confined to prisons near to their homes, so that their release, when their terms expire, may be made from the latter prisons.

We have also, following English law in this respect, made provision for rules being made for regulating periods of rest from labour.

14. The other alterations in the Bill appear to require no notice. Such as they are they will be found in italics in the revised Bill annexed to this Report.

15. The publication ordered by the Council has been made as follows :—

<i>In English.</i>		
<i>Gazette.</i>		<i>Date.</i>
Gazette of India		13th January, 1894.
Fort Saint George Gazette		23rd January, 1894.
Bombay Government Gazette		18th January, 1894.
Calcutta Gazette		17th January, 1894.
North-Western Provinces and Oudh Government Gazette		20th January, 1894.
Punjab Government Gazette		25th January, 1894.
Central Provinces Gazette		27th January, 1894.
Burma Gazette		27th January, 1894.
Assam Gazette		27th January, 1894.
Coorg District Gazette		1st February, 1894.

<i>In the Vernaculars.</i>			
<i>Province.</i>	<i>Language.</i>		<i>Date.</i>
Bombay	Marathi		1st March, 1894.
	Gujarathi		1st March, 1894.
	Kanarese		1st March, 1894.
Bengal	Bengali		30th January, 1894.
	Hindi		6th February, 1894.
	Uriya		8th February, 1894.
North-Western Provinces and Oudh	Urdu		3rd February, 1894.
Burma	Burmese		17th February, 1894.
Sindh	Sindhi		8th February, 1894.

16. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. P. MACDONNELL.
ALEX. EDW. MILLER.
RASHBEHARY GHOSE.
FAZULBHOY VISRAM.
A. S. LETHBRIDGE.
G. M. CHITNAVIS.
H. F. CLOGSTOUN.
W. LEE-WARNER.

The 9th March, 1894.

No. II.

THE PRISONS BILL.

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The Prisons Bill.

(Chapter I.—Preliminary.—Sections 1-3. Chapter II.—Maintenance and Officers of Prisons.—Sections 4-7.)

No. II.

A Bill to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Prisons Title, extent and Act, 1894. commencement.

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

(3) It shall come into force on the first day of July, 1894.

(4) Nothing in this Act shall apply to civil jails in the Presidency of Bombay outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of Bombay Act II of 1874, as those sections heretofore have been, or hereafter may be, amended by any Act passed, and for the time being in force, under the Indian Councils Acts, 1861 and 1892.

2. (1) On and after that day, the enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof.

(2) But all rules and appointments made, directions given and orders issued under any of those enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of a Local Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(b) any place specially appointed by the Local Government under section 541 of the Code of Criminal Procedure, 1882; or

(c) any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail:

(d) "criminal prisoner" means any prisoner

duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial:

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882, or under the Prisoners Act, 1871:

X of 1882.
V of 1871.

(4) "civil prisoner" means any prisoner who is not a criminal prisoner:

(5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder:

(7) "Inspector General" means the Inspector General of Prisons:

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant: and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide, for Accommodation for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. An Inspector General shall be appointed for the territories subject to each Local Government, and shall exercise, subject to the orders of the Local Government, the general control and superintendence of all prisons situated in the territories under such Government.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the Local Government thinks necessary:

Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, declare by order in writing that in any prison specified in the order the office of Jailer shall be held by the person appointed to be Superintendent.

7. Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can conveniently or safely be

*The Prisons Bill.**(Chapter III.—Duties of Officers.—Sections 8-16.)*

kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

8. All officers of a prison shall obey the Control, and duties of directions of the Superintendent; all officers subordinate to the Failer shall perform such duties as may be imposed on them by the Failer with the sanction of the Superintendent or be prescribed by rules under section 60.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Local Government, the Superintendent of a prison other than a central prison or a prison situated in a Presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector General all such orders and the action taken thereon.

12. The Superintendent shall keep, or cause to be kept, the following records:—

- (1) a register of prisoners admitted;
- (2) a book showing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted on prisoners for prison-offences;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under section 59 or section 60.

Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Local Government under section 60.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector General for information.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:—

- (1) the day on which the deceased first complained of illness or was observed to be ill,
- (2) the labour, if any, on which he was engaged on that day,
- (3) the scale of his diet on that day,
- (4) the day on which he was admitted to hospital,
- (5) the day on which the Medical Officer was first informed of the illness,
- (6) the nature of the disease,
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,
- (8) when the prisoner died, and
- (9) (in cases where a post-mortem examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

Failer.

16. (1) The Failer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

Failer.

*The Prisons Bill.**(Chapter III.—Duties of Officers.—Sections 17-23. Chapter IV.—Admission, Removal and Discharge of Prisoners.—Sections 24-26. Chapter V.—Discipline of Prisoners.—Section 27.)*

(2) The Failer shall not, without the Inspector General's sanction in writing, be concerned in any other employment.

17. Upon the death of a prisoner, the Failer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

18. The Failer shall be responsible for the safe custody of the records of the prison, and shall be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

19. The Failer shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Where a Deputy Failer or Assistant Failer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Failer under this Act or any rule thereunder.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Failer.

22. Officers subordinate to the Failer shall not be absent from the prison without leave from the Superintendent or from the Failer.

23. Prisoners who have been appointed as convict officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

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CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

24. (1) Whenever a prisoner is admitted into a prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Failer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect of prisoners, whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Failer.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing female as well as male prisoners the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

The Prisons Bill.

(Chapter V.—Discipline of Prisoners.—Sections 28-39. Chapter VI.—Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.—Sections 31-33. Chapter VII.—Employment of Prisoners.—Sections 34-36.)

28. Subject to the requirements of the last Association and foregoing section, convicted segregation of prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the *Failer*, and all articles shall be taken from him which the *Failer* deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector General.

32. No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

The Prisons Bill.

(Chapter VIII.—Health of Prisoners.—Sections 37-39. Chapter IX.—Visits to Prisoners.—Sections 40-41. Chapter X.—Offences in relation to Prisons.—Sections 42-44.)

CHAPTER VIII.

HEALTH OF PRISONERS.

37. (1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the *Failer*.

(2) The *Failer* shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Local Government may by rule direct, and the *Failer* shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the *Failer* thinks fit to make, and the date of the entry.

39. In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

VISITS TO PRISONERS.

40. Due provision shall be made for the admission, at proper times, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

41. (1) The *Failer* may demand the name and address of any visitor to a prisoner, and, when the *Failer* has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the *Failer* may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Local Government may direct.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

42. Whoever, contrary to any rule under section 60, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

*The Prisons Bill**(Chapter XI.—Prison-offences.—Sections 45-46.)*

CHAPTER XI.

PRISON-OFFENCES.

45. The following acts are declared to be prison-offences when committed by a prisoner:—

- (1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;
- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison-property;
- (11) tampering with or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any prohibited article;
- (13) feigning illness;
- (14) wilfully bringing a false accusation against any officer or prisoner;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46. The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

- (1) a formal warning;

EXPLANATION.—A formal warning shall mean a warning personally addressed

to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

- (2) change of labour to some more irksome or severe form;
- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;
- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor General in Council;
- (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months;
- (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council;
- (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council;
- (8) separate confinement for any period not exceeding six months;

EXPLANATION.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

- (9) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government;

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

- (10) cellular confinement for any period not exceeding fourteen days;

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement;

EXPLANATION.—Cellular confinement means such confinement with or

*The Prisons Bill.**(Chapter XI.—Prison-offences.—Sections 47-51.)*

without labour as entirely secludes a prisoner from communication with, but not from sight of other prisoners:

- (11) solitary confinement for any period not exceeding seven days:

Provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or cellular confinement:

EXPLANATION.—Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

- (12) penal diet as defined in clause (9) combined with solitary confinement as defined in clause (11);

- (13) whipping, provided that the number of stripes shall not exceed thirty:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

47. Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely:—

- (1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section;
- (2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement;
- (3) solitary confinement shall not be combined with cellular confinement or with separate confinement, nor cellular confinement with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;
- (4) whipping shall not be combined with any other form of punishment except cellular or separate confinement and loss of privileges admissible under the remission system.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

49. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

50. (1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailor and Superintendent shall affix their initials as evidence of the correctness of the entries.

The Prisons Bill.

(Chapter XI.—Prison-offences.—Sections 52-54. Chapter XII.—Miscellaneous.—Sections 55-59.)

52. If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46 :

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class; and

Provided also that no person shall be punished twice for the same offence.

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate.

(2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan.

54. (1) Every *Failer* or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall under this section be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Local Government, so confine them.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 60, be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector General may sanction such retention accordingly.

58. No prisoner shall be put in irons or under mechanical restraint by the *Failer* except in his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

59. The Governor General in Council may for any part of British India, and each Local Government with the previous sanction of the Governor General in Council may for the territories under its administration, make rules consistent with this Act—

- (1) defining the acts which shall constitute prison-offences;
- (2) determining the classification of prison-offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;

The Prisons Bill.

(Chapter XII.—Miscellaneous.—Sections 60-62.)

- (4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;
- (5) for the award of marks and the shortening of sentences;
- (6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;
- (7) defining the circumstances, and regulating the conditions, under which prisoners in danger of death may be released;
- (8) regulating the transfer from one part of British India to another of prisoners whose term of transportation or imprisonment is about to expire; and,
- (9) generally, for carrying into effect the purposes of this Act.

60. The Local Government may, subject to the control of the Governor General in Council, make rules consistent with this Act—

- (a) for the classification of prisons, and description and construction of wards, cells and other places of detention;
- (b) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;
- (c) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act;
- (d) as to the food, bedding and clothing of criminal prisoners, and of civil prisoners maintained otherwise than at their own cost;
- (e) for the employment, instruction and control of convicts within or without prisons;
- (f) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;
- (g) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;
- (h) for regulating the disposal of the proceeds of the employment of prisoners;

(i) for regulating the confinement in fetters of prisoners sentenced to transportation;

(j) for the classification and the separation of prisoners;

(k) for regulating the confinement of convicted criminal prisoners under section 28;

(l) for the preparation and maintenance of history-tickets;

(m) for the selection and appointment of prisoners as officers of prisons;

(n) for rewards for good conduct;

(o) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire;

(p) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;

(q) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;

(r) for the appointment and guidance of visitors of prisons;

(s) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882, and to the officers employed, and the prisoners confined, therein; and

(t) generally, in regard to the admission, custody, employment, dieting, treatment and release of prisoners, and for other purposes consistent with this Act.

61. Copies of rules, under sections 59 and 60, so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the Local Government may appoint in this behalf either by name or by his official designation.

XLV of 1860.

X of 1882.

*The Prisons Bill.**(The Schedule.—Enactments repealed.)*

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

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

Acts of the Governor General in Council.

1856 . .	VIII . .	An Act for the better control of the jails within the Presidency of Bombay.	So much as has not been repealed.
1870 . .	XXVI . .	Prisons Act, 1870	So much as has not been repealed.
1874 . .	XV	Laws Local Extent Act, 1874	So much of Part (b) of the third schedule as relates to Act VIII of 1856.
1878 . .	XIV	An Act to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh.	Section 2
1886 . .	XX	Upper Burma Laws Act, 1886	So much as relates to Act XXVI of 1870.
1891 . .	XII	Repealing and Amending Act, 1891	So much of the second schedule as relates to Acts VIII of 1856 and XXVI of 1870.

Acts of the Governor of Fort St. George in Council.

1869 . .	V	Madras Jails Act, 1869	So much as has not been repealed.
1882 . .	VII	Madras Jails Act Amendment Act, 1882	The whole.
1889 . .	II	An Act to amend the Madras Jails Act, 1869.	The whole.

Acts of the Governor of Bombay in Council.

1874 . .	II	An Act for the regulation of Jails in the City and Presidency of Bombay, and the enforcement of discipline therein.	So much as has not been repealed, <i>except sections 9 to 16 (both inclusive) as amended by Bombay Act II of 1882.</i>
1882 . .	II	An Act to amend Bombay Act II of 1874	Section 3.
1883 . .	IV	An Act to amend the Law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code.	The whole.
1887 . .	I	An Act to further amend Bombay Act II of 1874.	The whole.

Acts of the Lieutenant-Governor of Bengal in Council.

1864 . .	II	An Act for the regulation of Jails and the enforcement of discipline therein.	So much as has not been repealed.
1865 . .	V	An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council, and to extend the provisions thereof to the Presidency Jail.	So much as has not been repealed.

*The Prisons Bill.**(The Schedule.—Enactments repealed.)*THE SCHEDULE—*contd.*

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

Regulations made under the Statute 33 Victoria, Chapter 3.

1872 . .	III	Santhal Parganas Settlement Regulation	So much of the schedule (as amended by Regulation III of 1886), as relates to Bengal Acts II of 1864 and V of 1865.
1874 . .	IX	Arakan Hill District Laws Regulation, 1874	So much as relates to Act XXVI of 1870.
1875 . .	II	Assam Prisons Regulation, 1875	The whole.
1890 . .	I	British Baluchistan Laws Regulation, 1890	So much as relates to Act XXVI of 1870.

S. HARVEY JAMES,

Secretary to the Government of India.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd March, 1894:—

NO. 6 OF 1894.

A Bill to amend sections 366 and 371 of the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend sections 366 and 371 of the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

1. For section 366 of the said Code the following shall be substituted, namely:—
Substitution of new section for section 366, Act X, 1882.

“366. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced, or the substance of such judgment shall be explained,—

(a) in open Court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, and

(b) in the language of the Court, or in some other language which the accused or his pleader understands.

The accused shall, if he is in custody and the judgment is not one of discharge or acquittal, be brought up, or may, if he is not in custody and the judgment is not one of discharge or acquittal, be required by the Court to attend, to hear the judgment delivered.

For any cause which may appear to the Court to be sufficient and shall be recorded by it in writing, the Court may delegate its functions under this section with respect to the delivery of any judgment to any other Court within the limits of the jurisdiction of which the accused may be, and such other Court shall cause notice to be given to the parties or their pleaders of the day and place on and at which the judgment will be delivered as in this section authorised and required, and, when the judgment has been delivered, shall certify thereon the date and mode of delivery.

No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their pleaders, or any of them, the notice of such day and place.

And nothing in this section shall be construed [I. L. R. 21 to limit in any way the extent of the provisions Cal. 121.] of section 537.”

2. In section 371 of the said Code, for the words “The judgment shall be explained to the accused and on his application” the words “On the application of the accused” shall be substituted.

Amendment of section 371, Act X, 1882.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is the outcome of a reference made to the Government of India from the North-Western Provinces in 1892, and circulated by that Government in the same year for the opinions of Local Governments, High Courts and other authorities, respecting certain difficulties which in practice arise in the application of some of the provisions of Chapter XXVI of the Code of Criminal Procedure, 1882.

In connection with the subject of the Bill the Government has recently had the opportunity of perusing the case published at I. L. R. 21 Cal. 121.

ALEX. EDW. MILLER.

The 17th March, 1894.

S. HARVEY JAMES,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd March, 1894:—

NO. 5 OF 1894.

A Bill to amend the Indian Penal Code and Act VI of 1864.

WHEREAS it is expedient to amend the Indian Penal Code and Act VI of 1864; It is hereby enacted as follows:—

Indian Penal Code.

I. For section 182 of the Indian Penal Code the following shall be substituted, namely:—

"182. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—

- (a) to do or omit anything which he ought not to do or omit if the true state of facts respecting which such information is given were known to him, or
- (b) to use any lawful power or authority of such public servant for the benefit of such informant in a manner in which he would not have used it but for the receipt of such false information, or
- (c) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

"Explanation.—It shall not be necessary for the purpose of clause (c) to show an intention on the part of the informant to injure or annoy any particular person if a reasonable and natural consequence of the receipt of such information as aforesaid would be that the public servant would so act as to cause injury or annoyance to some person or persons.

"Illustrations.

"(a) A informs a Magistrate that Z, a police-officer subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

"(b) A falsely informs a public servant that Z has contraband salt in a secret place knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.

"(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village, but does not mention the name of any person as one of his assailants. As a natural consequence of this information, the Police make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.

"(d) A applies to be admitted as a pleader in a Court, and in support of his application falsely alleges in writing or otherwise that he has been admitted as an advocate in some other Court, his intention being thereby to obtain authority to practise the profession of a pleader for gain or reward. A has committed an offence under this section."

2. To Chapter XII of the said Code the following shall be added, namely:—

Prohibition of fictitious stamps. "263A. (1) Whoever— [47 & 48 Vict., c. 76, s. 7.]

- (a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp, or
- (b) has in his possession, without lawful excuse, any fictitious stamp, or
- (c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp,

shall be punished with fine which may extend to two hundred rupees.

"(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and shall be forfeited.

"(3) In this section—

(a) 'fictitious stamp' means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose: and

(b) 'Government' shall, notwithstanding anything in section 17, be deemed to denote the person or persons authorised by law to administer executive government, not only in any part of British India, but also in any part of Her Majesty's dominions or in any foreign country."

3. For section 294 of the said Code the following shall be substituted, namely:— [The amendment has reference to an unreported case]

"294. Whoever in or near any public place, which occurs in the Madras does any obscene act, or Presidency.]

sings, recites or utters any obscene song, ballad or words, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

[38 & 39
Vict., c. 24.] 4. After section 477 of the said Code the following shall be added, namely:—
Addition of new section after section 477, Act XLV, 1860.

"477A. Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or concurs in making any false entry in, or omits or concurs in omitting or altering any material particular from or in, any such book, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

"*Explanation.*—It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud."

Act VI of 1864.

5. After section 6 of Act VI of 1864 (*an Act to authorise the punishment of whipping in certain cases*), the following shall be added, namely:—

"7. (1) In sections 3 and 4 of this Act the words 'same offence' include a minor offence made up of some or any of the particulars of which the offence for which the subsequent conviction is obtained consists

"(2) In section 5 of this Act, the expression 'juvenile offender' means an offender who in the opinion of the Court is under sixteen years of age, the opinion of the Court on such matter being final and conclusive."

[Cl. Act 1882, s. 2]

[8 Bom. Ca., 9.]

STATEMENT OF OBJECTS AND REASONS.

The object of section 2 of this Bill is to give effect to the provisions of the Vienna Postal Convention which came into force on the 1st July, 1892. The other sections of the Bill are explained by the marginal notes against them. Section 4 has been inserted on the recommendation of Local Governments and Chambers of Commerce, the existing law having been held to be defective.

The 21st March 1894.

ALEX. EDW. MILLER.

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Code of Criminal Procedure, 1882, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd March, 1894:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Code of Criminal Procedure, 1882, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us, and with sections 44, 45 and 45A of the Code as they will stand if our recommendations with respect to this Bill are accepted, annexed.

From Chief Commissioner, Coorg, No. 452-14-91, dated 3rd March, 1894 [Paper No. 1].
Telegram from Agent to Governor General in Baluchistan, No. 23, dated 9th March, 1894 [Paper No. 2].
From Government, Punjab, No. 306, dated 7th March, 1894 [Paper No. 3].
From Chief Commissioner, Burma, No. 145 L.-9, dated 6th March, 1894 [Paper No. 4].
Telegram from Chief Commissioner, Ajmere-Merwara, No. 462 C., dated 12th March, 1894 [Paper No. 5].
From Resident, Hyderabad, No. 77, dated 9th March, 1894 [Paper No. 6].
From High Court, Calcutta, No. 771, dated 12th March, 1894, and enclosures [Papers No. 7].
From Chief Commissioner, Assam, No. 23 L.L.—1549 J., dated 9th March, 1894, and enclosures [Papers No. 8].
From Government, Bombay, No. 1817, dated 10th March, 1894, and enclosures [Papers No. 9].
From Government, Madras, No. 595, dated 9th March, 1894 [Paper No. 10].
From Chief Commissioner, Central Provinces, No. 1533, dated 10th March, 1894 [Paper No. 11].
From Government, Bengal, No. 1572 J., dated 13th March, 1894, and enclosures [Papers No. 12].
From Government, Bengal, No. 1620 J., dated 16th March, 1894, and enclosure [Papers No. 13].
Telegram from Government, North-Western Provinces and Oudh, dated 13th March, 1894 [Paper No. 14].

recommendations with respect to this Bill are accepted, annexed.

2. We have, with reference to certain remarks in letters from the Government of Bengal, provided in proposed section 45A for rules being made by the Local Government for the guidance of District Magistrates in the appointment of village-headmen for the purposes of section 45 where such headmen are not appointed under any existing law.

3. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	Date.
Gazette of India	17th February, 1894.
Fort Saint George Gazette	6th March, 1894.
Bombay Government Gazette	22nd February, 1894.
Calcutta Gazette	21st February, 1894.
North-Western Provinces and Oudh Government Gazette	24th February, 1894.
Punjab Government Gazette	1st March, 1894.
Central Provinces Gazette	24th February, 1894.
Burma Gazette	3rd March, 1894.
Assam Gazette	3rd March, 1894.
Coorg District Gazette	1st March, 1894.
Sind Official Gazette	8th March, 1894.

In the Vernaculars.

Province.	Language.	Date.
Madras	Tamil	6th March, 1894.
	Telugu	6th March, 1894.
Bombay	Marathi	8th March, 1894.
	Gujarathi	8th March, 1894.
	Kanarese	8th March, 1894.
Bengal	Bengali	27th March, 1894.
	Uriya	1st March, 1894.
	Hindi	6th March, 1894.
Burma	Burmese	10th March, 1894.
Assam	Bengali	10th March, 1894.

4. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. P. MACDONNELL.
ALEX. EDW. MILLER.
RASHBEHARY GHOSE.
G. H. P. EVANS.
C. C. STEVENS.

The 19th March, 1894.

NO. II.

A Bill to amend the Code of Criminal Procedure, 1882.

of 1882. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

1. In section 44 of the said Code the figures "143, 144, 145, 147, 148," shall be inserted between the figures "130" and the figures "302".

2. (1) For the part of section 45 of the said Code beginning with the words "Every village-headman" and ending with the words "under suspicious circumstances" the following shall be substituted, namely:—

"45. Every village-headman, village-accountant, 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, accountant, 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, in or near such village any non-bailable offence or any offence punishable under section 143, 144, 145, 147 or 148 of the Indian Penal Code; XLV of 1860.

(d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances;

(2) In the same section, after clause (e), added by section 2 of Act III of 1894, the following shall be inserted, namely:—

"(f) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Local Government, has directed him to communicate information."

(3) After the same section the following section shall be added, namely:—

"45A. Subject to rules in this behalf to be made by the Local Government, the District Magistrate may from time to time appoint one or more persons to be village-headmen for the purposes of the last foregoing section in any village for which there is no such headman appointed under any other law."

SECTIONS 44, 45 AND 45A OF THE CODE OF CRIMINAL PROCEDURE, 1882, AS AMENDED BY ACT III OF 1894 AND PROPOSED TO BE FURTHER AMENDED BY THIS BILL.

44. Every person, whether within or without the presidency-towns, Public to give in the formation of certain offences, 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, 143, 144, 145, 147, 148, 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.

Any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460, shall be deemed to be an offence for the purposes of this section.

45. Every village-headman, village-accountant, 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, accountant, 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, in or near such village any non-bailable offence or any offence punishable under section 143, 144, 145, 147 or 148 of the Indian Penal Code; XLV of 1860.

(d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances;

(e) the commission of, or intention to commit, at any place out of British India near such village any act which, if committed in British India, would be an offence punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; XLV of 1860.

(f) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Local Government, has directed him to communicate information.

In this section—

(i) "village" includes village-lands; and

(ii) the expression "proclaimed offender" includes any person proclaimed as an offender by any Court or authority established or continued by the Governor General in Council in any part of India in respect of any act which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.

45A. Subject to rules in this behalf to be made by the Local Government, the District Magistrate may from time to time appoint one or more persons to be village-headmen for the purposes of the last foregoing section in any village for which there is no such headman appointed under any other law.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 31, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 29th March, 1894:—

NO. 7 OF 1894.

A Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1886; It is hereby enacted as follows:—

1. (1) This Act may be called the Dekkhan Agriculturists' Relief Act, 1894; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1886, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1894.

(2) This Act shall come into force on the first day of 189 .

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

"section" means a section, and "Chapter" a Chapter, of the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

3. Sections 8, 9, 14, 15, 19 and 73, and the last seventeen words of section 7, are hereby repealed.
Repeal.

4. To section 1 the following shall be added after the words "Presidency of Bombay," namely:—
Addition to section 1.

"or to any part or parts of any other such district or districts."

Substitution of new section for section 2. 5. For section 2 the following shall be substituted, namely:—

"2. In construing this Act, unless there is something repugnant in the subject or context, the following rules shall be observed, namely:—
Construction.

"1st.—'Agriculturist' shall be taken to mean a person who by himself, or by his servants, or by his tenants being members of his family, earns his livelihood wholly or principally by agriculture carried on within the limits of a district or part of a district to which this Act may for the time being extend, or who ordinarily engages personally in agricultural labour within those limits.

"Explanations.—(a) An agriculturist who, without any intention of changing his status as such, temporarily ceases to earn his livelihood or to engage personally in agricultural labour as aforesaid does not thereby cease to be an agriculturist within this definition.

"(b) An inamdar who, without himself cultivating his lands, derives an income from rents received from his tenants is not, nor is an assignee of Government assessment or a mortgagee, as such, an agriculturist within this definition.

"2nd.—In Chapters II, III, IV and VI, and in section 69, the term 'agriculturist,' when used with reference to any suit or proceeding, shall mean a person who, when any part of the liability which forms the subject of that suit or proceeding was incurred, was an agriculturist within the meaning of that word as defined in the first rule then in force.

"3rd.—An agriculturist shall be deemed to reside where he earns his livelihood or personally engages in agricultural labour as aforesaid.

"4th.—'Money' shall be deemed to include agricultural produce, implements and stock.

"5th.—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

"6th.—'Standing crops' shall be deemed to include garden-produce attached to trees or to the soil."

Addition of new section after section 13. 6. After section 13 the following section shall be added, namely:—

"13A. (1) Notwithstanding anything in the last foregoing section, no agreement for the set-off of profits against interest and assessment and similar charges, without an account, made after the first day of 189, shall be set aside where the Court is satisfied that the bond was given for the principal sum stated as consideration therein, and that such sum was actually paid to the borrower or by his order, and the mortgagee has been let into actual possession of the property and is cultivating it himself or by a tenant other than the mortgagor."

"(2) Where any such agreement as is mentioned in sub-section (1) is upheld, the accounts (if any) taken in the suit shall be taken in the manner directed by the last foregoing section but subject to such agreement."

7. To sub-section (3) of section 15 D the following shall be added, namely:—

"Every decree for redemption or foreclosure of any mortgage or for the sale of any mortgaged property at the instance of a mortgagee thereof shall name such future day, not being less than three months after the date of such decree, as the Court may think reasonable, for the payment by the mortgagor of the money payable under the decree, and no such foreclosure shall be made absolute nor shall any such sale take place before the day so named."

STATEMENT OF OBJECTS AND REASONS.

THE object of this comparatively short Bill is to introduce into the law known as the Dekkhan Agriculturists' Relief Acts a few changes suggested by a Commission which was appointed by the Government of India in 1891 to inquire into the working of the Acts. The larger projects recommended by that Commission have no bearing upon this Bill except in one particular which will be noticed presently, and but for one reason the Government of Bombay would have been quite content to leave the law as it stands and to defer the alterations now proposed until the Acts could be consolidated into one enactment. The reason which mainly induces the Local Government to approach this Council now is to be found in section 4 of this Bill. Already the law permits the extension of the Acts to any other districts, but it happens that the physical and agricultural condition of various talukas in the same district differs greatly, and the Government of Bombay in pursuance of past policy desires only to extend the Acts to those areas where they are really needed. Since this amendment required legislation, the opportunity has been taken to give effect to some of the recommendations of the Commission by repealing sections 8, 9, 15, 19, and 73 of the present law. Section 14 of the existing law is only repealed because it gains a wider application by being transferred to Chapter XI as 69B under section 9. By section 5 of the Bill the definition of "agriculturist" is slightly changed so as to make clearer the intention of the Legislature in the second rule and to exclude from the special law intended for agriculturists an owner of alienated land whose only title to be deemed an agriculturist in one of the districts to which the Acts apply arises from his receipt of rents from his tenants in that district. Section 6 is drafted in deference to the views of the Commission with only such conditions as appear indispensable. Section 7 provides an obviously desirable interval to enable the mortgagor in certain cases to find the money payable under a decree; and section 9 recognises under 69A a practice common in the Dekkhan. Section 10 limits the special Limitation Law to the four districts in which the Act runs, and thus endeavours to meet the recommendation of the Commission who have proposed an alteration in the general Limitation Law. The other changes require no special notice.

W. LEE-WARNER,

The 28th March, 1894.

S. HARVEY JAMES,

Secretary to the Government of India.

8. For the first seven words of section 61 Amendment of section 61. the following shall be substituted, namely:—

"The Local Government may appoint any officer to exercise".

9. In Chapter XI, before section 70, the following sections shall be inserted, namely:—

"69A. The last clause of section 258 of the Code of Civil Procedure XIV of 1882. Bar of application of section 258, Act XIV, 1882. shall not apply to payments out of Court made in any proceeding under this Act.

"69B. In taking an account in any suit under this Act interest shall be awarded at the following rates:—

(a) the rate, if any, agreed upon between the parties or the persons (if any) through whom they claim, unless such rate is deemed by the Court to be unreasonable; or,

(b) if such rate is deemed by the Court unreasonable, or if no rate was agreed upon, or, when any agreement between the parties or the persons (if any) through whom they claim, to set-off profits against interest and assessment and similar charges without an account has been set aside by the Court, such rate as the Court may deem reasonable."

10. In section 72, after the word "agriculturist" where that word first occurs, Amendment of section 72. the words "in any of the districts of Puna, Satara, Sholapur and Ahmadnagar,"

and in the same section, after the same word where that word afterwards occurs, the words "in any of the districts aforesaid," shall be added.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Presidency Small Cause Courts Act, 1882, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 29th March, 1894:—

We, the undersigned, Members of the Select Committee to which the Bill to amend the Presidency Small Cause Courts Act, 1882, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. Section 2 of Bill as revised.—We have proposed to subject legal practitioners in Presidency Small Cause Courts to the same disciplinary authority as practitioners in other subordinate Courts.

3. Section 3 of Bill as revised.—We have proposed to amend this section so as to dispense, in the case of advocates, vakils and attorneys of a Chartered High Court, with any specified period of standing at the bar as a qualification for appointment to Small Cause Court judgeships.

4. Section 4 of Bill as revised.—We have deemed it expedient to maintain this section in the form in which it was originally proposed, that is to say, to leave the procedure and practice of Presidency Small Cause Courts to be regulated by the High Court.

5. Section 5 of Bill as revised.—We have proposed to make it possible for Registrars to deal, under Chapter VII of the Act, with applications for the recovery of possession of immoveable property of small value.

6. Section 7 of Bill as revised.—We have so modified proposed section 19A as to bring it into closer accord with the actual practice of the Presidency Small Cause Courts.

7. Sections 8, 9 and 11 of Bill as revised.—These are the most important sections in the Bill. It is proposed by them to leave it to a plaintiff to institute a suit of value exceeding one thousand rupees in the Small Cause Court or in the High Court at his election, and to a defendant to move the High Court to bring such a suit on to its own file.

8. We have removed the last two sections of the Bill as it was last before the Council.

9. The publication ordered by the Council has been made as follows:—

In English.		Date.
Gazette.		
Gazette of India		14th January, 1893.
Fort Saint George Gazette		24th January, 1893.
Bombay Government Gazette		26th January, 1893.
Calcutta Gazette		25th January, 1893.

In the Vernaculars.

Province.	Language.	Date.
Madras	Tamil	14th February, 1893.
	Telugu	14th February, 1893.
Bombay	Marathi	2nd March, 1893.
	Gujarathi	2nd March, 1893.
Bengal	Bengali	28th February, 1893.
	Uriya	2nd March, 1893.
	Hindi	7th March, 1893.

ALEX. EDW. MILLER.
A. P. MACDONNELL.
G. H. P. EVANS.
RASHBEHARY GHOSE.
P. PLAYFAIR.

The 28th March, 1894.

No. II.*A Bill to amend the Presidency Small Cause Courts Act, 1882.*

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882; It is hereby enacted as follows:—

1. (1) This Act may be called the Presidency Small Cause Courts Act, 1894; and

(2) It shall come into force on the first day of

2. In section 6 of the Presidency Small Cause Courts Act, 1882, hereinafter referred to as "the said Act," after the words "Code of Civil Procedure" the following shall be added, namely:—

"and to be a Court subordinate to the High Court within the meaning of section 6 of the Legal Practitioners Act, 1879."

3. (1) For the proviso to the first paragraph of section 7 of the said Act the following shall be substituted, namely:—

"Provided that no person shall be appointed to be a Judge of such Court, or be authorised to exercise the powers of a Judge of such Court, unless he is—

(a) an advocate of a High Court of Judicature established under the Indian High Courts Act, 1861, or

(b) a vakil or attorney of any such High Court, or

(c) a Judge of a Court of Civil Judicature of not less than five years' standing:

and that not less than one-third of the persons so appointed, including the Chief Judge, shall be advocates of one of the said High Courts."

(2) The last paragraph of section 7 of the said Act is hereby repealed.

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

"9. (1) The High Court may from time to time, by rules having the force of law,—

(a) prescribe the procedure to be followed and the practice to be observed by the Small Cause Court either in supersession of or in addition to any provisions which were prescribed with respect to the procedure or practice of the Small Cause Court on or before the thirty-first day of December, 1893, in

or under the Presidency Small Cause Courts Act, 1882, or any other enactment for the time being in force, and

(b) cancel or vary any such rule or rules.

"Rules made under this section may provide, among other matters, for the exercise by one or more of the Judges of the Small Cause Court of any powers conferred on the Small Cause Court by this Act or any other enactment for the time being in force.

"(2) The law, and any rules and declarations made, or purporting to be made, thereunder, with respect to procedure or practice, in force or treated as in force in the Small Cause Court on the thirty-first day of December, 1893, shall be in force, unless and until cancelled or varied by rules made by the High Court under this section."

5. To section 14 of the said Act the following Addition to section 14, Act XV, 1882. shall be added, namely:—

"Explanation.—For the purposes of this section an application for possession under section 41 shall be deemed to be a suit."

6. After section 18 of the said Act the following Addition to section 18, Act XV, 1882. shall be added, namely:—

"18A. The Small Cause Court may allow a plaintiff at or before the first hearing of a suit in which a joint and several liability is alleged on a cause of action arising either wholly or in part within the local limits of the jurisdiction of the Court to abandon the suit as against any defendant who does not reside or carry on business or personally work for gain within such local limits, and to sue for a decree against such defendants only as do so reside, carry on business or personally work for gain."

7. To section 19 of the said Act the following Addition to section 19, Act XV, 1882. shall be added, namely:—

"19A. Whenever the Court finds that for want of jurisdiction it cannot finally determine the question at issue in the suit, it may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the question. When the Court so returns a plaint, it shall comply with the provisions of the second paragraph of section 57 of the Code of Civil Pro-

cedure and make such order with respect to costs as it may think just, and the Court shall, for the purposes of the Indian Limitation Act, XV of 1877, be deemed to have been unable to entertain the suit by reason of defect of jurisdiction. When a plaint so returned is afterwards presented to a High Court, credit shall be given to the plaintiff for the amount of the court-fee paid in

24 & 25 Vict.
c. 104.

XVIII of
1879.

XV of 1882.

XV of 1882.

XIV of 1882.

XV of 1877.

the Small Cause Court in respect of the plaint in the levy of any fees which according to the practice of the High Court are credited to the Government."

8. In section 21 of the said Act, after the Amendment of section 21, Act XV, 1882, the words "or value thereof" the words "and all suits whereof the amount or value of the subject-matter exceeds one thousand rupees" shall be inserted.

9. In section 22 of the said Act, for the words "two thousand" the words "one thousand" shall be substituted.

Repeal of Act XV, 1882, section 23 and second schedule.

Substitution of new Chapter for Chapter VI, Act XV, 1882.

10. Section 23 of and the second schedule to the said Act are hereby repealed.

11. For Chapter VI of the said Act the following shall be substituted, namely:—

"CHAPTER VI.

"NEW TRIALS AND APPEALS.

"37. Save as otherwise provided by this General finality of Chapter or by any other decrees and orders of enactment for the time Small Cause Court. being in force, every decree and order of the Small Cause Court in a suit shall be final and conclusive.

"38. Where a suit has been contested, the Small Cause Court may, on the application of either party, made within eight days from the date of the decree or order in the suit (not being a decree passed under section 522 of the Code of Civil Procedure), order a new trial to be held, or alter, set aside or reverse the decree or order, upon such terms as it thinks reasonable, and may, in the meantime, stay the proceedings.

"Explanation.—Every suit shall be deemed to be contested in which the decree is made otherwise than by consent of or in default of appearance by the defendant.

"39. (1) In any suit instituted in a Small Cause Court in which the amount or value of the subject-matter exceeds the sum of one thousand rupees the defendant or any one of the defendants may, before the day

fixed by the summons for the appearance of the defendant or within eight days after the service of the summons on him, whichever period shall last expire, apply *ex parte* on an affidavit setting forth the facts on which he relies for his defence to a Judge of the High Court for an order removing the cause into the High Court.

"(2) Unless the Judge is of opinion that the application has been made solely for the purpose of delay, the applicant shall be entitled to such order as of right, but it shall be lawful for the Judge, if he shall think fit, in and by such order to require the applicant to give security to a reasonable amount to be specified in the order for the payment of any costs which may become payable by him to the plaintiff in respect of the said suit, and such Judge may also, if he shall think fit, declare that the removal directed by such order shall be conditional upon the completion of such security within a reasonable time to be prescribed in the order.

"(3) If the applicant fail or neglect to complete the required security (if any) within the prescribed time (if any), the said order shall be discharged and the suit shall proceed in the Small Cause Court as if such order had never been made.

"40. (1) When a suit has been removed into the High Court under the last foregoing section, it shall be heard and disposed of by such Court in the exercise of its original jurisdiction, and the said Court shall have all the same powers and jurisdiction in respect thereof as if it had been originally instituted in such Court.

"(2) In every suit so removed as aforesaid the affidavit filed under section 39, sub-section (1), shall be treated as a written statement of the defendant tendered under section 110 of the Code of Civil Procedure unless the Court shall otherwise order.

"(3) In every suit so removed as aforesaid credit shall be given to the plaintiff for the amount of the court-fee paid in the Small Cause Court in respect of the plaint in the levy of any fees which according to the practice of the High Court are payable to the Government."

S. HARVEY JAMES,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 14, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th July, 1894:

No. 8 OF 1894.

A Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872.

WHEREAS it is expedient to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act; It is hereby enacted as follows:

1. In the third paragraph of section 39 of the said Code, between the words "of any High Court established by Royal Charter" and the words "shall be required," the words "or of the Chief Court of the Punjab" shall be inserted.

2. For the first and second paragraphs of section 180 of the said Code the following shall be substituted, namely:

"The other party shall then state his case and produce his evidence (if any), and may then address the Court generally on the whole case.

"The party beginning may then reply generally on the whole case."

3. After the first paragraph of section 260 of the said Code the following shall be added, namely:

"Provided that no decree for restitution of conjugal rights shall be enforced by imprisonment of the defendant, unless the Court shall, for sufficient reasons to be stated in writing on the face of the order, think fit so to direct."

4. For section 548 of the said Code the following shall be substituted, namely:

"548. When a memorandum of appeal is admitted, the appellant shall present as many copies thereof on plain paper as there are respondents. [See s. 58.]

"The chief ministerial or other proper officer of the Appellate Court shall sign such memorandum of appeal and copies, if on examination he finds them to be correct, and shall endorse thereon the date of presentation, and shall thereupon register the appeal in a book to be kept for the purpose.

"Such book shall be called the Register of Appeals."

5. At the end of section 553 of the said Code the following shall be added, namely:

"Every notice under this section served on any respondent or his pleader shall be accompanied by one of the copies of the memorandum of appeal mentioned in section 548." [See s. 65.]

6. Sections 17 and 18 of the Punjab Laws Act, 1872, as amended by Act XII of 1878, are hereby repealed. IV of 1872.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is mainly designed to meet certain inconveniences which have been brought to the notice of the Government of India from time to time as arising in practice under certain sections of the Code of Civil Procedure.

2. The repeal of sections 17 and 18 of the Punjab Laws Act has been recommended by the Chief Court and the Lieutenant-Governor of the Punjab on the ground that the sections are no longer necessary in view of section 214 of the Code of Civil Procedure and on the further ground that hardship may in particular cases be caused by them.

The 10th July, 1894.

ALEX. EDW. MILLER.

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th July, 1894:

NO. 9 OF 1894.

A Bill to amend the Cantonments Act, 1889.

WHEREAS it is expedient to amend the Cantonments Act, 1889; It is hereby enacted as follows:

1. (1) This Act may be called the Cantonments Act Amendment Act, 1894.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. To section 26 of the Cantonments Act, 1889, the following shall be added, namely:

"Provided that no such rule shall contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution, or any regulation for the licensing or registration of prostitutes, or sanctioning the practice of prostitution, in any cantonment."

Insertion of new section after section 26 of Act XIII of 1889.

3. After the last-mentioned section the following section shall be inserted:

"26A. Any public servant who shall subject any woman to compulsory examination for any of the purposes mentioned in the proviso to section 26 shall be liable, on conviction thereof in a summary way before the Cantonment Magistrate, to fine which may extend to one hundred rupees, or to such imprisonment in default of payment thereof as is provided by the Indian Penal Code, section 67."

XLV of 1860.

STATEMENT OF OBJECTS AND REASONS.

ON the 26th July, 1888, the Government of India, in compliance with a despatch from the Secretary of State dated the 14th June, 1888, issued certain orders with a view of putting an end to the registration and compulsory examination of prostitutes in cantonments. It has been discovered that these orders have not in all cases proved effectual for the purpose, and the Secretary of State in Council has directed that the Bill to which this Statement is annexed should be introduced in the Legislative Council for the purpose of prohibiting under penalties such examination for the future. The Bill is submitted accordingly in compliance with the directions of Her Majesty's Government.

The 10th July, 1894.

ALEX. EDW. MILLER.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 8, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th September, 1894:

NO. 12 OF 1894.

A Bill to amend certain enactments relating to the Army.

WHEREAS it is expedient to amend certain enactments relating to the Army in manner hereinafter appearing; It is hereby enacted as follows:

1. (1) This Act may be called the Repealing and Amending (Army) Act, 1894; and,
Title and commencement. (2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, fix in that behalf.

2. (1) The enactment specified in the first schedule is hereby repealed to the extent mentioned in the third column thereof.
Repeal and amendment of enactments.

(2) The enactments specified in the second schedule are hereby modified to the extent and in the manner mentioned in the third column thereof.

THE FIRST SCHEDULE.

Enactment repealed.

Number and year.	Title.	Extent of repeal.
1	2	3
<i>Act of the Governor General in Council.</i>		
XI of 1877 ...	Military Lunatics Act, 1877.	In sections 4 and 6 the words divisions or. In section 7 the word division.

THE SECOND SCHEDULE.

Enactments amended.

Number and year.	Title or subject.	Amendments.
1	2	3
<i>Act of the Governor General in Council.</i>		
XI of 1877 ...	Military Lunatics Act, 1877.	In section 3, for Act for punishing Mutiny and Desertion and for the better payment of the Army and their quarters for the time being in force read Army Act; for military regulations of the Presidency to which he belongs read military regulations in

Enactments amended—contd.			Enactments amended—concl.		
Number and year.	Title or subject.	Amendments.	Number and year.	Title or subject.	Amendments.
1	2	3	1	2	3
XI of 1877— <i>contd.</i>		force for the time being; <i>for</i> one of the Surgeons-General, either of the British Forces or of the Indian Medical Service, according to the Presidency and the service to which the said lunatic belongs <i>read</i> the Principal Medical Officer of Her Majesty's Forces in India, the Surgeon-General with the Government of India, the Surgeon-General with the Government of Madras, the Surgeon-General with the Government of Bombay, or the Principal Medical Officer of the local command to which the said lunatic belongs; <i>and for</i> such Surgeon-General <i>and</i> the Surgeon-General <i>read</i> such Principal Medical Officer or Surgeon-General.	XI of 1877— <i>concl.</i>		In sections 3, 6 and 7, <i>for the words</i> local military regulations, <i>wherever they occur, read</i> military regulations.
<i>Regulations of the Madras Code.</i>					
VII of 1808 ...	Power to establish martial law.	In the title, in the first place in which the words occur in the preamble, in section 2 and in section 4, <i>for</i> Governor in Council <i>read</i> Governor General in Council.			
VIII of 1817...	Sepoy Mál-guzárs.	In the title, <i>for</i> on the military establishment of the Presidency of Fort St. George <i>read</i> in the Madras Command. In section 9, clause <i>first</i> , <i>for</i> on the military establishment under the Presidency of Fort St. George <i>read</i> in the Madras Command.			

STATEMENT OF OBJECTS AND REASONS.

THE principal object of this Bill is to effect certain amendments in the Indian Statute-book which are necessitated by the proposed abolition of the presidential army system. The opportunity is taken to effect some formal amendments which are necessitated by change of circumstances.

The 3rd September, 1894.

HENRY BRACKENBURY.

J. M. MACPHERSON,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th September, 1894 :

NO. 13 OF 1894.

A Bill to validate certain certificates granted to engineers of steam-ships.

Bom. IV of 1873. WHEREAS the Steam-vessel Survey Amendment Act of 1873 was repealed by the Inland Steam-vessels Act, 1884, which came into force in the territories administered by the Governor of Bombay in Council on the first day of December, 1885;

And whereas between the said day and the seventh day of February, 1893, certain certificates styled "Indian Foreign Trade Certificates of Competency" were inadvertently granted in Bombay in pursuance of rules made under the said Steam-vessel Survey Amendment Act of

1873, and without regard to the provisions of the Indian Steam-ships Act, 1884 ;

VII of 1884.

And whereas it is expedient to validate the said certificates ;

It is hereby enacted as follows :

1. (1) This Act may be called the Engineers' Title and commence- Certificates Validation Act, 1894 ; and

(2) It shall come into force at once.

2. The certificates described as "Indian Foreign Trade Certificates of Competency," which were granted under the authority of the Governor of Bombay in Council between the first day of December, 1885, and the seventh day of February, 1893 (both inclusive), to certify to the competency of the grantees thereof to act as engineers of steam-ships, shall be deemed to have been granted under the Indian Steam-ships Act, 1884, and shall be recognized as valid for voyages of those classes with reference whereto they were granted: Provided that nothing herein contained shall be deemed to affect such certificates in any other respect.

VII of 1884.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to validate certain certificates which were granted in Bombay during the years 1885-1893 to engineers of steam-ships under a misapprehension as to the law in force at the time.

The 30th August, 1894.

J. WESTLAND.

J. M. MACPHERSON,

Offg. Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 22, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th September, 1894 :

NO. 14 OF 1894.

A Bill to amend the Lower Burma Village Act, 1889.

11 of 1889. WHEREAS it is expedient to amend the Lower Burma Village Act, 1889; It is hereby enacted as follows :

For clause (1) of section 6 of the said Act Substitution of new the following shall be substituted, namely :
clause for clause (1),
section 6, Act III, 1889.

" (1) to take such measures for—

- (i) the prevention of public nuisances,
- (ii) the cure or prevention of the spreading of any contagious or infectious disease among domestic animals of any kind,
- (iii) the general sanitation of the village,

as may be prescribed in any rules made in this behalf by the Commissioner with the previous sanction of the Local Government ; "

STATEMENT OF OBJECTS AND REASONS.

THE losses from cattle-disease yearly in Burma are very large and the question of dealing with the evils arising therefrom has for some time past been receiving much consideration in the province. Both the local authorities and the people themselves desire that legislation should be undertaken on the subject, and it has been decided by the Government of India that the simplest and most satisfactory course will be to amend the Lower Burma Village Act, 1889, and the Upper Burma Village Regulation, 1887, so as to impose on village-headmen the duty of taking such measures for the cure or prevention of the spreading of infectious or contagious diseases among domestic animals as the Commissioner may, with the sanction of the Local Government, by rule prescribe. Accordingly the present Bill, which amends the Lower Burma Village Act, has been prepared for enactment in the Legislative Council, while the Chief Commissioner has proposed, under the provisions of the Statute 33 Vict, c. 3, a draft Regulation which amends the Upper Burma Village Regulation on exactly similar lines, for enactment by the Governor General in Council.

The 19th September, 1894.

A. P. MACDONNELL.

J. M. MACPHERSON,

Offg. Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 6, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Articles of War for the government of Her Majesty's Indian Forces was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th October, 1894 :

WE, the undersigned, Members of the Select Committee to which the Bill to amend

From Government, Bengal, No. 1291-J. D., dated 5th September, 1894 [Paper No. 1].

From High Court, Calcutta, No. 1999, dated 10th September, 1894 [Paper No. 2].

From Chief Commissioner, Coorg, No. 1658-125-94, dated 10th September, 1894 [Paper No. 3].

From Government, Madras, No. 5881, dated 22nd September, 1894, and enclosure [Papers No. 4].

From Chief Commissioner, Central Provinces, No. 6631, dated 24th September, 1894 [Paper No. 5].

Telegram from Agent to Governor General in Baluchistan, No. 0402, dated 27th September, 1894 [Paper No. 6].

From Government, North-Western Provinces and Oudh, No. 1895-III-30-C., dated 25th September, 1894, and enclosure [Papers No. 7].

Telegram from Chief Commissioner, Assam, No. 6054-J., dated 27th September, 1894 [Paper No. 8].

From Government, Punjab, No. 954-S., dated 28th September, 1894, and enclosure [Papers No. 9].

From Chief Commissioner, Burma, No. 872-5-C-39, dated 22nd September, 1894, and enclosure [Papers No. 10].

From Resident, Hyderabad, No. 164, dated 26th September, 1894, and enclosure [Papers No. 11].

the Articles of War for the government of Her Majesty's Indian Forces was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. We have extended the scope of the definition of "active service" proposed by section 4 of the Bill so as to include a force which is on the line of

march to a country or place wholly or partly occupied by an enemy, as we consider it desirable that the provisions of the Articles relating to active service should apply to persons attached to or forming part of such a force.

3. We have thought it expedient to make it clear, by the insertion of the word "British" before "officer" in the definition of "commanding officer" proposed by the same section of the Bill, that under no circumstances shall a Native officer be deemed to be a commanding officer for the purposes of the Articles.

4. In view of the definition of "Native officer" in Part I, clause (e) (4), of the Articles as amended by the Bill, we have changed the expression "commissioned officer" in the new articles 3 and 4 proposed by the Bill into "Native officer." From the latter of these articles we have also omitted the word "general" the second time it occurs, as it is intended that the power conferred by the article should be exercised by the officer commanding the division or district whether he happens to be a general officer or not.

5. We have omitted section 17 of the Bill as introduced, as we do not consider that the amendment, which it proposed to make in article 48, is desirable. We are of opinion that the present article, which, like the civil law as contained in the Penal Code, requires a person who attempts to commit suicide to do some act towards the commission of the offence before he makes himself liable to punishment, should be maintained unaltered.

6. We have assimilated the language of clause (2) of the new article 86 proposed by section 31 of the Bill to that of clause (1) (c) of the new article 73 proposed by section 23 of the Bill, so as to make it clear that, if thought expedient, authority to direct that courts-martial shall be composed of British instead of Native officers may be conferred by warrant of the Commander-in-Chief or the general officer of the Command on the same officers and in the same way as authority to convene ordinary courts-martial.

7. We have amended the new article 137 proposed by section 49 of the Bill so as to leave it to the discretion of the convicting Court in each case to direct the forfeiture of arrears of pay or not as it may deem fit, as we do not think that such forfeiture should follow conviction as a matter of course.

8. We have restored article 150, which was inadvertently repealed by section 52 of the Bill as introduced, and we have amended the same article and article 151 so as to prevent the practical inconvenience which is sometimes caused by the immediate despatch of a military convict to a civil jail.

9. As the amendments in article 165 proposed by section 66 of the Bill were incomplete as well as confusing, we have thought it preferable to set out the revised portions of the article at length.

10. We consider that the new article 183 proposed by section 73 of the Bill is too wide. We are of opinion that reservists should only be entitled to the privileges as to exemption from arrest and from attachment of their property when called out for or engaged upon or returning from training or service, and we have therefore amended the article accordingly.

11. We have omitted the preambles to section 74 of the Bill as introduced, as they are in our opinion unnecessary, and we have transformed the section into an additional article which we have numbered article 191.

12. We have, by a new section 74, added a Second Appendix to the Articles, setting out a form for assembly and proceedings of summary general courts-martial adapted from the form in the Manual of Military Law referred to in the Appendix to the Bill as introduced.

13. Lastly, the other changes we have made in the Bill are either merely verbal alterations or are not of sufficient importance to require special notice.

14. The publication ordered by the Council has been made as follows:

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India ...	18th August, 1894.
Fort Saint George Gazette ...	4th September, 1894.
Bombay Government Gazette ...	23rd August, 1894.
Calcutta Gazette ...	29th August, 1894.
North Western Provinces and Oudh Government Gazette ...	25th August, 1894.
Punjab Government Gazette ...	23rd August, 1894.
Central Provinces Gazette ...	25th August, 1894.
Burma Gazette ...	8th September, 1894.
Assam Gazette ...	8th September, 1894.
Coorg District Gazette ...	(Date not yet reported.)

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras ...	Hindustani ...	18th September, 1894.
	Tamil ...	25th September, 1894.
	Telugu ...	25th September, 1894.

15. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

H. BRACKENBURY.
GEO. S. WHITE.
ALEX. EDW. MILLER.
A. P. MACDONNELL.

The 4th October, 1894.

The Indian Articles of War Bill.

(Sections 1-3.)

No. II.

THE INDIAN ARTICLES OF WAR BILL.

CONTENTS.

SECTIONS.

- Title and commencement.
- Repeal of clause (c) of Part I of Indian Articles of War.
- Substitution of new clause for clause (d) of Part I.
- Substitution of new clause for clause (e) of Part I.
- Substitution of new clause for clause (f) of Part I.
- Substitution of new title for Title I of Part II.
- Repeal of portion of article 7.
- Substitution of new sentence for third sentence of same article.
- Amendment of article 8.
- Substitution of new articles for articles 10 and 11.
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- Substitution of new articles for articles 25 and 26.
- Substitution of new article for article 31.
- Substitution of new article for article 39.
- Amendment of article 40.
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- Substitution of new article for article 57.
- Amendment of article 65.
- Substitution of new article for article 66.
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- Amendment of article 76.
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- Amendment of article 82.
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- Insertion of new article after article 82.
- Substitution of new articles for articles 84 and 85.
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- Substitution of new articles for articles 90 to 97.
- Substitution of new article for article 100.
- Repeal of article 101.
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- Substitution of new article for article 103.
- Amendment of article 104.
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- Insertion of new article after article 108.
- Repeal of article 114.
- Substitution of new article for article 116.
- Substitution of new article for article 117.
- Substitution of new articles for articles 119 and 120.

SECTIONS.

- Substitution of new articles for articles 122 to 124.
- Repeal of articles 125 to 129.
- Amendment of article 130.
- Substitution of new article for article 131.
- Insertion of words in article 132.
- Substitution of new articles for articles 133 to 137.
- Amendment of article 138.
- Amendment of article 139.
- Repeal of articles 142 to 149.
- Amendment of articles 150 and 151.
- Addition to article 151.
- Amendment of article 152.
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- Insertion of new words in article 155.
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- Repeal of articles 156 to 159.
- Substitution of new article for article 160.
- Amendment of article 161.
- Addition of new article after article 161.
- Substitution of new article for article 162.
- Amendment of article 163.
- Substitution of new article for article 164.
- Amendment of article 165.
- Amendment of article 166.
- Amendment of article 168.
- Amendment of article 169.
- Repeal of part of article 170.
- Substitution of new articles for articles 171 to 175.
- Substitution of new articles for articles 176 to 179.
- Substitution of new Part for Part III.
- Addition of Second Appendix to Articles.

No. II.

A Bill to amend the Articles of War for the government of Her Majesty's Indian Forces.

WHEREAS it is expedient to amend the Articles of War for the government of Her Majesty's Indian Forces; It is hereby enacted as follows:

Title and commencement. I. (1) This Act may be called the Indian Articles of War Amendment Act, 1894; and

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

2. Part I, clause (c), of the Indian Articles of War (hereinafter called "the said Articles"), is hereby repealed.

3. For Part I, clause (d), of the said Articles the following shall be substituted, namely:

"(d).—Application of Articles.

"These Articles shall apply to all—

(a) persons to whom they actually apply at present;

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- (b) persons commissioned or gazetted as Native officers, or gazetted as warrant officers, of Her Majesty's Indian Forces;
- (c) medical subordinates;
- (d) persons attested under these Articles;
- (e) unattested recruits;
- (f) persons enrolled under these Articles;
- (g) persons, not otherwise subject to military law, who, on active service, in camp, on the march, or at any frontier post specified by the Governor General in Council by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, Her Majesty's Indian Forces:

Provided as follows:

44 & 45 Vict., 6. 3. if any person claims to belong to a class to which the Army Act is, and these Articles are not, applicable, the burden of proving that he belongs to that class shall lie upon him."

4. For Part I, clause (e), of the said Articles, the following shall be substituted, namely:

"(e).—Definitions.

"In these Articles, unless there is something repugnant in the subject or context,—

(1) 'notification' means a notification published in the official Gazette:

(2) 'prescribed' means prescribed by rules made by the Governor General in Council or by any authority empowered by him in this behalf:

(3) 'British officer' means an officer holding a commission in Her Majesty's land forces, but does not include an honorary commissioned officer:

(4) 'Native officer' means an officer commissioned or gazetted as an officer holding a Native rank in Her Majesty's Indian Forces:

(5) 'officer' means a British officer or Native officer, but does not include a warrant officer or non-commissioned officer:

(6) 'medical subordinate' means a senior hospital assistant, a hospital assistant of the first, second or third class, and a sub-hospital assistant, but does not include an officer:

(7) 'superior officer,' when used in relation to a person subject to these Articles, includes a warrant officer, a non-commissioned officer and an acting non-commissioned officer:

(8) 'soldier' includes a non-commissioned officer and any armed person doing duty in the ranks of Her Majesty's Indian Forces:

(9) 'recruit' means a person enlisted for enrolment in any corps or department as a soldier:

(10) 'corps' means a unit of command, such as a regiment of cavalry, a regiment or battalion of infantry, a battery of artillery, and any other separate body of troops which is declared by the Governor General in Council by general or special order to be a corps for the purposes of these Articles; it also includes an army hospital corps and a transport corps:

(11) 'department' includes any division or branch of a department:

(12) 'military reward' means any gratuity or annuity for long service or good conduct; it also includes any good-conduct pay or pension and any other pecuniary reward:

(13) 'enemy' includes all armed mutineers, armed rebels, armed rioters and pirates:

(14) 'active service,' as applied to a person subject to these Articles, means the time during which such person is attached to or forms part of a force which is engaged in operations against an enemy, or is engaged in military operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country:

(15) the expression 'India' means British India, together with any territories of any Prince or Chief under the suzerainty of Her Majesty exercised through the Governor General in Council or through any Governor in Council or other officer subordinate to the Governor General in Council: and the expression 'British India' means all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor General in Council or through any Governor in Council or other officer subordinate to the Governor General in Council:

(16) the expression 'general officer of the Command' means the general officer commanding the forces in a Command: and the expression 'Command' means one of the principal portions into which the army of India is, for the time being, divided:

(17) 'commanding officer,' when used in any provision of these Articles with reference to any separate portion of Her Majesty's forces or to any department, means the British officer whose duty it is under the Army Regulations, India, or, in the absence of any such Regulation, by the custom of the service, to discharge with respect to that portion of the forces or that department the functions of commanding officer in regard to matters of the description referred to in that provision:

(18) 'military custody' means the arrest or confinement of a person, according to the usages of the service:

(19) 'court-martial' means a court-martial held under these Articles:

(20) 'criminal court' means a court of ordinary criminal justice in British India, or established or continued elsewhere by the authority of the Governor General in Council:

(21) 'civil offence' means an offence which if committed in British India would be triable by a criminal court: and

(22) expressions occurring in the Indian Penal Code and used in these Articles shall have the meanings respectively assigned to them by that Code."

5. For Part I, clause (f), of the said Articles the following shall be substituted, namely:

Substitution of new clause for clause (f) of Part I.

"(f).—Saving of certain Regulations.

"Nothing in these Articles shall affect any regulations by which the respective offices and powers of cantonment magistrates and officers in charge of the police in cantonments are defined and controlled."

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6. For Part II, Title I, of the said Articles the following shall be substituted, namely:

"TITLE I.—ENROLMENT, ATTESTATION, DISMISSAL AND DISCHARGE.

"Article 1.—(1) The Governor General in Council may, by notification, declare what persons or classes of persons shall be enrolled only, or be both enrolled and attested, respectively.

(2) A person shall be deemed to be enrolled under these Articles when his name has, with his consent, been entered in the prescribed manner on the list of a corps or department of Her Majesty's Indian Forces.

(3) Subject to the provisions of this article with respect to recruits, every person to be attested under these Articles shall be taken before the prescribed civil or military officer, and that officer shall read and explain to him, or cause to be read and explained to him in his presence, the questions set forth in the prescribed form of attestation, and such other matters (if any) as may be prescribed; and, after having cautioned him that if he makes a false answer to any question set forth in the attestation form he will be liable to be punished as provided by these Articles, shall record the answer to each question, and shall, if he is satisfied that the person fully understands the questions, and that the answer has been correctly recorded opposite each question, and if he perceives no impediment, administer to the person an affirmation or oath in the prescribed form.

(4) The form of affirmation or oath prescribed under this article shall contain a promise that the person to be attested will be faithful to Her Majesty, Her heirs and successors, and that he will serve in Her Majesty's Indian Forces and go wherever he is ordered by land or sea, and that he will obey all commands of any officer set over him, even to the peril of his life.

(5) When a recruit is reported fit for duty, an affirmation or oath in the same form shall be administered to him in the prescribed manner by the commanding officer in front of the corps or such portion thereof or such members of the department as shall be present.

(6) After administering the affirmation or oath, the officer shall authenticate the attestation paper by his signature, and the person shall then be deemed to have been attested.

(7) Subject to any rules which may be prescribed, the Commander-in-Chief in India, or the general officer of the Command, may direct that any persons to whom these Articles apply as attested persons shall, for the purposes of these Articles, be deemed to be enrolled, and that any persons to whom these Articles apply as enrolled persons shall, for the purposes of these Articles, be deemed to be attested.

"Article 2.—(1) Subject to the provisions of the Army Act, the Governor General in Council may, by notification, direct that persons of any class subject to these Articles shall, for any of the purposes of these Articles, be deemed to be Native officers, warrant officers or non-commissioned officers; and,

(2) Subject as aforesaid, any prescribed authority may issue an order giving a like direction with respect to any such person.

(3) Any notification or order issued under this article may be cancelled by the authority issuing the same; and,

(4) Subject as aforesaid, any person of the said classes with respect to whom no such notification or order is in force shall, so far as may be, be deemed for all the purposes of these Articles to be of a rank inferior to that of a non-commissioned officer.

(5) Should any question arise as to the rank of any other person subject to these Articles, or as to whether any such person is above or below a specified rank, the decision of the Governor General in Council thereon shall be conclusive.

(6) Every person subject to these Articles shall for the purposes thereof, be deemed to be under the commanding officer of the corps or department (if any) to which he is attached, and, if not attached to any corps or department, under any officer who may for the time being be named as his commanding officer by the general or other officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the said general or other officer commanding;

poses of these Articles, be deemed to be Native officers, warrant officers or non-commissioned officers; and,

(2) Subject as aforesaid, any prescribed authority may issue an order giving a like direction with respect to any such person.

(3) Any notification or order issued under this article may be cancelled by the authority issuing the same; and,

(4) Subject as aforesaid, any person of the said classes with respect to whom no such notification or order is in force shall, so far as may be, be deemed for all the purposes of these Articles to be of a rank inferior to that of a non-commissioned officer.

(5) Should any question arise as to the rank of any other person subject to these Articles, or as to whether any such person is above or below a specified rank, the decision of the Governor General in Council thereon shall be conclusive.

(6) Every person subject to these Articles shall for the purposes thereof, be deemed to be under the commanding officer of the corps or department (if any) to which he is attached, and, if not attached to any corps or department, under any officer who may for the time being be named as his commanding officer by the general or other officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the said general or other officer commanding;

Provided that a general or other officer commanding shall not place any person under an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whom he can be placed.

"Article 3.—(1) Every Native officer shall be liable to dismissal from the service by the sentence of a general court-martial, and to dismissal or discharge by order of the Governor General in Council, or of the Commander-in-Chief in India, or of the general officer of the Command to which he belongs.

(2) A Native officer dismissed under these Articles shall forfeit all claim to pension.

"Article 4.—(1) Every person subject to these Articles, other than a Native officer, shall be liable to—

(a) dismissal from the service by the sentence of any court-martial empowered to try him, and

(b) dismissal or discharge from the service, by order of the Governor General in Council, or of the Commander-in-Chief in India, or of the general officer of the Command to which he belongs, or of the officer commanding the division or district in which he is serving, or, if he belongs to a force not attached to a command, by order of the officer commanding such force.

(2) Every person so dismissed shall forfeit all claim to pension.

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Article 5.—(1) Every attested person of or below the rank of non-commissioned officer who has been dismissed or discharged from the service, and who subsequently re-enters the service without at the time stating the fact of his dismissal or discharge, or showing his certificate of dismissal or discharge, may be dismissed the service by the officer commanding the corps or department with which he is serving; and

(2) Every attested person of or below the rank of non-commissioned officer who is discovered to have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by, or by direction of, the officer before whom he appears for the purpose of being attested, shall, on conviction by court-martial, be liable to suffer imprisonment (with hard labour and with or without solitary confinement) or such less punishment as is in these Articles mentioned.

Article 6.—Every attested person who is dismissed or discharged from the service shall be furnished by his commanding officer with a certificate, in the English language and in the mother-tongue of such person (when his mother-tongue is not English), setting forth—

- (a) the authority dismissing or discharging him;
- (b) the cause of his dismissal or discharge; and
- (c) the full period of his service in the army.

7. In article 7, sentence 1, of the said Articles, the words "in any regiment, corps, detachment or guard" are hereby repealed.

8. For the third sentence of the last-mentioned article the following shall be substituted, namely:

"or who, knowing or having reason to believe in the existence of any mutiny or sedition, or of any intention to mutiny or create sedition, or of any conspiracy against the State,".

9. In article 8 of the said Articles, for the words "under any circumstances in which the superior officer is distinguishable as such in any manner" the words "knowing or having reason to believe him to be such" shall be substituted.

10. For articles 10 and 11 of the said Articles the following shall be substituted, namely:

"Desertion."

Article 10.—Who deserts or attempts to desert the service;—or

Re-enlistment without having been discharged.

Article 11.—Who, without having first obtained a regular discharge from the corps or department to which he belongs, enlists or enrolls himself in any other corps or department;—or

11. For the last paragraph of article 24 of the said Articles the following shall be substituted, namely:

"Whenever any person is convicted of an offence specified in article 7 and punishable with death under this article, all his property, moveable and immoveable, shall be forfeited to the Government."

12. For articles 25 and 26 of the said Articles the following shall be substituted, namely:

"Unbecoming behaviour."

Article 25.—Any officer, medical subordinate or warrant officer who behaves in a manner unbecoming his position and character;—and any person subject to these Articles—

"Intoxication on duty."

Article 26.—Who is in a state of intoxication when on or after having been warned for any duty, or on parade, or on the line of march;—or

13. For article 31 of the said Articles the following shall be substituted, namely:

"Failure to rejoin."

Article 31.—Who, being on leave of absence and having received information from proper authority that his corps or department has been ordered on service, fails, without sufficient cause, to rejoin without delay;—or

14. For article 39 of the said Articles the following shall be substituted, namely:

"Impeding Provost-marshal."

Article 39.—Who impedes a provost-marshal or an assistant provost-marshal, or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of a provost-marshal, or, when called on, refuses to assist, in the execution of his duty, the provost-marshal, assistant provost-marshal, or any such officer, non-commissioned officer or other person;—or

15. In article 40 of the said Articles the words "enrolled or" shall be inserted between the word "person" and the word "attested".

16. For article 47 of the said Articles the following shall be substituted, namely:

"Making away with regimental necessities."

Article 47.—Who—

(a) designedly or through neglect kills, injures or loses his horse or ill-treats any animal used in the public service;—or

(b) dishonestly or fraudulently removes, conceals or delivers to any person, or designedly or through neglect injures or loses his arms, clothes, tools, musical or surgical instruments, equipments, ammunition, accoutrements or regimental necessities, or any such articles entrusted to him or belonging to any other person;—or

(c) sells, pawns, destroys or defaces any medal or decoration granted to him by

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order of Her Majesty or of the Governor General in Council for service in the field or for general good conduct;—or

17. For article 57 of the said Articles the following shall be substituted, namely:

Punishment for offences mentioned in articles 54, 55 and 56.

Article 57.—Shall, if convicted by a general court-martial, be sentenced to be dismissed the service and to forfeit any arrears of pay and allowances due to him at the time of dismissal, and shall be punishable also with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to two years; and shall, if convicted by a district court-martial, be liable to any or all of the penalties which such court is competent to inflict."

18. In article 65 of the said Articles the word "other" shall be omitted.

19. For article 66 of the said Articles the following shall be substituted, namely:

Penalties for offences specified in articles 58 to 65.

Article 66.—Shall, on conviction by a general or district court-martial, be liable to any or all of the punishments, other than death or transportation, which the court-martial is competent to award."

20. In article 69 of the said Articles, for the words "such punishments as" to the end, the words "any or all of the punishments, other than death or transportation, which the court-martial is competent to award" shall be substituted.

21. For article 71 of the said Articles the following shall be substituted, namely:

"Abetment."

Article 71.—Every person who abets, within the meaning of the Indian Penal Code, any offence punishable under these Articles may be punished with the punishment hereinbefore provided in these Articles for such offence."

22. For article 72 of the said Articles the following shall be substituted, namely:

Article 72.—For the purposes of these Articles, there shall be five kinds of courts-martial, that is to say—

- (1) General courts-martial. Hereinafter called ordinary courts-martial.
- (2) District courts-martial. Hereinafter called extra ordinary courts-martial.
- (3) Regimental courts-martial.
- (4) Summary general courts-martial.
- (5) Summary courts-martial.

23. For articles 73 and 74 of the said Articles the following shall be substituted, namely:

"Ordinary Courts-martial."

Article 73.—(1) The following authorities shall have power to convene general or district courts-martial, namely:

- (a) the Commander-in-Chief in India,
- (b) the general officer of the Command,
- (c) any officer empowered in that behalf by warrant of the Commander-in-Chief in India or the general officer of the Command.

(2) The power of convening general or district courts-martial may be granted under clause (1), sub-clause (c), subject to such restrictions, reservations, exceptions and conditions as the Commander-in-Chief in India or the general officer of the Command granting the power may think fit.

(3) Any warrant under this article for convening general or district courts-martial, or either of them, may be addressed to an officer by name, or by designation of his office, or partly in one way and partly in the other, and may or may not, according to the terms thereof and the mode in which it is addressed, be limited to an officer named or be extended to any person for the time being performing the duties of such officer, or to the successors in command of such officer.

Article 74.—A general court-martial shall, if held in British India, consist of not less than seven officers, unless that number, due regard being had to the public service, is not available, in which case the court may consist of not less than five officers."

24. Articles 75, 77, 78 and 79 of the said Articles are hereby repealed.

25. In article 76 of the said Articles, for the words "reduction to the ranks" the words "reduction to a lower grade or to the ranks" shall be substituted.

26. For articles 80 and 81 of the said Articles the following shall be substituted, namely:

Article 80.—A district court-martial shall consist of not less than five officers, unless that number, due regard being had to the public service, is not available, in which case the court may consist of not less than three officers.

Article 81.—A district court-martial may, when necessary, be composed wholly of officers of the corps or department to which the accused belongs."

27. In article 82 of the said Articles the words "or garrison" and the words "other than mutiny" shall be omitted.

28. In the last-mentioned article, for the words "one year" the words "two years" and for the words "reduction to the ranks" the words "reduction to a lower grade or to the ranks" shall be respectively substituted.

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29. After article 82 of the said Articles the following article shall be inserted, namely:

"Article 82A.—Whenever a general or district court-martial is ordered to be composed of the smaller number of officers specified in article 74 or 80, the order convening the court shall expressly state that the larger number of officers is not, due regard being had to the public service, available; and that statement shall be conclusive evidence of the fact so stated."

30. For articles 84 and 85 of the said Articles the following shall be substituted, namely:

"Article 84.—A regimental court-martial shall consist of not less than three officers.

"Article 85.—A regimental court-martial shall have power to try all persons subject to these Articles and not above the rank of non-commissioned officer—

(a) for any offence triable by a court-martial under these Articles, except an offence punishable under articles 7 to 23 (both inclusive), articles 54 to 65 (both inclusive), or articles 171 to 173 (both inclusive), and,

(b) with the previous sanction of the prescribed authority, for any of the offences so excepted.

"Article 85A.—A regimental court-martial shall have power to pass any sentence which might have been passed by a district court-martial for the like offence other than suspension from rank, pay and allowances:

Provided that no sentence of imprisonment for a term exceeding six months, nor any of the additional punishments specified in article 135, shall be passed by a regimental court-martial."

31. For articles 86 to 89 (both inclusive) of the said Articles the following shall be substituted, namely:

"Article 86.—(1) The officers composing a court-martial convened under the foregoing provisions shall, except as hereinafter provided, be Native officers.

(2) The Governor General in Council, or the Commander-in-Chief in India, or the general officer of the Command, or any officer empowered in that behalf by warrant of the Commander-in-Chief in India or the general officer of the Command, may direct that any court-martial convened under these Articles shall be composed of British instead of Native officers.

(3) Any person subject to these Articles, who is under orders for trial by any court-martial, may claim to be tried by British officers.

(4) In all cases the right of making such a claim shall, before the court is convened, be explained to the person under orders for trial by the commanding officer, or some officer deputed by him in this behalf, and, when such a claim is made, the court shall be constituted accordingly,

(5) A court-martial convened for the trial of any person subject to these Articles, and serving with any British corps or detachment, may be composed of British officers if, in the opinion of the officer convening the court (such opinion to be expressed in the order convening the court and to be conclusive), Native officers are not available with due regard to the public service for service on the court.

"Article 87.—(1) Every general court-martial shall be attended by a judge advocate.

(2) If no officer of the judge advocate general's department is available, the officer convening the court shall appoint a fit person to act as judge advocate at the trial.

(3) No person under orders for trial or under trial by any court-martial may, without the leave of the court, object to any person acting or professing to act as judge advocate.

(4) A British officer of not less than four years' service, hereinafter called the superintending officer, shall be appointed to superintend the proceedings of every court-martial composed of Native officers which is not attended by a judge advocate.

"Article 88.—(1) At every court-martial the senior officer shall sit as president without special appointment as such.

(2) In case of the death or unavoidable absence of the president, the next senior officer shall take the place of the president, without special appointment as such, and the trial shall proceed if the court is still composed of not less than the smallest number of officers of which it is required by these Articles to consist.

"Article 89.—No finding or sentence of a general, district or regimental court-martial shall be valid, except so far as it may be confirmed as provided by these Articles.

"Article 89A.—(1) The following authorities shall have power to confirm the findings and sentences of general and district courts-martial:

(a) the Commander-in-Chief in India;

(b) the general officer of the Command, as regards troops under his command wherever stationed;

(c) the officer commanding a force not attached to a Command;

(d) any officer empowered in that behalf by warrant of the Commander-in-Chief in India or the general officer of the Command:

Provided that, except on active service or beyond the limits of India, no warrant issued under this article shall be deemed to empower an officer to confirm any finding or sentence in the case of an officer, medical subordinate or warrant officer, or a sentence of death, transportation or imprisonment for a term exceeding seven years in any case whatever.

(2) The provisions of article 73, clauses (a) and (3), shall, with the necessary modifications, apply to warrants issued under this article.

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(3) The officer who convenes a regimental court-martial or the officer having authority to convene such court-martial, at the date of the submission of the finding and sentence thereof, shall have power to confirm the same.

"Article 89B.—Subject to such restrictions as may be contained in any warrant issued under the last preceding article, the confirming officer may, when confirming the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any less punishment or punishments to which the offender might have been sentenced by the court-martial:

Provided that a sentence of transportation shall not be commuted to a sentence of imprisonment for a term exceeding the term of transportation awarded by the court."

32. For articles 90 to 97 (both inclusive) of the said Articles the following shall be substituted, namely:

"Extraordinary Courts-Martial.

"Article 90.—The following authorities shall have power to convene a summary general court-martial, and such a court-martial may be convened—

(a) in any place, whether within or beyond British India, by an officer empowered in this behalf by an order of the Governor General in Council or of the Commander-in-Chief in India or of the general officer of the Command;

(b) by an officer commanding any detached portion of Her Majesty's troops upon active service when, in his opinion, it is not practicable, with due regard to discipline and the exigencies of the service, that an offence should be tried by an ordinary general court-martial.

"Article 91.—(1) A summary general court-martial shall consist of not less than three officers, who may be either British or Native, or both British and Native officers, as the officer convening the court thinks fit.

(2) Such court may be convened and the proceedings thereof be recorded in accordance with the form in the Second Appendix to these Articles with such variations as the circumstances of each case may require:

Provided that the convening officer may, in respect of any such trial by such court, specially order the evidence, together with the prisoner's statement in defence, to be fully recorded in writing.

"Article 92.—A summary general court-martial shall have all the powers of a general court-martial, and, subject to any instructions contained in the order convening the court, its sentence shall be valid, and may be carried out forthwith in case it does not exceed that which a district court-martial is empowered to pass, and in any other case when confirmed by the authority convening the court.

Convening and constitution of, and persons triable by, a summary court-martial. **"Article 93.**—(1) A summary court-martial may be held—

(a) by the commanding officer, being a combatant officer, of any corps or department of Her Majesty's Indian forces, or of any detachment of those forces;

(b) by the commanding officer of any British corps or detachment to which Native combatant details subject to these Articles are attached.

(2) At every summary court-martial the officer holding the trial shall alone constitute the court, but the proceedings shall be attended throughout by two other officers, British or Native, who shall not, as such, be affirmed or sworn.

(3) The proceedings shall be recorded in the English language, and, when closed, shall be signed by the officer holding the trial, and by the officers attending thereat.

(4) A summary court-martial may try any person subject to these Articles and under the command of the officer holding the court, except an officer, medical subordinate or warrant officer.

(5) Any member of an army hospital corps may be tried by summary court-martial by any officer authorised in this behalf by the officer commanding the division, district, brigade or station to which the alleged offender belongs.

"Article 94.—A summary court-martial may try any offence punishable under any of these Articles:

Provided that when there is no grave reason for immediate action, and reference can, without detriment to discipline, be made to superior authority, a summary court-martial shall not try without such reference any of the following offences, namely:

(a) any offence punishable under any of the articles 7 to 23 (both inclusive), or articles 54 to 65 (both inclusive), or article 171;

(b) any offence against the officer holding the court.

"Article 95.—(1) A summary court-martial held by the commanding officer of a corps or department may pass any sentence which can be passed under these Articles, except a sentence of death or transportation, or of imprisonment for a term exceeding one year.

(2) A summary court-martial held by any other officer may pass any sentence which can be passed under these Articles, except a sentence of death or transportation, or of imprisonment for a term exceeding six months.

"Article 96.—The finding and sentence of a summary court-martial shall not require to be confirmed, but may be carried out at once:

Provided that, if the officer holding the trial is of less than five years' service, he shall not, except on active service, carry into effect any sentence until it has received the approval of a superior military officer commanding not less than a corps.

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"Article 97.—The proceedings of every summary court-martial shall, without delay, be forwarded to the officer commanding the district, or the division or brigade, within which the trial was held, or to the prescribed officer: and such officer or the Commander-in-Chief in India or the general officer of the Command, or when the court is held in a force not attached to a Command, the officer commanding the force, may, for reasons based on the merits of the case, but not on any merely technical grounds, set aside the proceedings."

33. For article 100 of the said Articles the following shall be substituted, namely:

"Article 100.—(1) Whenever any person subject to these Articles is accused of any offence which his commanding or other superior officer considers should be tried by court-martial, such officer shall order the accused to be placed in military custody until he can be tried by a court-martial or is discharged by proper authority.

(2) No such person shall be detained in military custody longer than is necessary for the purposes of justice."

34. Article 101 of the said Articles is hereby repealed.

35. For article 102 of the said Articles the following shall be substituted, namely:

"Article 102.—(1) An interpreter shall be appointed to every court-martial.

(2) If no duly qualified interpreter is available at the station or place where the court-martial sits, the officer appointing the court, or the officer commanding in the district or place within or at which the trial is to be held, shall appoint any competent person to perform the duty of interpreter.

(3) When no other qualified or competent person is available, the superintending officer, or, in the case of an European court, the president, shall perform the duty of interpreter.

(4) In the case of a trial by a summary court-martial, the officer holding the trial, or one of the officers in attendance thereat, may perform the duty of interpreter if no other competent interpreter is available.

(5) No interpreter shall, as such, have a vote upon any matter."

36. For article 103 of the said Articles the following shall be substituted, namely:

"Article 103.—(1) When a court-martial after the commencement of the trial is reduced below the smallest number of officers of which it is by these Articles required to consist, it shall be deemed to be dissolved.

(2) If, on account of the illness of the prisoner before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) Where a court-martial is dissolved under this article, the prisoner may be tried again.

"Article 103A.—The president of a court-martial may, on any deliberation among the members, cause the court to be cleared of all other persons.

"Article 103B.—The court may, when it thinks fit, view any place."

37. In article 104 of the said Articles the words "general court-martial appointed under an Order in Council, or of any other" and the words and figures "under article 96 or 97" shall be omitted.

38. In article 107 of the said Articles, for the words "courts-martial, other than courts-martial appointed under an Order in Council, or summary" the word "ordinary" shall be substituted.

39. After article 108 of the said Articles the following article shall be inserted, namely:

"Article 108A.—At a summary court-martial the interpreter shall make affirmation or oath down to the words 'published by authority' only."

40. Article 114 of the said Articles is hereby repealed.

41. For article 116 of the said Articles the following shall be substituted, namely:

"Article 116.—(1) A prisoner charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A prisoner charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

(3) A prisoner charged before a court-martial with any one of the following offences, that is to say, theft, dishonest misappropriation or conversion, criminal breach of trust, or dishonestly receiving or retaining stolen property, may be found guilty of any other of those offences.

(4) A prisoner charged before a court-martial with any other offence under these Articles may, on failure of proof of an offence having been committed under circumstances involving a more severe punishment, be found guilty of the same offence as having been committed under circumstances involving a less severe punishment."

42. For article 117 of the said Articles the following shall be substituted, namely:

"Article 117.—(1) When any person subject to these Articles has been convicted by a court-martial of any military offence, such court-martial shall enquire into, and receive and record evidence of, any previous convictions of such person, either by a court-martial or by a criminal court, and shall further enquire into and record the general character of such person.

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(2) Evidence received under this article may be either oral, or in the shape of entries in, or certified extracts from, court-martial books or other official records; and it shall not be necessary to prove the signature to such certified extracts, nor shall it be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

(3) At a summary court-martial the commanding officer holding the trial may, if he thinks fit, record any previous convictions against the offender and his general character, as of his own knowledge, instead of requiring them to be proved under the foregoing provisions of this article.

"Article 117A.—Subject to the provisions of the last foregoing article, the Indian Evidence Act, 1872, subject to such modifications thereof and to such additional rules of evidence as the Governor General in Council may, by notification, direct, shall apply to all proceedings before a court-martial."

43. For articles 119 and 120 of the said Articles the following shall be substituted, namely:

"Article 119.—No sentence of death shall be passed by any court-martial without the concurrence of two-thirds at the least of the members of the court.

"Article 120.—(1) The finding or sentence of any court-martial may be once revised by order of the officer authorized to dispose of the proceedings, and, on such revision, the court, if so directed by him, may take additional evidence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers shall be unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided it still consists of the smallest number of officers of which such court is by these Articles required to consist."

44. For articles 122 to 124 (both inclusive) of the said Articles the following shall be substituted, namely:

"Article 122.—(1) The judge advocate in the case of a general court-martial, and the officer ordering the trial in the case of any other court-martial, may, by summons under his hand, require the attendance before the court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness amenable to military authority, the summons shall be sent to the officer actually commanding the corps, department or detachment to which he belongs, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the magistrate within whose jurisdiction he may be or reside, and such magistrate shall give effect to the summons as if the witness were required in the court of such magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with convenient certainty.

(5) Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to any letter, post-card, telegram or other document in the custody of the postal or telegraph authorities.

(6) 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 purposes of any court-martial, such magistrate or court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such magistrate or court may direct.

(7) 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.

"Article 123.—(1) Any witness duly summoned, and any person who commits any contempt of court in the presence of a court-martial, or any offence described in article 56, 67 or 68, shall, if subject to these Articles, be proceeded against as the court may direct.

(2) If any such witness or person is not so subject, the president of the court-martial may certify the offence under his hand to the court of any magistrate within the local limits of whose jurisdiction it was committed, and the magistrate may thereupon take cognizance of the case, and, after hearing anything which the accused may desire to say, dispose of it as if the offence had been committed in a proceeding in the court of such magistrate.

"Article 124.—(1) No president or member of a court-martial, no judge advocate or superintending officer, no party to any proceeding before a court-martial or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial, shall, while proceeding to, attending on or returning from, a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial."

45. Articles 125 to 129 (both inclusive) of the said Articles are hereby repealed.

46. In article 130, clause (d), sentence 1, of the said Articles, for the words "one year" the words "two years" shall be substituted.

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(Sections 47-60.)

47. For article 131 of the said Articles the following shall be substituted, namely:

"Article 131.—Dismissal from the service may accompany any other sentence passed by a court-martial."

48. In article 132 of the said Articles, after the word "reduced" the words "to a lower grade or" shall be inserted.

49. For articles 133 to 137 (both inclusive) of the said Articles the following shall be substituted, namely:

"Article 133.—In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and, when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods."

"Article 134.—A non-commissioned officer sentenced by court-martial to any of the punishments specified in the second paragraph of article 132 shall be deemed to be reduced to the ranks."

"Article 135.—On a conviction of any offence, a general, summary general or district court-martial may, in addition to any other punishment which it is empowered to award, sentence the offender to forfeit all advantage as to additional pay and claim to pension on discharge which might otherwise have accrued from the length or nature of his former service, or to forfeit all such advantage absolutely, whether it has accrued from former service or may accrue from future service, or to forfeit service for the purpose of promotion, increased pay or pension or any other prescribed purpose, or to forfeit any military decoration or reward."

"Article 136.—Whenever a person subject to these Articles is convicted by a court-martial, his good-conduct pay shall, subject to any rules or orders which may from time to time be made with the previous sanction of the Governor General in Council, cease."

"Article 137.—On a conviction for any offence if the offender is sentenced to dismissal from the service, or if his sentence involves such dismissal, he may further be sentenced to forfeit, if the court shall so direct,—

(a) all or any arrears of pay and allowances or other public money due to him at the time of his dismissal, or

(b) such portion thereof as may be required to make good any proved loss or damage arising out of his offence."

50. The first paragraph of article 138 of the said Articles, and the word "and" at the beginning of the second paragraph of the same article, are hereby repealed.

51. In article 139 of the said Articles, for the words "in the case of an officer, two-thirds, or, in the case of any other person, one-half of his" the words "one-half of the offender's" shall be substituted.

52. Articles 142 to 149 (both inclusive) of the said Articles are hereby repealed.

53. In articles 150 and 151 of the said Articles, after the words "the offender shall" the words "as soon as may be convenient" shall be inserted, and for the words "the nearest jail" the words "a jail" shall be substituted.

54. To the last-named article the following addition to article proviso shall be added, namely:

"Provided that, in the case of a sentence of such imprisonment for a period not exceeding three months, the confirming or superior authority or, in the case of a summary court-martial, the commanding officer holding the trial may direct that the sentence shall be undergone in military custody."

55. To article 152 of the said Articles the words "Subject to the control of the Commander-in-Chief in India" shall be prefixed; and for the words "the Commander-in-Chief of a Presidency" the following words shall be substituted, namely: "the general officer of the Command."

56. To the second paragraph of the last-mentioned article the words "Subject as aforesaid," shall be prefixed.

57. In article 155 of the said Articles, after the words "from the date of such sentence" the words "or, if an appeal be preferred against such sentence and fail, from the date of the disposal of such appeal," shall be inserted.

58. To the last-mentioned article the following addition to same shall be added, namely:

"Provided that on active service any such person may, by order of the officer empowered under these Articles to confirm or otherwise dispose of the proceedings of the trial, be retained to serve in the ranks, and his service therein shall be reckoned as part of his term of transportation or imprisonment."

59. Articles 156 to 159 (both inclusive) of the said Articles are hereby repealed.

60. For article 160 of the said Articles the following shall be substituted, namely:

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"Article 160.—When any person subject to these Articles has been convicted by a court-martial of any offence,—

(a) the Governor General in Council, or,
(b) when the person has been convicted of any offence other than a civil offence, the Commander-in-Chief in India or the general officer of the Command,

may—

(1) pardon the person;
(2) remit wholly or in part any punishment awarded to him;
(3) order the restoration to him of any service or other advantage forfeited under his sentence, or
(4) re-admit him to the service when he has been dismissed therefrom:

Provided that the general officer of the Command shall not exercise the powers conferred by this section in respect of any person, unless—

(1) the person was under his authority when sentenced; and
(2) the person is still in the service, or, if the person has been dismissed from the service, the corps or department from which he was dismissed has since continued under the authority of that officer."

61. In article 161 of the said Articles the words "or to the Government of Fort St. George, or to the Government of Bombay," shall be repealed; and for the words "Commander-in-Chief of any Presidency or of the officer commanding any force not attached to a Presidency" the following words shall be substituted, namely: "Commander-in-Chief in India or the general officer of the Command, or of the officer commanding any force not attached to a Command."

62. After article 161 of the said Articles the following shall be inserted, namely:

"Preservation of Proceedings."

"Article 161A.—(1) The proceedings of all general courts-martial shall be preserved by the judge advocate general for not less than seven years, and the proceedings of summary general courts-martial and district courts-martial for not less than three years, from the date of the confirmation of the finding and sentence."

(2) The proceedings of regimental and summary courts-martial shall be preserved for three years with the records of the corps or department to which the prisoner belonged.

(3) Every person tried by a court-martial shall be entitled, on demand at any time after the confirmation of the finding and sentence where such confirmation is required, and before the proceedings are destroyed, to obtain from the officer or person having the custody of the proceedings a copy thereof, including the proceedings upon revision, if any, upon payment for the same at the prescribed rate."

63. For article 162 of the said Articles the following shall be substituted, namely:

"Article 162.—(1) When any person subject to these Articles has been absent without due authority from his duty for a period of sixty days, a court of enquiry shall, as soon as practicable, be assembled, and, upon affirmation or oath administered in the prescribed manner, shall enquire respecting the absence of the person, and the deficiency, if any, of property of the Government entrusted to his care, or of his arms, ammunition, equipments, instruments, clothing or necessaries; and, if satisfied of the fact of such absence without due authority or other sufficient cause, the Court shall declare such absence and the period thereof, and the said deficiency if any; and, the commanding officer of the corps or department to which the person belongs shall enter in the court-martial book of the corps or department a record of the declaration."

(2) If the person declared absent does not afterwards surrender, or is not apprehended, the record shall have the legal effect of a conviction of desertion.

(3) If the person declared absent surrenders or is apprehended, the record or a copy thereof, purporting to bear the signature of the officer having the custody of the court-martial book, shall, on the trial of the person for desertion, be presumptive evidence of the facts therein recorded; and, on proof of the identity of the prisoner with the person therein mentioned, he may be found guilty of desertion and of the deficiency, if any, therein recorded."

64. For the last paragraph of article 163 of the said Articles the following shall be substituted, namely:

"Such recommendation, duly confirmed by the Commander-in-Chief in India, or by the general officer of the Command, or the officer commanding any force not attached to a Command to which he belongs, or by any general officer under whose command the person is serving, shall entitle him to receive such arrears and reckon service accordingly."

65. For article 164 of the said Articles the following shall be substituted, namely:

"Article 164.—The Commander-in-Chief in India, the general officer of the Command, the officer commanding any force not attached to a command, and the officer commanding any district or division or brigade, shall respectively have power to reduce to a lower grade or to the ranks any non-commissioned officer under his command."

66. In article 165 of the said Articles, for the words "No such minor punishment shall be awarded by a court-martial," to the end of the article, the following shall be substituted, namely:—

"Unless otherwise specially provided by the said Commander-in-Chief, no Native officer,

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medical subordinate or warrant officer shall be liable to any such minor punishment.

"Good-conduct pay shall not necessarily be forfeited on the infliction of a minor punishment, but forfeiture thereof may be awarded as a substantive punishment, by order of the Commanding officer, as may from time to time be prescribed in the General Orders of the Commander-in-Chief in India.

"Forfeiture of good-conduct pay may be awarded in addition to any other minor punishment."

67. In article 166 of the said Articles, the Amendment of article 166. words "the Governor of Fort St. George in Council, the Governor of Bombay in Council, or any other Local Government" shall be omitted.

68. In article 168 of the said Articles, for Amendment of article 168. the words "the Commander-in-Chief of the Presidency" the words "the Commander-in-Chief in India or the general officer of the Command" shall be substituted.

69. In the second paragraph of article 169 of the said Articles, for the Amendment of article 169. words "warrant officer" the words "non-commissioned officer" shall be substituted.

70. The second and third paragraphs of article 170 of the said Articles are hereby repealed.

71. For articles 171 to 175 (both inclusive) Substitution of new articles for articles 171 to 175. of the said Articles the following shall be substituted, namely:

"Civil Offences.

"Article 171.—Every person subject to these Articles who at any place beyond British India commits any civil offence shall be deemed to be guilty of an offence against military law, and if charged therewith under this article shall, subject to the provisions of these Articles, be liable to be tried for the same by court-martial at any place, whether within or beyond British India, and on conviction to be punished as follows, that is to say:

- (a) if the offence is one which would be punishable under the law of British India with death or with transportation, or with imprisonment for a term exceeding three years, he shall be liable to suffer any punishment assigned for the offence by the law of British India; and
- (b) in other cases, he shall be liable to suffer any punishment assigned for the offence by the law of British India or such punishment as might be awarded to him in pursuance of these Articles in respect of an act to the prejudice of good order and military discipline.

"Article 172.—The Governor General in Council may, by notification, extend the last foregoing article to civil offences or any class of those offences committed by a person subject to these Articles when on active service in British India, and may cancel any such notification.

"Article 173.—Every person subject to these Articles who, whether triable by military law. within or beyond British India, commits or attempts to commit or abets the commission of any of the following offences against any person subject to military law, that is to say, murder, culpable homicide or any offence punishable under any of the sections 323 to 335 (both inclusive) or section 506 of the Indian Penal Code, shall be deemed to be guilty of an offence against military law, and if charged under this article with any such offence shall, subject to the provisions of these Articles, be liable to be tried by court-martial at any place whether within or without British India, and on conviction shall be liable to suffer any punishment assigned for the offence by the said Code.

"Article 174.—When under any of the foregoing Articles a criminal court and a court-martial have each jurisdiction in respect of an offence, it shall be in the discretion of the prescribed military authority to decide before which court the proceedings shall be instituted, and, if that authority decides that they shall be instituted before a court-martial, to direct that the accused person shall be detained in military custody.

"Article 175.—(1) When a criminal court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any alleged offence, it may, by written notice, require the convening authority or the prescribed military authority at his option either to deliver over the offender to the nearest magistrate to be proceeded against according to law or to postpone proceedings pending a reference to the Governor General in Council.

(2) In every such case the said authority shall either deliver over the offender in compliance with the requisition or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Governor General in Council, whose order upon such reference shall be final."

72. For articles 176 to 179 (both inclusive) Substitution of new articles for articles 176 to 179. of the said Articles the following shall be substituted, namely:

"TITLE VI.—PROPERTY OF DECEASED PERSONS AND DESERTERS.

"Article 176.—The following rules are enacted respecting the disposal of the property of every person who belongs to a class subject to these Articles who dies, is killed in the field or deserts:—

(1) The commanding officer shall secure all the moveable property that is on the spot, and cause an inventory thereof to be made, and draw any pay and allowances due to the deceased or deserter.

(2) In the case of a deceased person who has left in a Government Savings Bank (including any Post Office Savings Bank, however named,) a deposit not exceeding one thousand rupees, the commanding officer may, if he thinks fit, require the secretary or other proper officer of the bank to pay the deposit to him forthwith notwithstanding anything in any departmental

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rules; and, after the payment thereof in accordance with such requisition, no person shall have any right in respect of the deposit except as hereinafter provided.

(3) In the case of a deceased person whose representative is on the spot and has given security for the payment of the regimental debts (if any) of the deceased, the commanding officer shall deliver over the property and the amount of the deposit (if any) received under clause (2) of this article to that representative.

(4) In the case of a deceased person whose estate is not dealt with under clause (3) of this article, and in the case of any deserter, the commanding officer shall cause the property to be sold by public auction, and shall pay the regimental debts and other debts in camp or quarters (if any), and in the case of a deceased person the expenses of his funeral ceremonies, from the proceeds of the sale and the amount of the deposit (if any) received under clause (2) of this article.

(5) The surplus, if any, shall in the case of a deceased person be paid to his representative, if any, or in the event of no claim to such surplus being established within twelve months after the death, then the same shall be remitted to the prescribed officer.

(6) In the case of the sale of the effects of a deserter, the amount remaining in the hands of the commanding officer shall be forthwith remitted to the prescribed officer.

"Article 177.—Property deliverable and money payable to the representative of a deceased person under the last foregoing article may, if the total value or amount thereof does not exceed one thousand rupees, and if the prescribed officer thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title; and such delivery or payment shall be a full discharge to those ordering or making the same and to the Secretary of State for India in Council from all further liability in respect of the property or money; but nothing in this article shall affect the rights of any executor or administrator or other representative, or of any creditor, of a deceased person against any person to whom such delivery or payment has been made.

"Article 178.—A person shall be deemed to have deserted within the meaning of article 176 who has been convicted of desertion, or who has been illegally absent from duty for a period of sixty days and has not subsequently surrendered or been apprehended.

"Article 179.—The provisions of the last-mentioned article shall, so far as they can be made applicable, apply in the case of a person subject to these Articles becoming insane, such allowance being made for his support as is authorised by the Military Lunatics Act, 1877."

73. For Part III of the said Articles the following shall be substituted, namely:

"PART III.—MISCELLANEOUS.

"Article 180.—When any person subject to these Articles has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been summarily dealt with for an offence under article 165 or 166, he shall not be liable to be again tried for the same offence by a court-martial or dealt with summarily in respect of it under either of the said Articles.

"Article 181.—(1) No person subject to these Articles shall, so long as he belongs to Her Majesty's Indian Forces, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue-officer.

(2) The judge of any such court may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this article, and may by warrant under his hand discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no fee whatever shall be payable to the court by the complainant.

"Article 182.—Neither the arms, clothes, equipment, accoutrements or necessities of any person subject to these Articles, nor any animal used by him for the discharge of his duty, shall be seized; nor shall the pay and allowances of any such person or any part thereof be attached, by direction of any civil or revenue court or any revenue-officer, in satisfaction of any decree or order enforceable against him.

"Article 183.—Every person belonging to the Indian Reserve Forces shall, when called out for or engaged upon or returning from training or service, as an officer or soldier, be entitled to all the privileges accorded by the two last foregoing articles to a person subject to these Articles.

"Article 184.—(1) On the presentation to any court by or on behalf of any officer or soldier subject to these Articles of a certificate, from the proper military authority, of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such officer or soldier, arrange, so far as may be possible, for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper military authority must state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee whatever shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such officer or soldier for priority for the hearing of his case.

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(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such officer or soldier on his application, without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) If in any case a question arises as to the proper military authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to the nearest officer commanding a corps, whose decision shall be final.

"Article 185.—(1) Whenever any person subject to these Articles deserts, the commanding officer of the corps, department or detachment to which he belongs shall give written information of the desertion to such civil, political or police authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose capture a warrant had been issued by a magistrate, and shall deliver the deserter, when apprehended, to military custody.

(2) Such authorities shall also, by such means as appear to them best adapted for the purpose, prevent persons reasonably believed to be subject to these Articles from travelling through the areas subject to their jurisdiction, unless on duty, or furnished with a certificate of leave or discharge.

(3) Any police-officer may arrest, without warrant, any person reasonably believed to be subject to these Articles and to be travelling without authority, and shall bring him without delay before the nearest magistrate, or the nearest military commanding officer when no magistrate is readily accessible, to be dealt with according to law.

"Article 186.—Whenever any person subject to these Articles, who is accused of any military offence, is within the jurisdiction of any civil, political or police officer, such officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect signed by his commanding officer.

"Article 187.—In any proceeding under these Articles, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil or military service of the Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

"Article 188.—(1) The Governor General in Council may direct that for the purposes of these Articles—

(a) any portion of Her Majesty's Indian Forces belonging to a Command shall, when serving beyond the ordinary limits of the Command, continue sub-

ject to the authority of the general officer of the Command; or

(b) any portion of those forces not belonging to a Command shall be attached to a Command, and shall be subject to the authority of the general officer of the Command.

(2) Except as may be directed under clause (1) of this article, any portion of the said forces shall, when serving in a Command, be for the purposes of these Articles subject to the authority of the general officer of that Command.

"Article 189.—Nothing in these Articles shall be deemed to affect the authority conferred on the Commander-in-Chief in India by any Act of Parliament or by Royal Warrant or Commission.

"Article 190.—(1) The Governor General in Council may, by notification, make rules consistent with these Articles to regulate the procedure of courts-martial and officers, military, civil or political, having any jurisdiction or authority under these Articles, and for the purpose of carrying these Articles into execution, so far as relates to the investigation, trial and punishment of offences triable under them.

(2) Rules under this article may provide among other matters for the following:

- the assembly and procedure of courts of enquiry;
- the convening and constituting of courts-martial;
- the adjournment, dissolution and sittings of courts-martial;
- the procedure to be observed in trials by courts-martial;
- the confirmation and revision of the findings and sentences of courts-martial;
- the carrying into effect sentences of courts-martial;
- the forms of orders to be made under the provisions of these Articles relating to courts-martial, transportation or imprisonment.

(3) The Governor General in Council may by any such rule confer on any court-martial or officer any power (other than a power to try an accused person or pass a sentence) conferred on a court of original jurisdiction by the Code of Criminal Procedure, 1882.

"Article 191.—(1) The Governor General in Council may, by notification, apply all or any of the provisions of these Articles to any force raised and maintained in India under the authority of the Governor General in Council, and may cancel or modify any such notification.

(2) While any of the provisions of these Articles apply to any such force, the Governor General in Council may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of those provisions shall be exercised or performed in respect to that force."

74. After the Appendix to the said Articles the Second Appendix set out in the Schedule to this Act shall be added.

Addition of Second Appendix to Articles.

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(The Schedule.)

THE SCHEDULE.

(See section 74.)

THE SECOND APPENDIX.

(See article 91.)

FORM FOR ASSEMBLY AND PROCEEDINGS OF SUMMARY GENERAL COURT-MARTIAL.

Proceedings.

* State the place.

* At

, this

day of

18

A.—Order convening the Court.

WHEREAS it appears to me that the persons named in the annexed schedule, and being subject to military law, have committed the offences in the said schedule mentioned, and I, the undersigned, an officer now in command of
on active service, am of opinion that it is not practicable, having due regard to the public service, to convene an ordinary Court-Martial to try such offences († or to delay the trial for reference to a superior qualified officer), I hereby convene a Summary General Court-Martial to try the said persons, and to consist of—

PRESIDENT:

Rank.

Name.

Regiment.

MEMBERS:

Rank.

Name.

Regiment.

B.—Certificate of President as to proceedings.

I certify that the above Court assembled on the _____ day of _____ and duly tried the persons named in the said schedule, and that the plea, finding, and sentence in the case of each such person were as stated in the third and fourth columns of that schedule.

Signed this

day of

18

C.....D.....

President of the Court-Martial.

C.—Confirmation.

I have dealt with the findings and sentences in the manner stated in the last column of the above schedule, and, subject to what I have there stated, I hereby confirm the above findings and sentences; and I am of opinion, with reference to the sentences of summary

5 e

*The Indian Articles of War Bill.**(The Schedule.)*

punishment mentioned in the schedule, that imprisonment cannot, with due regard to the public service, be carried into execution (*and I am of opinion that it is not practicable, having due regard to the public service, to delay the cases for confirmation by any superior qualified authority).

* Omit, except where under rules it is ordinarily the duty of the confirming officer to reserve the case.

Signed this day of 18 .

E.....F.....,

Field (or General) Officer in the Force (or Commanding)

I have dealt with the reserved findings and sentences in the manner stated in the last column of the schedule, and, subject to what I have there stated, I hereby confirm the said reserved findings and sentences.

Signed this day of 18 .

G.....H.....,

General (Field) Officer in the Force.

Subject to what I have stated in the last column of the schedule, I hereby confirm the (finding and) sentence of death in the case of and of transportation

† Omit, where confirmed by Officer in chief command.

‡ State, according to the circumstances, the nature of the country, or the great distance, or the operations of the enemy.

in the case of († and in the case of the above sentences of death I am of opinion that by reason of‡ it is not practicable, having due regard to the public service, to delay the case for confirmation by any qualified officer superior to myself).

Signed this day of 18 .

J.....K.....,

General (Field) Officer in Chief Command of the Forces.

*The Indian Articles of War Bill.**(The Schedule.)***Schedule.**

Date.....18 . No.....

Name of alleged offender.*	Offence charged.	Plea.	Finding and, if convicted, sentence.†	How dealt with by confirming officer.
1	2	3	4	5
Ram Bux (Bunniah) ...	Offence against person of inhabitant of country.	Guilty ...	Guilty. H. L. imprisonment for—	Confirmed. I remit— E.....F.....
262, Sepoy Jhunda Singh, 167th Regiment.	Breaking into house in search of plunder.	Not guilty.	Guilty. Two months' H. L. imprisonment.	Not confirmed. E.....F.....
564, Sowar Hossein Khan, 16th Regiment.	Drunk on post ...	Not guilty.	Guilty. Death. Recommended to mercy.	Reserved, or confirmed, but commuted to H. L. imprisonment for— E.....F..... Confirmed, but commuted to—years' transportation. J.....K.....
Person accompanying force (name unknown), white jacket and trousers, scar on right cheek.	Impeding provost marshal.	Not guilty.	Not guilty.	
Sepoy in uniform of 67th Regiment (name unknown).	Offence against property of inhabitant of country.	Not guilty.	Guilty. H. L. imprisonment for—	Reserved. E.....F..... Confirmed. G.....H.....
P. Q. Convening Officer.			C. D. President.	

* If the name of the person charged is unknown, he may be described as unknown, with such addition as will identify him.
† Recommendation to mercy to be inserted in this column.

J. M. MACPHERSON,
Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend certain enactments relating to the Army was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th October, 1894 :

WE, the undersigned, Members of the Select Committee to which the Bill to amend certain enactments relating to the Army was referred, have considered the Bill, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. With the exception of a slight verbal alteration in the portion of the schedule referring to section 3 of Act XI of 1877, we have no change to suggest in the Bill as introduced.

3. The publication ordered by the Council has been made as follows :—

In English.

<i>Gazette.</i>				<i>Date.</i>
Gazette of India ...	...	...	...	8th September, 1894.
Fort Saint George Gazette ...	...	...	...	25th September, 1894.
Bombay Government Gazette ...	...	...	...	13th September, 18 4
Calcutta Gazette ...	...	...	...	19th September, 1894.
North-Western Provinces and Oudh Government Gazette ...	...	...	...	15th September, 1894.
Punjab Government Gazette ...	...	...	...	13th September, 1894.
Central Provinces Gazette ...	...	...	...	15th September, 1894.
Burma Gazette ...	...	...	...	29th September, 1894.
Assam Gazette ...	...	...	...	29th September, 1894.
Coorg District Gazette ...	...	...	...	(Date not yet reported)

4. We do not think that the measure has been so altered as to require re-publication and we recommend that it be passed as now amended.

H. BRACKENBURY.

GEO. S. WHITE.

ALEX. EDW. MILLER.

A. P. MACDONNELL.

The 4th October, 1894.

No. II.

A Bill to amend certain enactments relating to the Army.

WHEREAS it is expedient to amend certain enactments relating to the Army in manner hereinafter appearing; It is hereby enacted as follows:

1. (1) This Act may be called the Repealing and Amending (Army) Act, 1894; and
 Title and commencement. (2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, fix in that behalf.

2. (1) The enactment specified in the first schedule is hereby repealed to the extent mentioned in the third column thereof.

(2) The enactments specified in the second schedule are hereby modified to the extent and in the manner mentioned in the third column thereof.

THE FIRST SCHEDULE.

ENACTMENT REPEALED.

Number and year.	Title.	Extent of repeal.
1	2	3
<i>Act of the Governor General in Council.</i>		
XI of 1877 ...	Military Lunatics Act, 1877.	In sections 4 and 6 the words divisions or. In section 7 the word division.

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

Number and year.	Title or subject.	Amendments.
1	2	3
<i>Act of the Governor General in Council.</i>		
XI of 1877 ...	Military Lunatics Act, 1877.	In section 3, for Act for punishing Mutiny and Desertion and for the better payment of the Army and their quarters for the time being in force read Army Act; for military regulations of the Presidency to which he belongs read military regulations in

ENACTMENTS AMENDED—*contd.*

Number and year.	Title or subject.	Amendments.
1	2	3
XI of 1877— <i>contd.</i>		force for the time being; for one of the Surgeons-General, either of the British Forces or of the Indian Medical Service, according to the Presidency and the service to which the said lunatic belongs read the Principal Medical Officer of Her Majesty's Forces in India, the Surgeon-General with the Government of India, the Surgeon-General with the Government of Madras, the Surgeon-General with the Government of Bombay, or the Principal Medical Officer of the "Command" to which the said lunatic belongs; and for such Surgeon-General and the Surgeon-General read such Principal Medical Officer or Surgeon-General.
		In sections 3, 6 and 7, for the words local military regulations, wherever they occur, read military regulations.
<i>Regulations of the Madras Code.</i>		
VII of 1808 ...	Power to establish martial law.	In the title, in the first place in which the words occur in the preamble, in section 2 and in section 4, for Governor in Council read Governor General in Council.
VIII of 1817...	Sepoy Mâl-guzars.	In the title, for on the military establishment of the Presidency of Fort St. George read in the Madras Command. In section 9, clause first, for on the military establishment under the Presidency of Fort St. George read in the Madras Command.

J. M. MACPHERSON,

Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Burma Municipal Act, 1884, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th October, 1894:

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Burma Municipal Act, 1884, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

From Chief Commissioner, Burma, No. 228—2.T.—4, dated 11th September, 1894, and enclosures [Papers No. 1].

2. We are not disposed to adopt the view of the majority of the Rangoon Municipal Committee that a portion of the expenditure on scavenging ought, having reference to the intention of the existing law, to be charged to the general fund, and we incline to the opinion that such a scavenging-tax should be imposed as would cover the whole of this expenditure; it appears, however, on the figures stated that a house-tax of eight per centum would not at present suffice to meet the general expenditure, and having regard to the admitted requirements for roads and otherwise, and to the fact that fresh and comprehensive legislation is contemplated in the near future, we are not prepared to suggest any reduction in the maximum rate of ten per centum on the value of the buildings taxed proposed in the Bill as introduced.

As, however, it is not desired to give power to enhance the house-tax save in the Municipality of Rangoon, we have altered the form of the proposed amendment of the Act so as to make this clear.

3. The publication ordered by the Council has been made as follows:

<i>In English.</i>			
Gazette.			Date.
Gazette of India	...	...	18th August, 1894.
Burma Gazette	...	...	8th September, 1894.

4. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ALEX. EDW. MILLER.

A. P. MACDONNELL.

J. WESTLAND.

The 3rd October, 1894.

No. II.

A Bill to amend the Burma Municipal Act, 1884.

WHEREAS it is expedient to amend the Burma Municipal Act, 1884; It is hereby enacted as follows:

1. In section 41, sub-section (1), division A, clause (a), between the words "not exceeding," and the words "five per centum," the words "in the case of the Municipality of Rangoon ten per centum and elsewhere," shall be inserted.

J. M. MACPHERSON,

Deputy Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 20, 1894.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Preliminary Report of the Select Committee on the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th October, 1894 :

WE, the undersigned, Members of the Select Committee to which the Bill to amend

From Chief Commissioner, Burma, No. 435-L-15, dated 17th August, 1894 [Paper No. 1].
From Agent to Governor General in Baluchistan, No. 921-Z., dated 22nd August, 1894 [Paper No. 2].
From Chief Commissioner, Coorg, No. 1571-100-54, dated 27th August, 1894 [Paper No. 3].
From Chief Commissioner, Ajmere-Merwara, No. 32-C., dated 23rd September, 1894, [Paper No. 4].
From Government, Madras, No. 2252, dated 15th September, 1894, and enclosures [Papers No. 5].
From Resident, Hyderabad, No. 310, dated 24th September, 1894, and enclosures [Papers No. 6].
From High Court, Calcutta, No. 2026, dated 11th September, 1894, and enclosure [Papers No. 7].
From Government, Punjab, No. 973-S., dated 2nd October, 1894, and enclosures [Papers No. 8].
From Government, North-Western Provinces and Oudh, No. 940, dated 26th September, 1894, and enclosures [Papers No. 9].
From Government, Bengal, No. 1589-J. D., dated 1st October, 1894, and enclosures [Papers No. 10].
From Chief Commissioner, Central Provinces, No. C-247, dated 5th October, 1894, and enclosure [Papers No. 11].
From Chief Commissioner, Assam, No. 111-L. L.-6251-J., dated 2nd October, 1894, and enclosures [Papers No. 12].
From Government, Bombay, No. 6768, dated 6th October, 1894, and enclosures [Papers No. 13].

certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our preliminary Report, with the Bill as amended by us annexed thereto.

2. We have, in deference to a request from the Government of Bombay, made an addition to section 1 of the Bill with the object of enabling barristers who intend to practise in Sind to get enrolled as advocates of the High Court of Bombay and thus to obtain the privilege conferred on advocates of Chartered High Courts by the last paragraph of section 39 of the Code, but we have refrained from suggesting any other alterations in the Bill, as we consider that it should be reserved for consideration by a more numerous Committee than ourselves.

3. The publication ordered by the Council has been made as follows :

In English.

<i>Gazette.</i>		<i>Date.</i>
Gazette of India	...	14th July, 1894.
Port Saint George Gazette	...	31st July, 1894.
Bombay Government Gazette	...	19th July, 1894.
Calcutta Gazette	...	25th July, 1894.
North-Western Provinces and Oudh Government Gazette	...	21st July, 1894.
Punjab Government Gazette	...	19th July, 1894.
Central Provinces Gazette	...	21st July, 1894.
Burma Gazette	...	4th August, 1894.
Assam Gazette	...	28th July, 1894.
Coorg District Gazette	...	1st August, 1894.
Sind Official Gazette	...	9th August, 1894.

In the Vernaculars.

Province.	Language.	Date.
Madras	Telugu	28th August, 1894.
	Hindustani	28th August, 1894.
	Kanarese	28th August, 1894.
	Malayalam	28th August, 1894.
	Tamil	4th September, 1894.
Bombay	Marathi	23rd August, 1894.
	Gujarathi	23rd August, 1894.
	Kanarese	23rd August, 1894.
	Bengali	7th August, 1894.
Bengal	Uriya	16th August, 1894.
	Hindi	28th August, 1894.
	Urdu	25th August, 1894.
North-Western Provinces and Oudh	Urdu	23rd August, 1894.
Punjab	Hindi	12th September, 1894.
Central Provinces	Burmese	11th August, 1894.
Burma	Bengali	18th August, 1894.
Assam	Sindhi	9th August, 1894.
Sindh		

4. We recommend that the Bill be recommitted to an enlarged Select Committee when the Council re-assembles at Calcutta, and that in the meantime the Bill as altered, with this Report, be published in English in the Gazette of India, the Bombay Government Gazette and the Sind Official Gazette.

ALEX. EDW. MILLER.

A. P. MACDONNELL.

BEDI KHEM SINGH.

The 16th October, 1894.

No. II.

A Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872.

WHEREAS it is expedient to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872; It is hereby enacted as follows:

1. (1) In the third paragraph of section 39 of the said Code, between the words "of any High Court established by Royal Charter" and the words "shall be required," the words "or of the Chief Court of the Punjab" shall be inserted.

(2) To the said section the following Explanation shall be added, namely:

"Explanation.—For the purposes of the enrolment of advocates the High Court of Bombay shall be at liberty to treat the Sadr Court of Sind as within the local limits of its jurisdiction."

2. For the first and second paragraphs of section 180 of the said Code the following shall be substituted, namely:

"The other party shall then state his case and produce his evidence (if any), and may then address the Court generally on the whole case."

"The party beginning may then reply generally on the whole case."

3. After the first paragraph of section 260 of the said Code the following shall be added, namely:

"Provided that no decree for restitution of conjugal rights shall be enforced by imprisonment of the defendant, unless the Court shall, for sufficient reasons to be stated in writing on the face of the order, think fit so to direct."

ment of the defendant, unless the Court shall, for sufficient reasons to be stated in writing on the face of the order, think fit so to direct."

4. For section 548 of the said Code the following shall be substituted, namely:

"548. When a memorandum of appeal is admitted, the appellant shall present as many copies thereof on plain paper as there are respondents."

"The chief ministerial or other proper officer of the Appellate Court shall sign such memorandum of appeal and copies, if on examination he finds them to be correct, and shall endorse thereon the date of presentation, and shall thereupon register the appeal in a book to be kept for the purpose."

"Such book shall be called the Register of Appeals."

5. At the end of section 553 of the said Code the following shall be added, namely:

"Every notice under this section served on any respondent or his pleader shall be accompanied by one of the copies of the memorandum of appeal mentioned in section 548."

6. Sections 17 and 18 of the Punjab Laws Act, 1872, as amended by Act XII of 1878, are hereby repealed.

J. M. MACPHERSON,

Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th October, 1894:

NO. 15 OF 1894.

A Bill to amend Act V of 1861 (an Act for the Regulation of Police).

WHEREAS it is expedient to amend Act V of 1861 (an Act for the Regulation of Police); It is hereby enacted as follows:

1. In section 1 of the said Act the following shall be inserted between the words "general police-district" and the word "property," namely:

"The words 'District Superintendent' and 'District Superintendent of Police' shall include any Assistant District Superintendent or other person having charge of the administration of the police of a district in pursuance of a general or special order of the Local Government."

2. In section 7 of the said Act, in lieu of the words beginning "or fine any police-officer" down to the end of the section, the following shall be substituted, namely:

"or may award to him any of the following punishments, namely:

- (a) fine to any amount not exceeding one month's pay;
- (b) confinement to quarters for a term not exceeding fifteen days, with or without punishment-drill, extra guard, fatigue or other duty;
- (c) deprivation of good-conduct pay;
- (d) removal from any office of distinction or special emolument."

3. For the second paragraph of section 8 of the said Act, beginning with the words "Such certificate shall cease to have effect" and ending with the words "officer empowered to receive the

same," the following shall be substituted namely:

"Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer, and, on his ceasing to be such an officer, shall be forthwith surrendered by him to his superior officer or some other officer empowered to receive the same."

"A police-officer shall not by reason of being suspended from office cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties, and to the same authorities, as if he had not been suspended."

4. For section 15 of the said Act the following shall be substituted, namely:

"15. It shall be lawful for the Inspector General of Police, with the sanction of the Local Government, to be notified by proclamation in the official Gazette, and in such other manner as the Local Government shall direct, to employ any police-force in excess of the ordinary fixed complement to be quartered in any part of the general police-district which shall be found to be in a disturbed or dangerous state, or in any part of the general police-district in which, from the conduct of the inhabitants or of any of them, he may deem it expedient to increase the number of police."

"The cost of such additional police-force shall be borne, as the Magistrate of the district may direct,—

- (a) by the inhabitants of, or persons having interest in land in, the local area described in the notification, or both, or
- (b) by any such inhabitants or persons, or class or classes of such inhabitants or persons, or both, as aforesaid, as in the opinion of such Magistrate have caused or contributed to the disturbance or other cause which led to the quartering of the additional police-force, and no portion of such cost shall be payable by any person or class of persons who, in the opinion of the Magistrate, have been free from blame;

and such Magistrate, after enquiry if necessary, shall apportion such cost according to his judgment of their respective means among the inhabitants and other persons who are as aforesaid liable to bear the same."

5. After section 15 of the said Act the following shall be inserted, namely:
Addition of new sections after section 15 of Act V, 1861.

"15A. If in any part of the general police-district as aforesaid, in which, under the provisions of the last foregoing section, an additional police-force might be quartered, death or grievous hurt or damage to property has been caused by or ensued from the misconduct of the inhabitants of, or persons having interest in land in such part, or both, and if no additional police-force has been quartered therein, it shall be lawful for the Magistrate of the district, with the previous sanction of the Local Government, to—

- (a) make an award fixing the amount of compensation payable to the sufferers for the injury caused by or which has ensued from such misconduct;
- (b) make an order determining the persons or class or classes of persons, being inhabitants of or having interest in land in such part as aforesaid, by whom the amount so awarded shall be paid; and
- (c) make an order assessing the proportion in which the same shall be paid by each such person or class of persons according to his judgment of their respective means:

Provided that no portion of the compensation so awarded shall be payable by any person or class of persons whom the Magistrate shall, in such order, declare to be innocent of complicity with the misconduct.

"15B. An order made under section 15, clause (b), or an award or order made under section 15A shall not take effect until it has been confirmed by the Commissioner of the division or, where there is no Commissioner, by the Local Government.

"15C. When an assessment made under section 15A has been confirmed under the last foregoing section, the amount assessed shall be recoverable, under the warrant of the Magistrate of the district, in the manner provided by sections 386 and 387 of the Code of Criminal Procedure for the recovery of fines." X of 1882.

6. In section 29 of the said Act, after the words "for the period of two months" the following shall be added, namely:
Addition to section 29, Act V, 1861, respecting overstay of leave.

"or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave."

7. To section 30 of the said Act the following shall be added, namely:
Addition to section 30, Act V, 1861.

"And may also, in the case of any assembly or procession which in the judgment of the Magistrate of the district would, if uncontrolled, be likely to cause a breach of the peace, issue a license for the purpose of defining the conditions on which alone the assembly or procession is to be permitted to take place and otherwise giving effect to this section."

8. To section 31 of the said Act the following shall be added, namely:
Addition to section 31, Act V, 1861.

"It shall be competent to any Magistrate or police-officer not below the rank of an Inspector to stop any procession, and call on it or any assembly which violates the conditions of a license granted under the last foregoing section to disperse."

9. For sections 37, 38, 39 and 40 of the said Act the following section shall be substituted, namely:
Substitution of new section for sections 37, 38, 39 and 40, Act V, 1861.

"37. The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code, and of sections 386, 387 and 389 of the Code of Criminal Procedure, 1882, with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before a Magistrate." X of 1882.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend Act V of 1861 (*An Act for the Regulation of Police*). The Bill is partly based upon recommendations submitted by the Government of the North-Western Provinces and Oudh and the Committee appointed in those Provinces for the reform of the police-force. It is also designed to remedy certain defects in the Act of 1861 which have been brought to notice by judicial interpretations of that Act, and to supply provision for some contingencies which the Act does not at present meet.

2. Section 1 of the Bill is intended to remove any doubts as to the legal powers vested in an Assistant District Superintendent of Police or other person whom the Local Government may find it necessary to appoint to the charge of the police of a district.

3. By section 2 certain disciplinary punishments, recommended by the North-Western Provinces and Oudh Police Committee, are added to the punishments specified in section 7 of the Act.

4. It has been held by two High Courts that at present a policeman when suspended, even temporarily, ceases to be a member of the police-force and is no longer amenable to

the provisions of Act V of 1861. Section 3 of the Bill will enact that a police-officer shall not by reason of being suspended from office cease to be a police-officer or to be subject to responsibilities and discipline as such.

5. Section 4 will allow a discretion, which has been recognized as desirable, to levy the cost of an additional police-force from those persons only whose conduct has rendered the employment of the additional force necessary. Landholders, though not in person resident in the area affected, will unless exempted also be liable to contribute. It is proposed by section 5 that in some cases, where an additional police-force is not imposed, those who would be liable for its maintenance should pay compensation to persons injured.

6. In section 6 is embodied a recommendation submitted by the Government of Bengal that a police-officer who fails to return to duty after leave should be subjected to the penal provisions of section 29 of the Police Act, which apply to an officer who withdraws from his duties without permission or without giving previous notice for the period of two months.

7. Section 32, Act V of 1861, renders liable to fine any person who violates the conditions of a license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music or for the conduct of assemblies and processions: but the provision empowering these officers to grant the license is not distinct. Section 7 of the Bill will expressly authorize the superior police-officers, in the case of any assembly or procession which requires control, to issue a license specifying the conditions on which it may take place. Section 8 will empower any Magistrate or police-officer not below the rank of Inspector to call on any procession or assembly to disperse which violates the conditions of a license granted as above.

8. The general provisions of the Code of Criminal Procedure and the Indian Penal Code, in respect to the levy of fines, being sufficient to meet the case of penalties and fines imposed under the Police Act on conviction before a Magistrate, are substituted by section 9 of the Bill for the sections relating to distress in the Act of 1861, which are now not wholly appropriate for the purpose in view.

The 18th October, 1894.

A. P. MACDONNELL.

J. M. MACPHERSON,

Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th October, 1894:

NO. 16 OF 1894.

A Bill to amend the Burma Boundaries Act, 1880.

WHEREAS it is expedient to amend the Burma Boundaries Act, 1880, with a view to protect all permanent survey-marks made or placed in the course of any survey executed by order of Government; It is hereby enacted as follows:

1. (1) This Act may be called the Burma Title, extent and Boundaries Act Amendment Act, 1894.
commencement.

(2) It extends to the whole of Burma (inclusive of Upper Burma), except the Shan States; and

(3) It shall come into force at once.

2. For the preamble of the said Burma Boundaries Act, 1880, the following shall be substituted, namely:
Substitution of new preamble to Act V of 1880.

"WHEREAS it is expedient to provide for the demarcation of land and for the establishment and maintenance of boundary and survey marks in Burma; It is hereby enacted as follows:—".
• Preamble.

3. The following section shall be added after section 1 of the said Act, namely:
Addition of section after section 1 of same Act.

"1A. In this Act,—

"Survey-mark" means any pillar, pipe post or other mark placed by or by order of any officer appointed by the Local Government to make a survey of any land on or within the boundaries of such land for the purpose of indicating survey points or lines.
Definition of "survey-mark."

Repeal of section 27 of same Act. 4. Section 27 of the said Act shall be repealed.

5. For section 28 of the said Act the following sections shall be substituted, namely:
Substitution of new sections for section 28 of same Act.

"28. When any officer is appointed by the Government to make a survey of any land, the Chief Commissioner may invest such officer, for the purposes of such survey, with all or any of the powers conferred on Demarcation officers by sections 4 to 9 (both inclusive), and also with power to cause any boundary or survey or other marks to be erected by the owners or occupiers of any land, or to erect such marks and to charge the cost of such erection to such owners or occupiers.
Survey-officer.

"All the provisions of sections 23 to 26 (both inclusive) shall apply to such marks and the officer invested with such powers shall have all the powers of a Boundary-officer under the said sections.

"28A. It shall be the duty of every village-headman and thugyi and of every owner or occupier of land,—
Duties of village-officers and of owners and occupiers of land.

(a) so far as he lawfully can, to prevent the destruction, injury or alteration of any boundary or survey mark within the local limits of his jurisdiction or on or within the land owned or occupied by him, as the case may be;

(b) whenever he becomes aware that any such boundary or survey mark has been destroyed, injured or altered, to report immediately to the officer in charge of the nearest police-station or to the nearest Magistrate such destruction, injury or alteration."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the Burma Boundaries Act, V of 1880, with a view to protect all permanent survey marks made or placed in the course of any survey executed by order of Government.

2. Though section 28 of the Act already confers power on Survey-officers to erect "other" as well as boundary marks, it is nevertheless desirable to make it clear by legislation that these "other" marks include all survey-marks, and further to provide for the application to such marks of the sections of the Act relating to the apportionment of the expense incurred in erecting boundary-marks, and the preservation and repair of such marks. It also is expedient to define the term "survey-mark," to impose like duties on village-officers with regard to such marks as are now imposed on them with regard to boundary-marks, and to extend these duties to owners and occupiers of land.

3. As Act V of 1880, which only applies *proprio vigore* to Lower Burma, has been extended by notification under the Scheduled Districts Act to the whole of Upper Burma, except the Shan States, the local extent of the Bill is made to cover the whole of Burma with the same exception.

The 18th October, 1894.

A. P. MACDONNELL.

J. M. MACPHERSON,

Deputy Secretary to the Government of India.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th December, 1894:—

No. 17 OF 1894.

A Bill to amend the Indian Tariff Act, 1894.

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

For Schedules II to V, both inclusive, appended to the said Act, the

Schedules for Schedules II to V of Act VIII of 1894. Schedules appended to this Act shall be substituted.

SCHEDULE II.—(IMPORT TARIFF.)

Arms, Ammunition and Military Stores;

including also any articles, other than those included in Nos. 1 to 12 of this Schedule, which are "arms" within the meaning of the Indian Arms Act, and any articles which the Governor General in Council may, by notification in the Gazette of India, declare to be "ammunition" or "military stores" for the purposes of this Act.

XI of 1878.

Names of Articles.	Duty. R. a.
1. Firearms other than pistols, including gas and air guns and rifles, for each	50 0
2. Barrels for the same, whether single or double, for each	30 0
3. Pistols, for each	15 0
4. Barrels for the same, whether single or double, for each	10 0
5. Springs used for firearms, including gas and air guns and rifles, for each	8 0
6. Gunstocks, sights, blocks and rollers, for each	5 0
7. Revolver-breeches, for each cartridge they will carry	2 8
8. Extractors, nippers, heel-plates, pins, screws, tangs, bolts, thumb-pieces, triggers, trigger-guards, hammers, pistons, plates and all other parts of a firearm (including a gas and air gun or rifle, not herein otherwise provided for, and all tools used for cleaning or putting together or loading the same, for each	1 8
9. Machines for making, loading, or closing cartridges, for each	10 0
10. Machines for capping cartridges, for each	2 8

Exception I.—Articles falling under the 5th, 6th, 8th, 9th or 10th head of the foregoing list, when they appertain to a firearm falling under the 1st or 3rd head, and are fitted into the same case with such firearm, are free.

Exception II.—The following are also free, namely:—

- Arms forming part of the regular equipment of an officer entitled to wear diplomatic, military, naval, or police uniform;
- a sword, a revolver, or a pair of pistols, when accompanying an officer of Her Majesty's Regular Forces, or a commissioned officer of a volunteer corps, or certified by the commandant of the corps to which such officer belongs, or, in the case of an officer not attached to any corps, by the officer commanding the station or district in which such officer is serving, to be imported by the officer for the purposes of his equipment;
- swords and revolvers which are certified by an Inspector-General of Police to be part of the ordinary equipment of members of the Police force under his charge;
- swords forming part of the equipment of Native commissioned officers of Her Majesty's Army;
- swords for presentation as army or volunteer prizes;
- arms, ammunition and military stores imported with the sanction of the Government of India for the use of any portion of the military forces of a Native State in India which may be maintained and organised for Imperial Service;
- Morris tubes and patent ammunition when imported by officers commanding British and Native regiments or volunteer corps, for the instruction of their men.

Proviso 1.—No duty in excess of ten per cent *ad valorem* shall be levied upon any of the articles numbered 1 to 10 in the foregoing list when they are imported in reasonable quantity, for his own private use, by any person lawfully entitled to possess the same.

Proviso 2.—When any articles which have been otherwise imported, and upon which duty has been levied or is leviable under numbers 1 to 10 are purchased retail from the importer by a person lawfully entitled as aforesaid, in reasonable quantity for his own private use, the importer may apply to the Customs Collector for a refund or remission (as the case may be) of so much of the duty thereon as is in excess of ten per cent *ad valorem*; and if such Collector is satisfied as to the identity of the articles, and that such importer is in other respects entitled to such refund or remission, he shall grant the same accordingly.

	Tariff valuation. R. a.	Rate of duty.
11. Gunpowder, common, per lb	0 5	10 per cent.
" sporting, "	1 0	
" rifle "	2 0	
" smokeless "	4 8	
12. All other sorts of arms, ammunition, and military stores	<i>ad valorem.</i>	

SCHEDULE III.—(IMPORT TARIFF.)

LIQUORS, OPIUM, SALT, AND SALTED FISH.

No.	Names of Articles.	Per	Rate of duty.
			R. a.
1	LIQUORS— Ale, beer, and porter Cider and other fermented liquors Liqueurs Spirit intended to be used exclusively in arts or manufactures, or in chemistry, and which has been rendered effectually and permanently unfit for human consumption Spirit when used in drugs, medicines, or chemicals in a proportion of less than twenty per cent of spirit of the strength of London proof	Imperial gallon or six quart bottles. " " <i>ad valorem.</i>	0 1 6 0 Five per cent.
	Spirit when so used in a proportion of twenty per cent and upwards	Imperial gallon or six quart bottles of the strength of London proof.	6 0 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Spirit, perfumed, in wood or in bottles	Imperial gallon or six quart bottles.	8 0
	Spirit, other sorts	Imperial gallon or six quart bottles of the strength of London proof.	6 0 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Wines— Champagne and all other sparkling wines not containing more than 42 per cent of proof spirit. All other sorts of wines not containing more than 42 per cent of proof spirit. Provided that all sparkling and still wines containing more than 42 per cent of proof spirit shall be liable to duty at the rate applicable to spirit, other sorts.	Imperial gallon or six quart bottles. " "	2 8 1 0
	OPIUM, not covered by a Government pass	set of 80 tolas	24 0
3	SALT	Indian maund of 82½ lb avoirdupois weight	The rate at which excise-duty is for the time being leviable on salt manufactured in the place where the import takes place.
4	SALTED FISH, wet or dry	"	Such rate or rates of duty not exceeding twelve annas, as the Governor General in Council may, by notification in the Gazette of India, from time to time prescribe.

SCHEDULE IV.—(IMPORT TARIFF.)

GENERAL DUTIES.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Animals, living.		<i>R a.</i>	
1	HORSES, CATTLE, SHEEP, and all other living animals of all kinds	.....	.....	Free.
	Articles of Food and Drink.			
2	COFFEE	cwt.	70 0	Five per cent.
3	FRUITS AND VEGETABLES, except fresh fruits and vegetables not separately enumerated, which are free—			
	Almonds, without shell	"	48 0	"
	" in the shell	"	15 8	"
	Cashew or cajoo kernels	"	12 0	"
	Cocoanuts	thousand	40 0	"
	" kernel (khopra)	cwt.	11 0	"
	Currants, European, in cases	"	10 0	"
	" in cans	"	25 0	"
	" Persian	"	14 0	"
	Dates, dry, in bags	"	5 8	"
	" wet	"	4 0	"
	" in pots and boxes	"	8 8	"
	Figs, Persian, dried	"	11 0	"
	Garlic	"	5 0	"
	Hops	.....	.....	Free.
	Pistachio nuts	cwt.	22 0	Five per cent.
	Prunes, Bussora (Ak-Bokhara)	"	20 0	"
	Raisins, black, and kishmish, Persian Gulf and Red Sea	"	14 0	"
	Munakka, Persian Gulf and Red Sea	"	9 0	"
	other sorts	.....	ad valorem	"
	Walnuts	cwt.	10 0	"
	All other sorts of fruits and vegetables	.....	ad valorem	"
4	GRAIN AND PULSE, including broken grain and pulse, but not including flour	.....	.....	Free.
5	MINERAL AND AERATED WATERS, and all unfermented and non-alcoholic beverages	.....	ad valorem	Five per cent.
6	PROVISIONS, OILMAN'S STORES, AND GROCERIES—			
	Bacon in canvas and cans, jowls and cheeks	lb	0 14	"
	Beef and Pork	tierce of 3 cwt.	105 0	"
	Biche de mer	barrel of 2 cwt.	70 0	"
	Butter	cwt.	50 0	"
	Cheese	lb	1 0	"
	China preserves	box of six jars	0 14	"
	" fruit preserves, dry candied	lb	5 8	"
	Cocum	lb	0 5	"
	Fish-maws	cwt.	5 0	"
	Flour	barrel or sack of 200 lb	115 0	"
	Ghi	cwt.	20 0	"
	Groceries not otherwise described	.....	ad valorem	"
	Pork hams	.....	0 14	"
	Sago	cwt.	12 8	"
	Shark-fins	"	30 0	"
	Singally and sozille	"	15 0	"
	Tapioca	"	0 8	"
	Vinegar, European, in wood	Imperial gallon	1 0	"
	" Persian country	"	1 8	"
	All other sorts of provisions, oilman's stores, and groceries	.....	ad valorem	"
7	SPICES—			
	Anise, star	cwt.	0 8	"
	Betelnuts—Goa	.....	18 0	"
	" —in the husk	thousand	2 0	"
	" —all other sorts	.....	ad valorem	"
	Cardamoms, other than bastard	cwt.	200 0	"
	Chillies, dry	"	11 0	"
	Cloves	"	20 0	"
	" stems and heads	"	4 0	"
	" in seeds, narlayang	"	8 8	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Articles of Food and Drink—contd.		<i>R a.</i>	
7	SPICES—contd.			
	Ginger, dry	cwt.	16 0	Five per cent.
	Mace	lb	1 8	"
	Nutmegs	"	1 0	"
	" in shell	"	0 8	"
	Pepper, black	cwt.	16 0	"
	" long	"	7 0	"
	" white	"	30 0	"
	All other sorts of spices	.....	<i>ad valorem</i>	"
8	SUGAR, China, candy	cwt.	20 0	"
	" loaf	"	21 0	"
	" crystallised, beet	"	14 0	"
	" " and soft, from China	"	13 0	"
	" " " " from Mauritius, No. 1	"	13 8	"
	" " " " " " No. 2	"	13 0	"
	" " " " " " No. 3	"	12 8	"
	" " " " " " No. 4	"	10 8	"
	" all other sorts, including saccharine produce of all kinds and confectionery	.....	<i>ad valorem</i>	"
9	TEA, black	lb	0 8	"
	" green	"	1 0	"
	Chemicals, Drugs, Medicines and Narcotics, and Dyeing and Tanning Materials.			
10	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric		0 2	"
	Alkali, country (sajji-khár)	cwt.	1 8	"
	Alum	"	5 0	"
	Arsenic	"	21 8	"
	" China mansil	"	17 0	"
	Bicarbonate of soda	"	7 0	"
	Copperas, green	"	3 0	"
	Explosives, namely, blasting gelatine, dynamite, propurite, tonite, and all other descriptions	.....	<i>ad valorem</i>	"
	Sal ammoniac	cwt.	37 0	"
	Sulphate of copper	"	15 8	"
	Sulphur (brimstone), flour	"	6 0	"
	" " " roll	"	5 12	"
	" " " rough	"	4 8	"
	All other sorts of chemical products and preparations, including saltpetre and borax	.....	<i>ad valorem</i>	"
11	DRUGS, MEDICINES, AND NARCOTICS—			
	Aloes, black	cwt.	14 0	"
	" Socotra	lb	30 0	"
	Aloe-wood	lb	6 0	"
	Asafetida (hing)	cwt.	80 0	"
	" coarse (hingrá)	"	25 0	"
	Atáry, Persian	"	15 0	"
	Bánslochan (bamboo camphor)	lb	0 4	"
	Brimstone (amalsára)	cwt.	54 0	"
	Calumba or Colombo root	"	7 0	"
	Camphor, Bhimsaini (barás)	lb	70 0	"
	" refined, cake	"	1 4	"
	" crude, in powder	cwt.	105 0	"
	Cassia lignea	"	22 0	"
	China root (chobchini), rough	"	8 0	"
	" " scraped	"	17 8	"
	Cubebs	"	25 8	"
	Galangal, China	"	7 0	"
	Pellitory (akalkára)	"	50 0	"
	Peppermint crystals, from China and Japan	lb	11 0	"
	Quinine and other alkaloids of chinchona	.....	80 0	Five per cent.
	Salap	"	4 0	"
	Senna leaves	"	0 0	"
	Storax, liquid (rose melloes)	.....	0 0	"
	Tobacco, unmanufactured and manufactured	.....	<i>ad valorem</i>	"
	All other sorts of drugs, medicines, and narcotics, except opium (for which see Schedule III)	.....	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Chemicals, Drugs, Medicines and Narcotics, and Dyeing and Tanning Materials—<i>contd.</i>		<i>R a.</i>	
12	DYEING AND TANNING MATERIALS—			
	Alizarine dye, dry, 40 per cent	lb	1 7	Five per cent.
	" " " 50 "	"	1 10	"
	" " " 60 "	"	1 15	"
	" " " 70 "	"	2 2	"
	" " " 80 "	"	2 8	"
	" " " 100 "	"	2 12	"
	" " liquid, 10 per cent	"	0 5	"
	" " " 16 "	"	0 8	"
	" " " 20 "	"	0 10	"
	Aniline " " indigo blue	"	0 9	"
	" " dry	"	<i>ad valorem</i>	"
	Avar bark	cwt.	4 8	"
	Buzgand (gulpista)	"	27 0	"
	Cochineal	lb	1 2	"
	Gallnuts (myrabolams)	cwt.	4 0	"
	" Persian	"	35 0	"
	Madder or manjit	"	7 0	"
	Orchilla weed	"	5 0	"
	Sappan wood and root	"	5 8	"
	All other sorts of dyeing and tanning materials	.....	<i>ad valorem</i>	"
	Metals and Manufactures of Metals.			
13	HARDWARE AND CUTLERY, including ironmongery and plated-ware, and also including machines, tools, and implements to be worked by manual or animal labour			
14	MACHINERY, namely, prime movers, and component parts thereof (and component parts thereof), meaning machines or sets of machines to be worked by electric, steam, water, or other power not being manual or animal labour, or which before being brought into use require to be fixed with reference to other moving parts; and which are intended for—			
	(a) the preparing, ginning, pressing, spinning, weaving, sewing, knitting, and dyeing of cotton, jute, hemp, silk, wool, or other fibres;			
	(b) the smelting and milling of iron and other metallic ores and the manufacture of iron, steel, and other metals;			
	(c) the manufacture of leather, sugar, indigo, silk, paper, soap, gas, oil, flour, cordage, rope, and twine;			
	(d) the milling of rice;			
	(e) the drying and rolling of tea;			
	(f) the pulping of coffee;			
	(g) printing presses;			
	(h) foundries and workshops of iron and other metals;			
	(i) the refining of petroleum, and the manufacture of vegetable oils;			
	(j) the crushing of bones and bricks;			
	(k) the manufacture of lac;			
	(l) potteries;			
	(m) sawmills;			
	(n) mining, navigation, and agriculture;			
	(o) such other manufactures and industries as the Governor-General in Council may from time to time specify;			
	Provided that the term does not include tools and implements to be worked by manual or animal labour, and provided also that only such articles shall be admitted as component parts of machinery as are indispensable for the working of the machinery and are, owing to their shape or to other special quality, useless for any other purpose.			
	<i>Note.</i> —Machinery and component parts thereof made of substances other than metal are included in this entry.			

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals--contd.		R a.	
15	METALS, unwrought and wrought, and articles made of metals—			
	Brass, beads, ghungri, China	thousand	0 12	Five per cent.
	„ foil or dānkpana, white, 10½ in. X 4½ in.	hundred leaves	1 4	„
	„ „ „ coloured, 10½ in. X 4½ in.		1 12	„
	„ old	cwt.	26 0	„
	„ sheets, flat or in rolls, very thin	„	75 0	„
	„ wire	lb	0 7	„
	„ all other sorts . . . . .	.....	ad valorem	„
	Copper, Australian	cwt.	40 0	„
	„ bolt	„	50 0	„
	„ brazier's and sheets	„	45 0	„
	„ China cash	„	30 0	„
	„ Japan	„	39 0	„
	„ nails and composition nails	„	54 0	„
	„ old	„	33 0	„
	„ pigs and slabs	„	38 0	„
	„ sheathing, plate, and raised bottoms	„	48 0	„
	„ tiles, ingots, cakes, and bricks	„	40 0	„
	„ China, white copper-ware	lb	1 2	„
	„ foil or dānkpana, white, 10½ in. X 4½ in.	hundred leaves	2 6	„
	„ „ „ coloured, 10½ in. X 4½ in.	„	3 3	„
	„ wire, including wire of phosphor-bronze	lb	0 9	„
	„ all other sorts, unmanufactured and manufactured . . . . .	.....	ad valorem	„
	Gold bullion and coin . . . . .	.....	Free.	Free.
	Gold leaf, European	hundred leaves	3 4	Five per cent.
	Iron, anchors and cables . . . . .	.....	ad valorem	One per cent.
	„ angle and T	ton	110 0	„
	„ bar, plate, and sheet, Lowmoor	„	310 0	„
	„ beams, joists, pillars, girders, bridge-work, and other descriptions of iron imported exclusively for building purposes . . . . .	.....	ad valorem	„
	„ flat, square, and bolt, including Scotch	ton	94 0	„
	„ galvanised, sheets and ridging	cwt.	10 0	„
	„ hoop, plate, and sheet, other than Swedish	ton	132 0	„
	„ nails, rose, wire, and flat-headed, rivets and washers	cwt.	10 0	„
	„ nails, clasp	„	17 0	„
	„ nails, other sorts, including galvanised . . . . .	.....	ad valorem	„
	„ nail-rod	ton	104 0	„
	„ old	cwt.	2 8	„
	„ pig	ton	60 0	„
	„ pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like . . . . .	.....	ad valorem	„
	„ rice bowls	set of ten	6 0	„
	„ „ „ not in sets	set of six	3 0	„
	„ rod, round, other than Swedish, under half an inch in diameter	ton	105 0	„
	„ Swedish, flat, square, and bolt	„	142 0	„
	„ „ nail-rod	„	142 0	„
	„ „ round rod, under half an inch in diameter	„	160 0	„
	„ plated plates . . . . .	.....	ad valorem	„
	„ wire, including fencing-wire and wire-rope, but excluding wire-netting . . . . .	.....	„	„
	„ all other sorts, including wire-netting . . . . .	.....	„	Five per cent.
	Lametta . . . . .	.....	„	„
	Lead, ore, galena	cwt.	12 0	„
	„ pig	„	10 0	„
	„ pipes . . . . .	.....	ad valorem	„
	„ sheets	cwt.	12 0	„
	„ „ for tea-chests . . . . .	.....	„	Free.
	Orsidge and brass leaves, European	lb	1 2	Five per cent.
	„ „ „ China	„	0 12	„
	Patent or yellow metal, sheathing, sheets, and bolts	cwt.	44 0	„
	Patent or yellow metal, sheathing, sheets, and bolts, old	„	27 0	„

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—<i>contd.</i>		R a.	
19	ART, WORKS OF, except statuary and pictures intended to be put up in a public place, which are free	.....	<i>ad valorem</i>	Five per cent.
20	ASBESTOS, AND ARTICLES MADE OF ASBESTOS not otherwise described	.....	"	"
21	BAGS, CASKS, BOXES, and other packages, empty, of all kinds	.....	"	"
22	BAMBOOS, common, grass, hay, rushes, straw, and leaves	.....	.....	<i>Free.</i>
23	BRADS, of all materials except glass, for which see No. 57, and brass, for which see No. 15. Beads, China, Ankadána	133½ lb	35 0	Five per cent.
	" " Dagri	"	30 0	"
	" " Gadgadia	"	24 0	"
	" " Kamrakhí	"	32 0	"
	" " Lálrí	"	44 0	"
	" " Naksi	"	38 0	"
	" " Pakhaváji	"	30 0	"
	" " Sulemáni	"	34 0	"
	All other sorts	.....	<i>ad valorem</i>	"
24	BELTING of cotton, leather, or other material, for driving machinery	.....	.....	<i>Free.</i>
25	BONE, INCLUDING WHALEBONE, articles made of	.....	<i>ad valorem</i>	Five per cent.
26	BOOKS, printed, including covers for printed books, maps, charts, and plans, proofs, music, and manuscripts	.....	.....	<i>Free.</i>
27	BRISTLES AND FIBRE for brushes and brooms	.....	.....	"
28	BRUSHES AND BROOMS, all sorts	.....	<i>ad valorem</i>	Five per cent.
29	BUILDING AND ENGINEERING MATERIALS, namely, asphalt, bricks and tiles, cement of all kinds, fireclay, earthenware piping, lime, and other kinds not otherwise described	.....	"	"
30	CABINET-WARE AND FURNITURE	.....	"	"
31	CANDLES, paraffin	lb	0 6	"
	" composition	"	0 5	"
	" spermaceti	"	0 7	"
	" wax	"	1 0	"
	" all other sorts	.....	<i>ad valorem</i>	"
32	CANES AND RATTANS, ARTICLES MADE OF CANE OR RATTAN, AND BASKET WORK— Canes, Malacca Rattans All other sorts	dozen cwt.	8 0 9 0 <i>ad valorem</i>	" " "
33	CARRIAGES AND CARTS, including bicycles, tricycles, jinrikshas, Bath chairs, perambulators, trucks, wheelbarrows, and all other sorts of conveyances, and component parts thereof	.....	"	"
34	CASES (EMPTY) for spectacles, opera-glasses, jewellery, and other articles	.....	"	"
35	CELLULOID, ARTICLES MADE OF, not otherwise described	.....	"	"
36	CHALK, common " French, knife and plate powder, Bath bricks, emery powder, and whiting	..... .....	" "	" "
37	CHINESE AND JAPANESE-WARE, including lacquered-ware, but excluding earthenware, china and porcelain (for which see No. 46)	.....	"	"
38	CLOCKS, WATCHES, and other timekeepers, and parts thereof	.....	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles*	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured— <i>contd.</i>		R a.	
39	COAL, COKE, AND PATENT FUEL . . . . .	.....	.....	Free.
40	COIR, AND ARTICLES MADE OF COIR, EXCEPT CABLES AND ROPE (for which see No. 42)—			
	Yarn of all kinds	cwt.	9 0	Five per cent.
	All other sorts . . . . .	.....	ad valorem	"
41	CORAL, real . . . . .	.....	"	"
42	CORDAGE, ROPE, and Twine made of any vegetable fibre—			
	Coir, cables, tarred	cwt.	17 0	"
	" rope	"	10 0	"
	Cordage, hemp, European	"	25 0	"
	" Manila	"	28 0	"
	Twine, sail, European	lb.	0 9	"
	All other sorts of cordage, rope, and twine . . . . .	.....	ad valorem	"
43	CORK, AND ARTICLES MADE OF CORK—			
	Bottle-corks	gross	1 8	"
	Vial corks	"	0 8	"
	All other sorts . . . . .	.....	ad valorem	"
44	COTTON, AND ARTICLES MADE OF COTTON—			
	raw . . . . .	.....		Free.
	twist and yarn—		R a. p.	
	Medio, No. 40	lb.	0 10 0	Five per cent.
	" " 50	"	0 11 6	"
	" " 60	"	0 13 0	"
	and so on, one anna and a-half being added to the valuation for every count of ten or part of a count of ten above No. 60.			
	Mule, No. 15 and lower numbers	"	0 5 0	"
	above No. 15 to No. 24	"	0 6 0	"
	" " 24 to " 32	"	0 7 6	"
	" " 32 to " 42	"	0 8 6	"
	" " 42 to " 52	"	0 10 0	"
	" " 52 to " 60	"	0 11 6	"
	" " 60 to " 70	"	0 13 0	"
	" " 70 to " 80	"	0 15 0	"
	and so on, one anna being added to the valuation for every count of ten or part of a count of ten above No. 80.			
	Mule, doubled, No. 15 and lower numbers	"	0 6 0	"
	above No. 15 to No. 24	"	0 7 0	"
	" " 24 to " 32	"	0 8 6	"
	" " 32 to " 42	"	0 9 6	"
	" " 42 to " 52	"	0 11 0	"
	" " 52 to " 60	"	0 12 6	"
	" " 60 to " 70	"	0 14 6	"
	" " 70 to " 80	"	1 0 0	"
	and so on, one anna being added to the valuation for every count of ten or part of a count of ten above No. 80.			
	Water, No. 20 and lower numbers	"	0 7 0	"
	above No. 20 to No. 30	"	0 8 0	"
	" " 30 to " 40	"	0 9 6	"
	" " 40 to " 50	"	0 11 0	"
	" " 50	"	0 12 6	"
	Orange, red, and other colours, except Turkey red	"	0 11 0	"
	Turkey red, all sorts	"	0 12 0	"
	" " doubled	"	0 14 0	"
	" " " doubled	"	0 15 0	"
	Note.—Duty to be charged on the grey weight of coloured twist and yarn: when this is not ascertainable the actual wharf weight or invoice weight to be taken.			

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured— <i>contd.</i>		R a. p.	
4	COTTON, AND ARTICLES MADE OF COTTON— <i>contd.</i>			
	Cotton twist and yarn— <i>contd.</i>			
	White or bleached, doubled, all numbers	lb.	0 12 0	Five per cent.
	" Sewing thread—			
	White and coloured, on cards containing 100 yards each, and <i>pro rata</i> above and below	gross	3 0 0	"
	White and coloured, on reels containing 100 yards each, and <i>pro rata</i> above and below	"	5 0 0	"
	White and coloured, in balls and skeins	"	1 12 0	"
	Note.—Duty on sewing thread to be charged either on the mark or on the actual length.			
	" Piece-goods—			
	Grey—			
	Jaconets	"	0 12 0	"
	Mulls	"	1 0 0	"
	Printers	"	0 10 0	"
	Shirtings, 16×15 and above	"	0 8 6	"
	Shirtings, under 16×15	"	0 7 6	"
	Longcloths	"	0 7 6	"
	Madapollams	"	0 8 6	"
	T cloths and Domestics, 18×18 and above	"	0 8 6	"
	T cloths and Domestics, under 18×18, Jeans, Sheetings, and Drills, except American Drills	"	0 7 6	"
	Drills, American	"	0 9 0	"
	Other sorts of grey piece goods	"	ad valorem	"
	White, and coloured	"		"
	Hosiery, and all other manufactured cotton goods not otherwise described	"		"
45	DISINFECTING AND DEODORISING FLUID AND POWDER . . . . .	.....	"	"
46	EARTHENWARE (except earthenware piping, for which see No. 29), china, china clay, porcelain, and imitation or false coral . . . . .	.....	"	"
47	EGGS, ostrich and other, not mounted . . . . .	.....	"	"
48	EMERY PAPER AND CLOTH, AND SANDPAPER . . . . .	.....	"	"
49	FANS OF ALL KINDS, except common palm-leaf fans, which are free . . . . .	.....	"	"
50	FEATHERS, including bird-skins . . . . .	.....	"	"
51	FIREWORKS, all sorts, including fulminating-powder . . . . .	.....	"	"
52	FLAX, AND ARTICLES MADE OF FLAX, including linen-thread . . . . .	.....	"	"
53	FLOWERS, ARTIFICIAL, not otherwise described . . . . .	.....	"	"
54	FURNITURE, TACKLE, AND APPAREL, not otherwise described, for steam, sailing, rowing and other vessels . . . . .	.....	"	"
55	FUR, AND ARTICLES MADE OF FUR, not otherwise described . . . . .	.....	"	"
56	GELATINE . . . . .	.....	"	"
57	GLASS, GLASS-WARE, AND FALSE PEARLS—			
	Glass, China, all colours	133 1/2 lb.	32 0	"
	" crown, coloured	100 superficial feet	15 0	"
	" of sizes	"	6 0	"
	Pearls, false, bájria	lakh	3 0	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—<i>contd.</i>		<i>R a.</i>	
57	GLASS, GLASS-WARE, AND FALSE PEARLS— <i>contd.</i> Pearls, false, boria	thousand	0 10	Five per cent.
	" " auria	lakh	6 0	"
	" " lolakh	thousand	0 8	"
	" " nathia	"	0 3	"
	" " táchia	"	0 8	"
	" " wattanah	lakh	10 0	"
	All other sorts of glass and manufactures of glass, including false pearls and glass beads	.....	<i>ad valorem</i>	"
58	GUMS, GUM-RESINS, and articles made of gum or gum-resin—			
	Copal	cwt.	85 0	"
	Cutch and gambier	"	20 0	"
	Gamboge	lb	1 4	"
	Gum Ammoniac	cwt.	12 0	"
	" Arabic	"	18 0	"
	" Bdellium (common gum)	"	8 0	"
	" Benjamin	"	40 0	"
	" Bysabol (coarse myrrh)	"	16 0	"
	" Olibanum or frankincense	"	9 0	"
	" Persian (false)	"	11 0	"
	" Kino	"	10 0	"
	Myrrh	"	33 0	"
	Rosin	"	6 0	"
	All other sorts of gums, gum-resins, and articles made of gum or gum-resin, including caoutchouc and gutta-percha	"	<i>ad valorem</i>	"
59	HAIR of all kinds, and articles made of hair	.....	"	"
60	HEMP, including Manila hemp, and articles made therefrom (except cordage, rope, and twine, for which see No. 42)	.....	"	"
61	HIDES AND SKINS (except raw or salted hides and skins, which are free)—			
	Hides, border	each	33 0	"
	" buffalo	score	70 0	"
	" cow	"	60 0	"
	Skins, including parchment and vellum, gold-beaters' skins, and all other descriptions	.....	<i>ad valorem</i>	"
62	HORN	.....	.....	<i>Free.</i>
	" articles made of, not otherwise described	.....	<i>ad valorem</i>	Five per cent.
63	INSTRUMENTS, APPARATUS, AND APPLIANCES, and parts thereof—			
	Computing, Dental, Distilling, Diving, Drawing, Educational, Electric, Electric lighting, Galvanic, Measuring, Musical, Optical, Philosophical, Phonographic, Photographic (including materials for photography), Scientific, Surgical, Surveying, Telegraphic, Telephonic, Typewriters, and all other sorts, except Telegraphic instruments and apparatus imported by or under the orders of a railway company, which are free	.....	"	"
64	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders	cwt.	375 0	"
	Elephants' tusks (other than hollows, centres and points) each exceeding 20lb in weight, and hollows, centres and points each weighing 10lb and over	"	900 0	"
	Elephants' tusks (other than hollows, centres and points) not less than 10lb and not exceeding 20lb each, and hollows, centres and points each weighing less than 10lb	"	780 0	"
	Elephants' tusks, each less than 10lb (other than hollows, centres and points)	"	600 0	"
	Sea-cow or moye teeth, each not less than 4lb	"	230 0	"
	Sea-cow or moye teeth, each not less than 3lb and under 4lb	"	210 0	"
	Sea-cow or moye teeth, each less than 3lb	"	150 0	"
	All other sorts, manufactured and unmanufactured	.....	<i>ad valorem</i>	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—<i>contd.</i>		<i>R a.</i>	
65	JET, ARTICLES MADE OF	.....	<i>ad valorem</i>	Five per cent.
66	JEWELLERY AND JEWELS, including plate and other manufactures of gold and silver—			
	Silverware, plain	tola	1 0	"
	" embossed or chased } other than European	"	1 4	"
	All other sorts, except precious stones and pearls, unset, which are free	.....	<i>ad valorem</i>	"
67	JUTE, raw	.....	.....	<i>Free.</i>
	" articles made of	.....	<i>ad valorem</i>	Five per cent.
68	LAC, all sorts, and articles made of lac	.....	"	"
69	LEATHER, and articles made of leather, including boots and shoes, harness and saddlery	.....	"	"
70	MANURES of all kinds, including animal bones	.....	.....	<i>Free.</i>
71	MARINE AND NAVAL STORES, not otherwise described	.....	<i>ad valorem</i>	Five per cent.
72	MATCHES, all sorts	.....	"	"
73	MATS AND MATTING—			
	Floor-matting, China and Singapore, of all sorts	hundred	60 0	"
	All other sorts, except coir-matting (for which see No. 40)	.....	<i>ad valorem</i>	"
74	MICA AND TALC, and articles made therefrom	.....	"	"
75	MINERALS NOT OTHERWISE DESCRIBED	.....	"	"
76	MODELS OF ALL DESCRIPTIONS	.....	"	"
77	MOULDERS' BLACKING AND SAND	.....	"	"
78	OILCAKE, also bran, fodder, and cattle food of all kinds	.....	.....	<i>Free.</i>
79	OIL-CLOTH AND FLOOR-CLOTH, including linocrusta, linoleum, and tarpaulins	.....	<i>ad valorem</i>	Five per cent.
80	PAINTS, COLOURS, PAINTERS' MATERIALS, and Compositions for application to leather, wood, and metals—			
	Ochre, other than European, all colours	cwt.	1 8	"
	Paints, composition	"	56 0	"
	" patent driers	"	11 0	"
	Prussian blue, China	lb	0 8	"
	" European	"	1 0	"
	Red lead	cwt.	14 0	"
	Turpentine	Imperial gallon	2 0	"
	Verdigris	cwt.	70 0	"
	Vermilion, Canton	box of 90 bundles	95 0	"
	White lead	cwt.	16 0	"
	White zinc	"	20 0	"
	All other sorts, including glue and putty	.....	<i>ad valorem</i>	"
81	PAPER, PASTEBOARD, MILLBOARD, AND CARDBOARD of all kinds, including ruled or printed forms and account and manuscript books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklets forms; but not including waste paper and old newspapers for packing, which are free.	.....	"	"
	" articles made of paper and papier-mâché	.....	"	"
82	PERFUMERY—			
	Gowla, husked and unhusked	cwt.	38 0	"
	Kapurkachri (zedoary, China)	"	9 8	"
	Patch leaves (patchouli)	"	9 8	"
	Rose-flowers, dried	"	16 0	"
	Rose-water	{ Per carboy	5 0	"
		{ Per 100 flasks	32 0	"
	All other sorts, except perfumed spirit (for which see Schedule III)	.....	<i>ad valorem</i>	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			<i>R a.</i>	
	Other Articles, unmanufactured and manufactured— <i>contd.</i>			
83	PIPES and other implements used in the consumption of tobacco and other narcotics	.....	<i>ad valorem</i>	Five per cent.
84	PITCH, TAR AND DAMMER— Bitumen .....	.....	"	"
	Dammer	cwt.	5 8	"
	Pitch, American and European	"	7 0	"
	" coal	"	4 0	"
	Tar, American and European	"	6 0	"
	" coal	"	3 8	"
	" mineral .....	.....	<i>ad valorem</i>	"
85	PLANTS AND BULBS, living, and dried for herbaria	.....	...	<i>Free.</i>
86	PLASTER OF PARIS, and articles made of plaster of Paris, not otherwise described	.....	<i>ad valorem</i>	Five per cent.
87	PLUMBAGO, and articles made of plumbago	.....	"	"
88	PRECIOUS STONES AND PEARLS, unset	.....	...	<i>Free.</i>
89	PULP of wood, straw, rags, paper, and other materials	.....	...	"
90	PRINTING AND LITHOGRAPHING MATERIAL, namely, presses, type, ink, brass rules, composing sticks, chases, imposing tables, and lithographic stones, but not including paper	.....	...	"
91	RAGS.	.....	...	"
92	RAILWAY MATERIAL for permanent-way and rolling-stock, namely, cylinders, girders, and other material for bridges, rails, sleepers, bearing and fish-plates, chairs, spikes, crossings, keys, switches, interlocking apparatus, brake gear, couplings and springs, signals, turntables, weighbridges, engines, tenders, carriages, waggons, trolleys, trucks, and component parts thereof; also standards, wire, and other material for fencing, when imported by or under the orders of a railway company: Provided that this exemption applies only to material imported for use on a line of railway for the public carriage of passengers, animals, and goods, and that a railway does not include a tramway.	.....	...	"
93	SEEDS— Castor	cwt.	5 0	Five per cent.
	Cumin	"	24 0	"
	" black	"	24 0	"
	Linseed	"	7 8	"
	Methi	"	4 8	"
	Mustard, rape or sarson	"	6 0	"
	Poppy	"	8 8	"
	Quince, bihidána	"	60 0	"
	Sozirá	"	24 0	"
	Til or jinjili	"	7 0	"
	All other sorts .....	.....	<i>ad valorem</i>	"
94	SHELLS AND COWRIES— Chanks—large shells, for cameos	hundred	7 0	"
	" white, live	"	8 0	"
	" dead	"	4 0	"
	COWRIES .....	.....	0 10	"
	Cowries, bazar, common	cwt.	3 8	"
	" Maldivé	"	8 0	"
	" sankhla	"	70 0	"
	" yellow, superior quality	"	4 0	"
	Mother-of-pearl, nacre	"	45 0	"
	Nakhla	"	50 0	"
	Tortoise-shell	lb	10 0	"
	" nakh	"	4 0	"
	All other sorts, including articles made of shell, not otherwise described	.....	<i>ad valorem</i>	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			<i>R a.</i>	
	Other Articles, unmanufactured and manufactured— <i>contd.</i>			
95	SHIPS AND OTHER VESSELS for inland and harbour navigation, including steamers, steam-launches, boats, and barges, and parts thereof, imported in sections or entered for import	.....	<i>ad valorem</i>	Five per cent.
96	SILK, AND ARTICLES MADE OF SILK— Floss	lb	7 8	"
	Piece-goods .....	.....	<i>ad valorem</i>	"
	Raw silk— Cháharam, Cochin-China, and yellow Shanghai	lb	5 0	"
	Mathow	"	3 4	"
	Other kinds of China	"	6 8	"
	Waste and Kachra	"	1 4	"
	Panjam	"	2 0	"
	Persian	"	5 0	"
	Siam	"	3 0	"
	Produced from the tasar or other wild worm	"	4 0	"
	Sewing thread, China	"	9 0	"
	All other sorts, including cocoons .....	.....	<i>ad valorem</i>	"
97	SIZING for cotton, paper, or any other material	.....	"	"
98	SOAP .....	.....	"	"
99	SPECIMENS ILLUSTRATIVE OF NATURAL SCIENCE, including also antique coins and medals	.....	...	<i>Free.</i>
100	SPONGE AND SPONGES .....	.....	<i>ad valorem</i>	Five per cent.
101	STARCH .....	.....	"	"
102	STATIONERY, excluding paper (for which see No. 81).	.....	"	"
103	STONE AND MARBLE, and articles made of stone and marble	.....	"	"
104	STRAW PLATTING, and articles made of straw, not otherwise described	.....	"	"
105	TALLOW AND GREASE, including stearine	cwt.	20 0	"
106	TEA-CHESTS of metal or wood, whether imported entire or in sections, provided that the Customs-Collector is satisfied that they are imported for the purpose of the packing of tea for transport in bulk	.....	...	<i>Free.</i>
107	TEXTILE FABRICS not otherwise described	.....	<i>ad valorem</i>	Five per cent.
108	TOILET REQUISITES not otherwise described	.....	"	"
109	TOYS including toy-books, and requisites for all games	.....	"	"
110	UMBRELLAS, COTTON, under 20 inches	each	0 12	"
	" " 20 inches and upwards	"	1 0	"
	" " oiled, other than European	"	0 12	"
	" parasols, and sunshades, all other sorts, including paper kettisals	.....	<i>ad valorem</i>	"
111	VULCANITE AND EBONITE, articles made of, not otherwise described	.....	"	"
112	WALKING STICKS and sticks for umbrellas, parasols, and sunshades, of all kinds, mounted and unmounted, driving, riding, and other whips, fishing rods and lines	.....	"	"
113	WAX, excluding candles (for which see No. 31) " articles made of wax	cwt.	32 0	"
114	WOOD AND TIMBER (except firewood, which is free), and articles made of wood not otherwise described	.....	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*concl'd.*GENERAL DUTIES—*concl'd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured— <i>concl'd.</i>		R a.	
115	WOOL, RAW . . . . .	.....	...	<i>Fres.</i>
	„ articles made of, including felt . . . . .	.....	<i>ad valorem</i>	Five per cent.
116	ALL OTHER ARTICLES, manufactured or unmanufactured, not described in this Schedule . . . . .	.....	„	„

SCHEDULE V.—(EXPORT TARIFF).

Name of Article.	Rate of duty.
RICE, husked or unhusked, including RICE-FLOUR, but not including RICE-BRAN and RICE-DUST, which are free	Three annas per Indian maund of 80 lb avoirdupois weight.

STATEMENT OF OBJECTS AND REASONS.

In the Tariff Act passed in March last cotton yarns and piece-goods remained exempt from duty. The existing state of the finances is such as to render necessary the revenue to be derived from the duties on these classes of goods, and this Bill is introduced to authorize the levy of them. The opportunity has been taken of introducing several detailed amendments which the experience of the past eight months has shown to be desirable, and of which the object is to make the Tariff classifications more clear and precise and more easy of application.

The 17th December, 1894.

J. WESTLAND.

J. M. MACPHERSON,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th December, 1894:—

NO. 18 OF 1894.

A Bill to provide for the Imposition and Levy of certain Duties on Cotton Goods.

WHEREAS it is expedient to impose certain duties on cotton goods; It is hereby enacted as follows:—

PRELIMINARY.

I. (1) This Act may be called the Cotton Duties Act, 1894.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

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

(1) “the Principal Act” means the Sea Customs Act, 1878;

(2) “Chief Customs Authority” means, in the Presidency of Fort St. George and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioner of Oudh, the Board of Revenue; in the Presidency of Bombay outside Sind, the Commissioner of Customs; in Sind, the Commissioner; in the Punjab and Burma, the Financial Commissioner; and elsewhere the Local Government or such officer as the Local Government may, by notification in the official Gazette, appoint in this behalf by name or in virtue of his office:

(3) “Collector” means the Customs Collector mentioned in the Principal Act, and includes,—

(a) in any place for which there is no Customs Collector appointed, the Collector or Deputy Commissioner of the district, unless the Local Government shall otherwise so direct, and

(b) every officer for the time being duly authorised to perform all or any of the duties of a Collector under this Act:

(4) “mill” means any building or place where cotton fibre is spun or otherwise converted into yarn, or where yarn is woven, by

machinery, or by the use of any motive force other than manual labour:

(5) “warehouse” means a place licensed for the storage of yarn under this Act, and includes every public or private warehouse duly appointed or licensed under section 15 or 16 of the Principal Act, or under section 2 of the Inland Bonded XXI of 1887. Warehouses Act, 1887; and

(6) “cotton yarn” means yarn wholly or partly composed of cotton fibres.

3. The officers subordinate to a Collector shall, unless the Local Government shall otherwise direct, for the purposes of this Act perform the duties imposed and exercise the powers conferred upon officers of Customs under the Principal Act.

PART I.

EXCISE.

Application of Sea Customs Act.

4. In the application of the Principal Act or any particular section or sections thereof to this Part the following modifications shall be made therein, namely—

(a) “the owner of the goods” shall include the managing agent or other principal officer of a mill;

(b) for “the bill-of-entry or shipping-bill” shall be substituted “the return required by this Act”;

(c) every reference to a warehouse, or warehousing, shall be construed as referring to a “warehouse” as hereinbefore defined.

Duties.

5. There shall be levied and collected at every mill in British India, upon all cotton yarns produced in such mill, a duty at the rate for the time being prescribed in the Indian Tariff Act, 1894, for the levy of duty in respect of cotton yarns imported by sea:

Provided that no duty shall be levied upon yarns of the count or number of 20 or less:

Provided also that the Governor General in Council may, by notification in the Gazette of India, exempt from duty any yarns of any count or number not exceeding 24.

Explanation.—Yarn is said to be “produced” within the meaning of this Act—

- (a) in the case of yarn which is reeled and bundled in the mill in which it is spun—when it is so bundled;
- (b) in the case of yarn which is woven in the mill in which it is spun—when it is passed from the spinning into the weaving section of the mill.
- (c) in any other case—when it is issued out of the premises of the mill

6. (1) The Governor General in Council may from time to time, by notification in the Gazette of India, fix, for the purpose of levying the said duties, tariff values of all such yarns as aforesaid or of any particular count or counts thereof, and alter any tariff values for the time being in force.

(2) In the absence of any notification under sub-section (1), the tariff values for the time being fixed for the purpose of the levy of duty in respect of such yarns when imported by sea shall be the tariff values for the purpose of the levy of duty under this Act.

(3) Such tariff value shall, for the purposes of this Act, be deemed to be the “real value” of the yarns to which it applies, but save as aforesaid all yarns shall be assessed under this Act at their real value as defined in section 30 of the Principal Act.

7. (1) The owner of every mill shall prepare and deliver, or cause to be prepared and delivered, to the Collector, on or before the fifteenth day of each month, a return of all cotton yarn produced at his mill during the preceding month, whether liable to duty or not; and shall subscribe a declaration of the truth of such statement at the foot of such return.

(2) Every such return shall state for each count or number of yarn the quantity produced during the preceding month under each of the three heads mentioned in the explanation to section 5, and in the case of dutiable yarn the real value of such yarn.

(3) Every such return shall also contain such further information and be in such form and be subject to such conditions as to verification and otherwise as may be prescribed by any rules under this Act.

8. (1) The Collector shall thereupon assess the duties, if any, payable in respect of the month to which the return relates, and unless the amount thereof is immediately tendered shall cause a notice, in such form as may be prescribed by any rules under this Act,

to be served on the owner requiring him to make payment of the amount assessed within ten days of the date of service of the said notice.

(2) A notice under sub-section (1) may be served on the owner of a mill by delivering or tendering to him or his agent at his ordinary place of business a copy of the notice, or, if this cannot be conveniently done, by fixing a copy of the notice on one of the outer doors of the mill.

9. Sections 30 to 34, 37, and 39 to 41, all inclusive, of the Principal Act, shall apply to the assessment and recovery of the duties imposed by this Act:

Provided that the rate of duty and the tariff valuation applicable to any yarn which has not been warehoused as hereinafter provided shall be those in force at the time when the yarn was produced, and not when the return was delivered as provided by the said section 37.

10. (1) If any duty payable under this Act is not paid within the time fixed by any such notice as aforesaid for the payment thereof, the Collector may, in lieu thereof, recover any sum not exceeding double the amount of duty so unpaid, which he shall, in his discretion, think it reasonable to require.

(2) All sums recoverable under the last foregoing sub-section shall be recovered in the manner provided in Act II of 1886, section 30, sub-sections (1), (2) and (3), with respect to the sums therein referred to.

Warehousing.

11. (1) The Chief Customs Authority may from time to time license any room or place as a warehouse for the storage of yarn, and for the purposes of this Act every such place shall be deemed to be a warehouse and to have been duly licensed under the Principal Act.

(2) There shall be payable in respect of every such warehouse such and the like licensing fees and other payments as may for the time being be payable in respect of a private warehouse licensed under the Principal Act.

Provided that the Chief Customs Authority may remit the whole or any part of such fees or other payments in respect of any particular warehouse.

12. (1) The owner of any mill may apply for leave to deposit in a warehouse any yarn in respect of which duty has become leviable under section 5 and which has not been issued out of the mill.

(2) Such application shall be in writing signed by the applicant, and shall be in such form as may be prescribed by the Chief Customs Authority.

13. All the provisions of Chapter XI of the Principal Act, so far as the same are applicable to imported goods of a similar description, shall apply to all yarn in respect of which an application has been made under section 12.

14. When any yarn has been deposited in warehouse, the quantity of yarn so deposited and particulars thereof shall be specified in the return made under section 7 for the month in which the yarn was produced, and the said yarn shall be omitted in the assessment and collection of duty.

Inspection.

15. (1) The Collector, or any officer duly appointed by the Local Government in that behalf, shall have free access at all reasonable times during working hours to any mill.

(2) Any such officer may at any time, with or without notice to the owner, examine the working records, sale records, and accounts of any mill, and take copies of, or extracts from, all or any of the said records or accounts, for the purpose of testing the accuracy of any return, or of informing himself as to any particulars regarding which information is required for the purposes of this Act or any rule thereunder.

16. (1) All such copies and extracts, and all other information acquired by any such officer on the inspection of any mill or warehouse, shall be regarded as strictly confidential, and shall be deemed to be official secrets.

(2) If any such officer shall disclose to any person other than a superior officer any such official secret as aforesaid without the previous consent in writing of the Chief Customs Authority, he shall be guilty of a breach of official trust, and shall, upon conviction thereof, be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1889.

The restriction imposed by section 5 of the last-mentioned Act shall not apply to a prosecution for a breach of an official trust under this Act.

Export and Drawback.

17. If any dutiable yarn is exported by sea to any foreign port before the return in respect of it has been delivered to the Collector under section 7, the owner of the mill in which it was produced may apply to the Collector at the port of shipment, who, on being satisfied that such yarn has actually been shipped for export, shall grant him a certificate stating the quantity and particulars of such yarn, and that it has actually been so shipped.

18. When any certificate has been granted under section 17, the quantity and particulars of the yarn stated therein shall be specified as so shipped in the return made under section 7 for the month to which the yarn relates, and the said goods shall be omitted in the assessment and collection of duty.

19. When any yarn upon which duty has been paid under this Act is exported by sea from any customs port to any foreign port, such duty shall, except as otherwise herein provided, be repaid as drawback:

Provided that in every such case the yarn has not been woven into cloth or otherwise altered in character since the payment of duty, and is identified to the satisfaction of the Collector at the port of shipment, and that the export is made within two years from the date of payment of the duty, or within such further time as the Chief Customs Authority on sufficient cause shown may in any case determine.

20. (1) When any cotton fabrics woven in a mill in India and composed in whole or in part of dutiable counts of yarn are exported by sea from any customs port to any foreign port, the exporter may apply to the Customs Collector at the port of shipment for the repayment as drawback of any duty which may have been paid under this Act in respect of such yarn.

(2) In every application made under sub-section (1) the applicant must state—

- (a) the quantities and counts of yarns in respect of which drawback is claimed, the mill at which they were produced, and, as nearly as possible, the dates on which they were produced;
- (b) the mill at which, and, as nearly as possible, the dates on which the fabric was woven.

21. The drawback shall be allowed by the Collector if it is proved to his satisfaction—
When such refunds may be granted.

(1) that the said fabric has been woven within six months of the date on which it is shipped for export;

(2) that the yarns in respect of which drawback is applied for have paid duty within the said six months.

22. The Governor General in Council may, from time to time, by notification in the Gazette of India, prohibit the payment of drawback on the exportation of yarn or cotton fabrics to any specified foreign port.
Power to prohibit re-payment of duty in case of exportation to certain ports.

23. Notwithstanding anything herein contained, no drawback shall be allowed in respect of any yarn or cotton fabrics on which duty has been paid—
No repayment of duty to be granted in certain cases.

(a) when the goods are of less value than the amount of drawback claimed, or

(b) when the claim is for drawback amounting to less than five rupees in respect of any single shipment.

24. Sections 51 and 52 of the Principal Act shall apply to every claim for drawback under this Act.
Application of sections 51 and 52 of Sea Customs Act to claims under this Act.

Offences and Penalties.

25. The offences mentioned in the first column of the following schedule shall be punishable to the extent mentioned in the second column thereof with reference to such offences respectively:—
Punishments for offences.

1. Contravening any rule made under this Act. Penalty not exceeding five hundred rupees.

2. Concealing or attempting to conceal, or knowingly permitting or procuring to be concealed, any yarn liable to duty under this Act with intent to evade payment of the duty or any part thereof. Such yarn shall be liable to confiscation, and every person convicted of the offence shall be liable to a penalty not exceeding three times the value of the yarn.

3. Omitting to make any return required by section 7 or refusing to sign or complete the same. Penalty not exceeding one thousand rupees.

4. Making and delivering any such return containing any statement not true to the best of the information and belief of the person making the same. The penalty provided in the Indian Penal Code, section 199, for making a false statement in a declaration.

5. Altering or falsifying any record or book of account kept in the mill with the intention of defrauding the revenue.

6. Omitting to keep such proper records and books of account as may be prescribed by any rule under this Act.

7. Omitting to make and deliver any return which by any rule under this Act ought to have been made and delivered.

8. Intentionally obstructing any Collector or other Officer in the exercise of any powers given under this Act.

9. If any yarn in respect of which a certificate has been obtained under section 17, or on the entry of which for export drawback has been paid, are not duly exported or are unshipped or reloaded at any customs port, not having been duly entered and discharged under the provisions of the Principal Act.

10. If any yarn or cotton fabrics are entered for drawback which are of less value than the drawback claimed.

11. If any yarn is found concealed in any place, box or closed receptacle in any mill and is not duly accounted for to the satisfaction of the Collector.

12. If any yarn is found in any mill in excess of the quantity entered in the return or not corresponding with the statement therein contained.

The penalty provided in the Indian Penal Code, section 465, for the commission of forgery.

Penalty not exceeding five hundred rupees and a further penalty of twenty rupees for every day after the date of the conviction during which the offence is continued.

Penalty not exceeding one thousand rupees.

Imprisonment for a term not exceeding six months, or fine not exceeding one thousand rupees, or both.

Such yarn, together with any vessel used in the unshipping or reloading them, shall be liable to confiscation, and the master of the vessel from which such yarn is so unshipped or reloaded, and any person by whom or by whose orders or means such yarn is so unshipped or reloaded, or who aids or is concerned in such unshipping or reloading, shall be liable to a penalty not exceeding three times the value of such yarn, or not exceeding one thousand rupees.

Such goods shall be liable to confiscation.

Such yarn shall be liable to confiscation.

Such yarn shall be liable to confiscation or to be charged with such increased duty as the Chief Customs Authority may direct.

13. If when any cotton goods are passed by tale or by package any omission or misdescription thereof tending to injure the revenue be discovered.

The person guilty of such omission or misdescription shall be liable to a penalty not exceeding ten times the amount of duty which might have been lost to Government by such omission or misdescription, unless it be proved to the satisfaction of the Collector or other officer that the variance was accidental.

14. The offences described in the Principal Act, section 167, Schedule, Nos. 41—53, both inclusive, in reference to warehousing of dutiable goods.

The penalties prescribed in the same Schedule in respect of such offences respectively.

26. All offences against this Act may be tried summarily by a District or Presidency Magistrate or a Magistrate of the First Class.
Magistrates having jurisdiction.

27. Section 168 of the Principal Act, shall apply to all cases of confiscation of goods under this Act.
Application of section 168 of Sea Customs Act to cases of confiscation under this Act.

28. All the provisions of Chapter XVII of the Principal Act, except sections 169, 170, 177, 182, 184, 185, 187, 190, 191 and 193, shall apply to all proceedings under this Act.
Application of certain provisions of same Act to proceedings under this Act.

29. The Local Government may, on the application of any person aggrieved by any decision or order passed under this Act, reverse or modify such decision or order.
Power to Local Government to reverse or modify orders under Act.

Miscellaneous.

30. (1) The Collector or any officer appointed under section 15 may at any time take samples of any yarn for examination or for ascertaining the count or value thereof, or for any other necessary purpose.
Power to take samples.

(2) Every such sample shall, if practicable, be restored to the owner, or, at his option, sold by the Collector, and the proceeds accounted for to the owner.

31. The provisions of section 198 of the Principal Act shall apply to all proceedings for anything purporting to have been done in pursuance of this Act.
Provisions of section 198 of Sea Customs Act to apply to proceedings under this Act.

32. The Governor General in Council may from time to time make Power to make rules. rules under this Act—

(a) prescribing the form of any return required by this Act and the particulars to be contained therein respectively, and the manner in which the same is to be verified, and all such other conditions in respect thereof as may be necessary;

(b) prescribing the form of the notice to be issued by the Collector under section 8:

(c) regulating the inspection of mills, and the powers and duties of Collectors in respect thereof:

(d) regulating the provision of warehouses under this Act, and the deposit and discharge of yarn therein and therefrom, and the powers and duties of the Collector in respect thereof:

(e) prescribing the records and books of accounts to be kept by owners of mills under this Act:

(f) prescribing arrangements under which the requirements of section 21 shall be deemed to have been sufficiently complied with: and

(g) generally for carrying into effect the provisions of this Act.

33. The provisions of sections 201, 204, 205 and 206 of the Principal Act shall be deemed to be incorporated in this Part.
Certain provisions of Sea Customs Act to be incorporated in this Part.

PART II.

INLAND CUSTOMS DUTIES.

34. (1) Duties of customs shall be levied at the rates for the time being prescribed in the Indian Tariff Act, 1894, upon VIII of 1894. cotton yarns and manufactures passing into British India from foreign territory, and upon cotton manufactures of all kinds, passing into British India out of any territory declared, under the power hereinafter in this section conferred, to be foreign territory.
Levy of duties on cotton yarns and manufactures passing into British India from foreign territory.

(2) The Governor General in Council may, by notification in the Gazette of India, declare that the territory of any Native Prince or Chief under the suzerainty of Her Majesty not forming part of British India shall be deemed, for the purposes of this section, to be foreign territory.

(3) The Governor General in Council may from time to time, by notification in the Gazette

of India, prohibit or restrict the bringing of cotton yarns or cotton manufactures into British India from any such foreign territory, or may prescribe the routes by which alone they may be brought.

35. The provisions of the Principal Act as to drawback on export shall apply to all yarns upon which duty has been paid under this Part.

Application of provisions of Sea Customs Act as to drawback to yarn taxed under this Part.

STATEMENT OF OBJECTS AND REASONS.

THE finer classes of cotton manufacture in India enter into direct competition with the cotton manufactures imported from England. As it is intended to weight these last with an import-duty, it is considered necessary to levy at the same time a countervailing duty upon the competitive classes of Indian manufactures.

J. WESTLAND.

The 17th December, 1894.

J. M. MACPHERSON,

Offg. Secretary to the Government of India.

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