

THE
MADRAS LAW JOURNAL

SUPPLEMENT

THE ACTS

OF THE

Governor-General of India in Council

AND THE

Governor of Madras in Council

FOR

1915

PUBLISHED BY

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HIGH COURT VAKIL.

PRINTED AT THE COMMERCIAL PRESS, MADRAS, S. E.

1916

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THE ACTS OF THE GOVERNOR-GENERAL IN COUNCIL, 1915.

The Emergency Legislation Continuance Act.

ACT NO. I OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL
ON THE 12TH JANUARY 1915.]

An Act to continue in force the provisions of certain Ordinances.

WHEREAS the Ordinances mentioned in the Schedule are temporary in their duration and in virtue of S. 23 of the Indian Councils Act, 1861, are limited to expire within the period of six months from their promulgation; and,

Whereas owing to the state of war existing between His Majesty the King-Emperor and certain foreign Powers it is expedient to provide for the continuance as in this Act mentioned of the provisions contained in those Ordinances, it is hereby enacted as follows:—

Short title. 1. This Act may be called the Emergency Legislation Continuance Act, 1915.

2. The provisions of the Ordinances mentioned in the Schedule shall have effect as if they had been enacted by the Governor-General in Council and shall be in force during the continuance of the present war and for a period of six months thereafter.

Continuance of provisions of Ordinances in Schedule. Provided that the Governor-General in Council may by notification in the *Gazette of India*, direct that any provision in any of the said Ordinances shall cease to be in force at any earlier date which may be specified in such notification.

SCHEDULE.

(See Section 2.)

Ordinances made by the Governor-General of India under S. 23 of the Indian Councils Act, 1861.

Year.	Number.	Short title.
1914	I	The Indian Naval and Military News (Emergency) Ordinance, 1914.
"	II	The Impressment of Vessels Ordinance, 1914.
"	III	The Foreigners Ordinance, 1914.
"	IV	The Indian Volunteers Ordinance, 1914.
"	V	The Ingress into India Ordinance, 1914.
"	VI	The Commercial Intercourse with Enemies Ordinance, 1914.
"	VII	The Foreigners (Amendment) Ordinance, 1914.
"	VIII	The Foreigners (Further Amendment) Ordinance, 1914.
"	IX	The Articles of Commerce Ordinance, 1914.

The Sir Sassoon Jacob David Baronetcy Act.

ACT NO. II OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL
ON THE 24TH FEBRUARY 1915.]

An Act for settling certain securities of the nominal value of Rupees Thirty Lakhs and producing an annual income of about Rupees One Lakh and Twenty Thousand, the property of Sir Sassoon Jacob David, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred on him by His Majesty King George V to hold to him and the heirs male of his body lawfully begotten and to be begotten and for other purposes connected therewith.

WHEREAS by Letters Patent of His Majesty King George V by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, dated at Westminster on or about the Twelfth day of December in the Second year of His Reign, and by warrant under the King's sign-manual. His said Majesty made known that He of his Special Grace, certain knowledge and mere motion, had erected, appointed and created His trusty and well beloved Sir Sassoon Jacob David of Bombay, Knight, to the dignity, state and degree of a Baronet, and Him the said Sir Sassoon Jacob David, for His Majesty, His heirs and successors, he did erect, appoint and create a Baronet, of the United Kingdom of Great Britain and Ireland by the said Letters Patent, to hold to him and the heirs male of his body lawfully begotten and to be begotten.

AND WHEREAS the said Sir Sassoon Jacob David is desirous of settling in perpetuity the said securities on himself and the heirs male of his body who may succeed to the said Baronetcy so as to support the dignity of the title conferred on him and them as aforesaid upon the trusts and for the purposes hereinafter declared, concerning the same.

AND WHEREAS the said Sir Sassoon Jacob David is desirous that the Accountant-General of Bombay, the Chief Secretary to the Government of Bombay and the Collector of Bombay, all for the time being and the said Sir Sassoon Jacob David during his lifetime and every succeeding Baronet being a Major shall be trustees of the aforesaid securities, and be likewise the trustees for carrying into execution the general purposes and powers of this Act, in relation to the said securities.

AND WHEREAS it is expedient that the aforesaid purposes should be effected by an act of the Council of the Governor-General for making Laws and Regulations.

It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Sir Sassoon Jacob David Baronetcy Act, 1915."

2. Douglas Dewar, Esquire, the Accountant-General of Bombay, the Honourable Mr. George Carmichael, the Chief Secretary to the Government of Bombay, and Arthur Henry Addenbrooke Simcox Esquire, the Collector of Bombay, and their successors, the Accountant-General of Bombay, the Chief Secretary to the Government of Bombay and the Collector of Bombay all for the time being and the said Sir Sassoon Jacob David, Baronet, and after his death the person for the time being holding the said Baronetcy being a major, shall be and they are hereby created a Corporation with perpetual succession and a common seal under the style and title of the "Trustees of the Sir Sassoon Jacob David Baronetcy" and the said Douglas Dewar, Esquire, the Honourable Mr. George Carmichael and Arthur Henry Addenbrooke Simcox, Esquire, and their respective successors in office and the said Sir Sassoon Jacob David, Baronet, and after his death the person for the time being holding the Baronetcy being a major (hereinafter styled "the Corporation" shall be and they are hereby constituted as such Corporation, the Trustees for executing the powers and purposes of this Act.

3. Immediately from and after the passing of this Act the said securities being debentures of the Municipal Corporation of the City of Bombay of the nominal value of Rupees Fourteen Lakhs bearing interest at the rate of four per cent. per annum and bonds of the Trustees for the Improvement of the City of Bombay of the nominal value of Rupees Sixteen Lakhs bearing interest at the rate of four per cent. per annum, such debentures and bonds being of the aggregate nominal value of Rupees Thirty Lakhs and producing an annual income of about Rupees One Lakh and Twenty Thousand, shall be assigned and transferred into the name of the Corporation, who shall hold the same upon the trust and for the purposes hereinafter expressed concerning the same, (that is to say) upon trust to continue to hold the said securities until such time as the same shall be discharged by the Municipal Corporation of the City of Bombay or the Trustees for the improvement of the City of Bombay, as the case may be, or shall be sold by the Corporation at the request in writing of the person who shall for the time being be in the enjoyment of the income of the said securities and on such discharge or sale to invest the sum to be received on such occasion with all convenient despatch in or upon any stocks, funds or securities of, or the principal and interest of which is guaranteed by, the Government of the United Kingdom of Great Britain and Ireland or the Government of India, and in like manner, as often as the same shall become necessary, to alter, vary and change at the like request the stocks, funds and securities for others of the same or like

nature and which stocks, funds, securities, moneys and investments for the time being subject to the trusts of this Act are hereinafter called "The Trust Funds" and upon further trust from time to time to pay and apply the dividends, interest and annual income of the Trust Funds unto and for the benefit of the said Sir Sassoon Jacob David or the person who, as heir male of his body, shall for the time being have succeeded to, and be in the enjoyment of the title of, Baronet conferred by the said Letters Patent as aforesaid notwithstanding any rule of law or equity to the contrary, such payment to be made to the Baronet for the time being at the place where he may be residing at the time of such payment; and upon failure and in default of heirs male of the body of the said Sir Sassoon Jacob David to whom the same title and dignity of Baronet may descend, the Corporation shall stand possessed of one-eighth part of the Trust Funds in Trust to pay the income thereof to the widow of the last Baronet during her life or until her marriage, as the case may be, and of the remaining seven-eighth part of the Trust Funds and the income thereof and also the said one-eighth part of the said Trust Funds after the death or remarriage of the widow of the last Baronet in trust for the next of kin of the last Baronet in such shares and proportions as he may by will provide, and in default of such appointment for the next of kin (except the widow) of the last Baronet for their absolute benefit according to the law of Intestate Succession for the time being applicable to them.

4. The Corporation during the minority of any person for the time being entitled to and in the enjoyment of the said dignity of Baronet under limitations of the said Letters Patent shall pay and apply for and towards the maintenance, education and benefit of such Baronet, in each and every year during his minority as aforesaid so much only of the annual interest, dividends and income of the Trust Funds as the Corporation shall in their discretion think proper and shall from time to time invest the residue of the said annual interest, dividends and income of the Trust Funds in and upon the stock, funds and securities hereinbefore authorized, and shall upon such Baronet attaining his majority pay over, transfer and assign to him or as he shall direct and for his absolute benefit the said investments and all accumulations thereof.

5. It shall be lawful for the said Sir Sassoon Jacob David and any person to whom the said title of Baronet shall from time to time descend when in the actual enjoyment of the said title by any deed or deeds, writing or writings with or without power of revocation, to be by him sealed and delivered in the presence of two more credible witnesses (but subject and without prejudice the annuity or annuities if any which shall be then subsisting

Application of income during minority
 Power to charge settled property for jointure of widow.

and payable by virtue of any appointment made under and in pursuance of this present power) to appoint unto any woman whom he shall marry for her life or until her marriage and for her jointure in bar of dower or other legal or customary rights an annuity or yearly sum not exceeding the sum of Rupees fifteen thousand clear of all taxes, charges and deductions whatsoever to commence and take effect immediately after the decease of the person appointing the same and to be issuing and payable out of the dividends, interest and annual income of the Trust Funds and to be paid and payable in equal half-yearly payments to be made at the expiration of six calendar months after the decease of the person who shall have appointed such annuity or yearly income. Provided that the payment of the said annuity to the widow of the person appointing the same shall be subject to the obligation on her part of maintaining and educating each and every minor child (except the Baronet for the time being) of such person during their respective minorities. After the death or remarriage of the said widow the said annuity shall be paid to the Baronet for the time being to be held by him (or if the Baronet for the time being shall be a minor by the Corporation) upon trust to maintain and educate each and every such child during their respective minorities and shall continue to be so held in trust until the youngest child shall attain majority. Provided further that notwithstanding any such appointment as aforesaid no widow of a Baronet shall become entitled to the sum so appointed if she shall also become entitled to the income of the one-eighth part of the Trust Funds on the failure of the male issue of the said Sir Sassoon Jacob David as provided in Section 3.

6. Provided always that the said interest, dividends and annual income of the Trust Funds shall not at one and the same time be subject to the payment of more than the yearly sum of Rupees thirty thousand for or in respect of any jointure or jointures which shall be made in pursuance of the power hereinbefore contained, so that if by virtue of or under the same power the said interest, dividends and annual income would, in case this present provision had not been inserted, be charged at any one time with a greater yearly sum for jointures in the whole than the yearly sum of Rupees thirty thousand the yearly sum which shall occasion such excess or such part thereof as shall occasion the same shall during the time of such excess abate and not be payable.

7. Neither the said Sir Sassoon Jacob David nor any of the heirs male of his body in whose favour (subject to the two last preceding section,) the trusts are hereinbefore declared of the said

Limitation of transfer to life of transferor.

interest, dividends and annual income of the Trust Funds, shall transfer, dispose of, charge or encumber the Trust Funds or any part thereof or the interest, dividends and annual income thereof or any part thereof for any greater or larger estate, interest or time, than during his natural life, nor shall any such person as aforesaid either alone or jointly with any other or others of them or with any other person or persons whomsoever have any power to discontinue or bar any estate or interest hereby or herein created or declared in trust or for the benefit of any person or persons for whose benefit trusts are declared by this Act of the said interests, dividends and the annual income of the Trust Funds or to prevent any such person or persons from succeeding to, holding or enjoying, receiving or taking, the same according to the true intent of the provisions hereinbefore contained nor shall the same or any of them be held by any Court of Law or Equity to have vested in any such person as aforesaid for any greater interest or estate than during his life and every attempt to make any assignment or assurance contrary to the intention of this Act shall be and is hereby declared and enacted to be void.

8. If at any time or times hereafter the said Sir Sassoon Jacob David or any other person or persons shall be desirous of augmenting the funds and securities for the time being subject to the trusts of this Act and for that purpose and with that intent shall, at his or her own expense, transfer and deliver to the Corporation any stocks, funds or securities of the nature authorized by Section 3 then and as often as the same shall happen the said Corporation shall accept such stocks, funds and securities, and the same shall thenceforth be held by the Corporation upon the same trusts and for the same purposes as are declared by this Act with regard to the Trust Funds referred to in Section 3 or upon such of them as shall then be subsisting and capable of taking effect PROVIDED ALWAYS that the total amount of the promissory notes, bonds, stocks, funds, and securities for the time being subject to the trusts of this Act shall at no time exceed Rupees ninety lakhs.

9. It shall be lawful for the Corporation out of the money which shall come to their hands by virtue of the trust and provisions of this Act to retain and reimburse themselves all costs, damages and expenses which they shall or may sustain expend or disburse in or about the execution of the aforesaid powers, trusts and provisions or in relation thereto.

The Foreigners (Amendment) Act.

ACT NO. III OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 17TH MARCH 1915.]

An Act to amend the Foreigners Act, 1864.

WHEREAS it is expedient to amend the Foreigners Act, 1864, It is hereby enacted as follows:—

Short title 1. This Act may be called the Foreigners (Amendment) Act, 1915.

2. In Section 1 of the Foreigners Act, 1864, for the words "not being either a natural born subject of Her Majesty within the meaning of the Statute 3 and 4 William IV, Chapter 85, Section 81, or a native of British India" the following words shall be substituted, namely:—

"(a) who is not a natural born British subject as defined in sub-sections (1) and (2) of Section 1 of the British Nationality and Status of Aliens Act, 1914, or

"(b) who has not been granted a certificate of naturalisation as a British subject under any law for the time being in force in British India.

Provided that any British subject who, under any law for the time being in force in British India, ceases to be a British subject shall thereupon be deemed to be a foreigner."

Insertion of new Section 3-A. Act III of 1864. 3. After Section 3 of the Foreigners Act, 1864, the following section shall be inserted namely:—

"3-A (1) Whenever in a Presidency town the Commissioner of Police, or elsewhere the Magistrate of the District, considers that the Local Government should be moved to issue an order under Section 3 in respect of any foreigner who is within the limits of such Presidency town or of the jurisdiction of such Magistrate, he may report the case to the Local Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) Any officer issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and,

subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the officer issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the officer issuing such warrant, such officer may direct him to be detained in custody pending the orders of the Local Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any officer who has in accordance with the provisions of sub-section (4), ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Local Government. On the receipt of a report under this sub-section the Local Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of Section 3."

The Defence of India Criminal Law Amendment Act.

ACT NO. IV OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 19TH MARCH.]

An act to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences.

WHEREAS owing to the existing state of war it is expedient to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences! It is hereby enacted as follows:—

Short title, extent and duration. 1. (1) This Act may be called the Defence of India (Criminal Law Amendment) Act, 1915.

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

(3) This section and Section 2 shall come into operation at once. The Governor-General in Council may, by notification in the *Gazette of India*, direct that the rest of the Act shall come into operation in any province or part thereof on such date as may be specified in such notification.

(4) This Act shall be in force during the continuance of the present war and for a period of six months thereafter:

Provided that the expiration of this Act shall not affect the validity of anything done in pursuance of it and any person convicted, under this Act may be punished as if it had continued in force, and al

prosecutions and other legal proceedings pending under the Act at the time of the expiration thereof may be completed and carried into effect, and the sentences carried into execution as if this Act had not expired.

2. (1) The Governor-General in Council may make rules for the purpose of securing the public safety and the defence of British India and as to the powers and duties of public servants and other persons in furtherance of that purpose.

In particular and without prejudice to the generality of the foregoing power, rules under this section may be made—

- Power to make rules.
- (a) to prevent persons communicating with the enemy or obtaining information which may be used for that purpose ;
 - (b) to secure the safety of His Majesty's forces and ships and to prevent the prosecution of any purpose likely to jeopardise the success of the operations of His Majesty's forces or forces of His Allies or to assist the enemy ;
 - (c) to prevent the spread of false reports or reports likely to cause disaffection or alarm or to prejudice His Majesty's relations with Foreign Powers or to promote feelings of enmity and hatred between different classes of His Majesty's subjects ;
 - (d) to empower any civil or military authority to issue such orders and take such measures as may be necessary to secure the safety of railways, ports, dockyards, telegraphs, post offices, works for the supply of gas, electric light or water, sources of water-supply, all means of communication and any areas which may be notified by such civil or military authority, as areas which it is necessary to safeguard in the public interest ;
 - (e) to enable any naval or military authority to take possession of any property, movable or immovable, for naval or military purposes, and to issue such orders and do such acts in respect of any property as may be necessary to secure the public safety or the defence of British India or any part thereof ;
 - (f) to empower any civil or military authority where, in the opinion of such authority, there are reasonable grounds for suspecting that any person has acted, is acting or is about to act in a manner prejudicial to the public safety, to direct that such person shall not enter, reside or remain in any area specified in writing by such authority, or that such person shall reside and remain in any area so specified, or that he shall conduct himself in such manner or

abstain from such acts, or take such order with any property in his possession or under his control, as such authority may direct ;

- (g) to prohibit or regulate the possession of explosives, inflammable substances, arms and all other munitions of war ;
- (h) to prohibit anything likely to prejudice the training or discipline of His Majesty's forces and to prevent any attempt to tamper with the loyalty of persons, in the service of His Majesty or to dissuade persons from entering the military or police service of His Majesty ;
- (i) to empower any civil or military authority to enter and search any place if such authority has reason to believe that such place is being used for any purpose prejudicial to the public safety or to the defence of British India and to seize anything found there which he has reason to believe is being used for any such purpose ;
- (j) to provide for the arrest of persons contravening or reasonably suspected of contravening any rule made under this section and prescribing the duties of public servants and other persons in regard to such arrests ;
- (k) to prescribe the duties of public servants and other persons as to preventing any contravention of rules made under this section and to prohibit any attempt to screen persons contravening any such rule from punishment ; and
- (l) otherwise to prevent assistance being given to the enemy or the successful prosecution of the war being endangered.

(2) Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both, or if the intention of the person so contravening any such rule or order is to assist the King's enemies or to wage war against the King may provide that such contravention shall be punishable with death, transportation for life or imprisonment for a term which may extend to ten years, to any of which punishments fine may be added.

(3) All rules made under this section shall be published in the *Gazette of India* and shall thereupon have effect as if enacted in this Act.

3. (1) The Local Government may by order in writing direct that any person accused of anything which is an offence in virtue of any rule made under S. 2, or accused of any offence punishable with death, transportation or imprisonment for a term which may extend to seven years, or of criminal con-

Power of Local Government to direct accused person to be tried by Commissioners.

spiracy to commit, or of abetting, or of attempting to commit or abet any such offence shall be tried by Commissioners appointed under this Act.

(2) Orders under sub-section (1) may be made in respect of all persons accused of any offence referred to in that sub-section, or in respect of any class of person so accused, or in respect of persons or classes of persons accused of any particular offence therein referred to or accused of any class of such offences.

(3) No order under sub-section (1) shall be made in respect of or be deemed to include any person who has been committed under the Code of Criminal Procedure, 1898, for trial before a High Court, or in whose case an order for trial has been made under section 6 of the Indian Criminal Law Amendment Act, 1908, but, save as aforesaid, an order under that sub-section may be made in respect of or may include any person accused of any offence referred to therein whether such offence was committed before or after the commencement of this Act.

4. (1) Commissioners for the trial of persons under this Act shall be appointed by the Local Government.

Appointment and qualifications of Commissioner.

(2) Such Commissioners may be appointed for the whole province or any part thereof or for the trial of any particular accused person or class of accused persons.

(3) All trials under this Act shall be held by three Commissioners, of whom at least two shall be persons who have served as Sessions Judges or Additional Sessions Judges for a period of not less than three years, or are persons qualified under Section 2 of the Indian High Courts Act, 1861, for appointment as Judges of a High Court or are advocates of a Chief Court or pleaders of ten years' standing.

5. (1) Commissioners appointed under this Act may take cognizance of offences without the accused being committed to them for trial, and, in trying accused persons, shall, subject to any rules made by the Local Government in this behalf, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.

Procedure of Commissioners.

Provided that such Commissioners shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is in their opinion necessary in the interests of justice.

(2) In the event of any difference of opinion between the Commissioners the opinion of the majority shall prevail.

6. (1) The judgment of Commissioners appointed under the Act shall be final and conclusive and such Commissioners may pass upon any person convicted by them any sentence authorised by law for the punishment of the offence of which such person is convicted and no order of confirmation shall be necessary in the case of any sentence passed by them.

(2) If in any trial under this Act it is proved that the accused person has committed any offence whether referred to in Section 3 or in any order under that section or not, the Commissioners may convict such accused person of such offence and pass any sentence authorised by law for the punishment thereof.

7. The provisions of the Code of Criminal Procedure, 1898, so far as they are inconsistent with the special procedure prescribed by or under this Act, shall not apply to the proceedings of Commissioners appointed under this Act, but save as otherwise provided, that Code shall apply to such proceedings and the Commissioners shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

8. (1) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of Commissioners appointed under the Act, and no Court shall have authority to revise any such order or sentences or to transfer any case from such Commissioners, or to make any order under Section 491 of the Code of Criminal Procedure, 1898, or have any jurisdiction of any kind in respect of any proceedings under this Act.

(2) Nothing in sub-section (1) shall be deemed to affect the power of the Governor-General in Council or the Local Government to make orders under Section 401 or 402 of the Code of Criminal Procedure, 1898, in respect of persons sentenced by Commissioners under this Act.

9. Notwithstanding anything contained in the Indian Evidence Act, 1872, where the statement of any person has been recorded by a Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance or incapacity has been caused in the interest of the accused.

10. The Local Government may, by notification in the local official *Gazette*, make rules providing for—

Rule-making powers of Local Government.

- (i) the times and places at which Commissioners appointed under this Act may sit;
- (ii) the procedure of such Commissioners including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person;
- (iii) the manner in which prosecutions before such Commissioners shall be conducted, and the appointment and powers of persons conducting such prosecutions;
- (iv) the execution of sentences passed by such Commissioners;
- (v) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of section 3, and for the transmission of records to the Commissioners; and
- (vi) any matter which appears to the Local Government to be necessary for carrying into effect the provisions of the Act relating or ancillary to trials before Commissioners.

11. No order under this Act shall be called in question in any court, and no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Savings.

The Indian Paper Currency Act.

ACT NO. V OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 22ND MARCH 1915.]

An Act further to amend temporarily the Indian Paper Currency Act, 1910.

WHEREAS it is temporarily expedient further to amend the Indian Paper Currency Act, 1910; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Paper Currency (Temporary Amendment) Act, 1915.

2. During the continuance of the present war and for a period of six months thereafter, section 22 of the Indian Paper Currency Act, 1915, shall be construed as if for words "one hundred and forty millions" in that section the words, "two hundred millions" were substituted.

Amendment of section 22 of the Indian Paper Currency Act

Repeal of Ordinance I of 1915.

3. The Indian Paper Currency Amendment Ordinance, 1915, is repealed.

The Indian Patents and Designs Temporary Rules Act.

ACT NO. VI OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE
22ND MARCH 1915.]

An Act to extend the powers of the Governor-General in Council during the continuance of the present war to make rules under the Indian Patents and Designs Act, 1911.

Short title, extent, etc.

1. (1) This Act may be called the Indian Patents and Designs (Temporary Rules) Act, 1915.

(2) It extends to the whole of British India including British Baluchistan and the Santhal Parganas.

(3) This Act and the rules made thereunder shall be in force during the continuance of the present war and for a period of six months thereafter.

Definitions.

2. In this Act the expression "subject of any State at war with His Majesty" includes—

- (i) any person resident and carrying on business in the territory of a State at war with His Majesty; and
- (ii) with reference to a company, any company the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within His Majesty's dominions.

3. (1) The power of the Governor-General in Council under section 77 of the Indian Patents and Designs Act, 1911, to make rules shall include power to make rules—

- (a) for avoiding or suspending in whole or in part any patent or licence, the person entitled to the benefit of which is the subject of any State at war with His Majesty;
- (b) for avoiding or suspending the registration, and all or any rights conferred by the registration, of any design the proprietor whereof is a subject as aforesaid;
- (c) for avoiding or suspending any application made by any such person under the said Act;
- (d) for enabling the grant, in favour of persons other than such persons as aforesaid, on such terms and conditions, and either for the whole term of the patent or registration or for such less period, as may be thought fit, of licences to make, use, exercise, or vend, patent inventions and registered designs so liable to avoidance or suspension as aforesaid; and

(e) for extending the time within which any act or thing may be or is required to be done under the said Act.

(2) If the rules made under this Act so provide, the rules or any of them shall have effect from the passing of this Act.

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

4. The power to make rules conferred by Section 3 (1) (a) and (d) of this Act shall be exercisable in respect of any exclusive privilege acquired under the Inventions and Designs Act, 1888, as if such exclusive privilege had been a patent granted under the Indian Patents and Designs Act, 1911; and the power to make rules conferred by Section 3 (1) (e) of this Act in respect of anything to be done under the Indian Patents and Designs Act, 1911, shall be exercisable in respect of anything to be done under the Inventions and Designs Act, 1888.

The Delhi Laws Act.

ACT NO. VII OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 22ND MARCH 1915.]

An Act to declare the law in force in certain territory added to the Province of Delhi.

WHEREAS by proclamation published in Notification No. 984-C., dated the 22nd day of February 1915, the Governor-General in Council, with the sanction and approbation of the Secretary of State for India, has been pleased to take under his immediate authority and management the territory mentioned in Schedule I, which was formerly included within the United Provinces of Agra and Oudh, and to include the said territory in the Province of Delhi with effect from the 1st April 1915;

And whereas it is expedient to declare the law in force in the said territory; It is hereby enacted as follows:—

1. (1) This act may be called the Delhi Laws Act, 1915;

(2) It shall come into force on the first day of April 1915.

2. All enactments (except the enactments specified in Schedule II) for the time being in force in the territory specified in Schedule A to the Delhi Laws Act, 1912, and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under such enactments shall be deemed to be in force in the territory specified in Schedule I in the same manner and subject to the same

Short title and commencement.

Application to added area of law in force in existing Province of Delhi.

modifications as they are for the time being in the territory specified in the said Schedule to the said Act.

3. The enactments specified in Schedule III, and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under those enactments shall continue to be in force in the territory specified in Schedule I:—

Continuance in added area of certain laws now in force in the United Provinces.

Provided that in the enactments so continued and in all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed thereunder, references to a Local Government, the Lieutenant-Governor of the United Provinces of Agra and Oudh, or the Board of Revenue for the United Provinces shall be read as referring to the Chief Commissioner of Delhi; references to a High Court or the High Court of Judicature for the North-Western Provinces as referring to the Chief Court of the Punjab; and references to the official *Gazette* for the United Provinces as referring to the *Gazette of India*.

Provision for facilitating application of certain enactments.

4. For the purpose of facilitating the application to the territory mentioned in Schedule I of the enactments referred to in section 3, the powers conferred by Sections 4 and 5 of the Delhi Laws Act, 1912, shall be exercisable in respect thereof.

Exclusion of certain enactments from the added area.

5. Save as provided in Sections 2 and 3 no enactment which is in force in the United Provinces of Agra and Oudh or any part thereof shall continue to be in force in the territory specified in Schedule I.

6. Nothing in this Act shall affect any proceeding which at the commencement thereof is pending in respect of any of the territory mentioned in Schedule I or of anything arising in such territory and every such proceeding shall be continued as if this Act had not been passed:

Pending proceedings.

Provided that the Local Government may, by notification in the *Gazette of India*, direct that any proceeding, criminal, civil or revenue, other than a proceeding pending before the High Court of Judicature for the North-West Provinces, shall be transferred to, and disposed of by, the corresponding authority of the Delhi Province.

7. In Section 7 of the Delhi Laws Act, 1912, for the words "the territory mentioned in Schedule A" the words "the Province of Delhi" shall be substituted.

Amendment of Section 7 of Act XIII of 1912.

Construction.

8. This Act shall be construed with, and deemed to be part of, the Delhi Laws Act, 1912.

SCHEDULE I.

TERRITORY ADDED TO THE PROVINCE OF DELHI.

(See Section 2.)

Revenue estates of:—

- | | |
|---|---|
| 1. Subehpur. | 34. Khanpur Dhani. |
| 2. Jagatpur. | 35. Maujpur. |
| 3. Baqiabad. | 36. Ghonda patti Gujran Bangar. |
| 4. Beharipur. | 37. Ghonda patti Chauhan Bangar. |
| 5. Saadatpur Mahal Gujran. | 38. Jafraabad. |
| 6. Saadatpur Musalmanan. | 39. Uldanpur. |
| 7. Saadatpur Amad Delhi. | 40. Babarpur. |
| 8. Wazirabad. | 41. Siqdarpur. |
| 9. Khajuri Paramad. | 42. Gokalpur. |
| 10. Khajuri Khas. | 43. Sabauli. |
| 11. Garhi Mendu. | 44. Mandauli. |
| 12. Timarpur. | 45. Taharpur. |
| 13. Chandrawal. | 46. Jhilmila. |
| 14. Usmanpur. | 47. Chandavli <i>urf</i> Shadara. |
| 15. Ghonda patti Gujran Khadar. | 48. Silampur Bangar. |
| 16. Ghonda patti Chauhan Khadar. | 49. Silampur Khadar. |
| 17. Andhavli. | 50. Ghondhli Bangar. |
| 18. Kaithwara. | 51. Kakarduman. |
| 19. Silampur Amad Delhi. | 52. Khureji Khaz. |
| 20. Ghondi Khadar. | 53. Khureji Baramad. |
| 21. Jatwara Khurd. | 54. Shakarpur Khas Bangar. |
| 22. Mubarakpur Beti. | 55. Mandavli Fazilpore. |
| 23. Shakarpur Khadar. | 56. Hasanpur Bhuapur. |
| 24. Nagla Manchi. | 57. Ghazipur. |
| 25. Shampur. | 58. Khichripur. |
| 26. Gharaunda Nimka Khadar. | 59. Gharaunda Nimka Bangar
(Patparganj). |
| 27. Nagli Razapur. | 60. Shakarpur Baramad. |
| 28. Chilla Sarauda Khadar. | 61. Kotla. |
| 29. Qarawalnagar <i>urf</i> Dharauti Kalan. | 62. Chilla Sarauda Bangar. |
| 30. Jivanpur Johripur. | 63. Dalupura. |
| 31. Mustafabad. | 64. Kondli. |
| 32. Mirpur Turk. | 65. Gharauli. |
| 33. Ziauddinpur. | |

SCHEDULE II.

ENACTMENTS IN FORCE IN THE DELHI PROVINCE WHICH
WILL NOT BE IN FORCE IN THE TERRITORY
ADDED TO THAT PROVINCE.

(See Section 2.)

Year.	Number.	Short Title.
<i>Acts of the Governor General of India in Council</i>		
1887	XVI	The Punjab Tenancy Act, 1887.
1887	XVII	The Punjab Land Revenue Act, 1887.
1900	XIII	The Punjab Alienation of Land Act, 1900.
<i>Punjab Acts.</i>		
1900	II	The Punjab Land Preservation (<i>Chos</i>) Act, 1900.
1912	V	The Colonization of Government Lands (Punjab) Act, 1912.
1913	I	The Punjab Pre-emption Act, 1913.
1913	II	The Redemption of Mortgages (Punjab) Act, 1913.

SCHEDULE III.

ENACTMENTS IN FORCE IN THE UNITED PROVINCES OF
AGRA AND OUDH WHICH WILL CONTINUE TO BE
IN FORCE IN THE TERRITORIES ADDED
TO THE DELHI PROVINCE.

(See Section 3).

Year.	Number.	Short Title.
<i>Acts of the Governor General of India in Council.</i>		
1882	IV	The Transfer of Property Act, 1882.
1882	V	The Indian Easements Act, 1882.
1891	VIII	An Act to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force.
<i>United Provinces Acts.</i>		
1901	II	The Agra Tenancy Act, 1901.
1901	III	The United Provinces Land Revenue Act, 1901.
1904	I	The United Provinces General Clauses Act, 1904.*

The Assam Labour and Emigration (Amendment) Act.

ACT NO. VIII OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE
25TH MARCH 1915.]

An Act further to amend the Assam Labour and Emigration Act, 1901.

WHEREAS it is expedient further to amend the Assam Labour and Emigration Act, 1901 ; It is hereby enacted as follows :—

1. (1) This Act may be called the Assam Labour and Emigration (Amendment) Act, 1915.

(2) It shall come into force at once, with the exception of S. 7 which shall come into force on such days as the Governor-General in Council may, by notification in the *Gazette of India*, appoint in this behalf.

2. In Section 2 (1) of the Assam Labour and Emigration Act, 1901 (hereinafter called the said Act), the following amendments shall be made, namely :—

(a) After clause (c) the following clause shall be added, namely :—

“(cc) ‘Board’ means the Assam Labour Board constituted under Chapter VI-A.”

(b) To clause (e) the following Explanation shall be added, namely :—“*Explanation.*—If any such Native of India, having proceeded from a Native State into such territories, departs

* In so far as it applies to the Agra Tenancy Act, 1901, and the United Provinces Land Revenue Act, 1901.

therefrom for the purpose aforesaid, he shall be deemed to emigrate within the meaning of this definition."

(e) After clause (n) the following clause shall be added, namely:—

"(m) 'native district,' in the case of a person who having proceeded from a Native State into territories in which this Act is in force; emigrated therefrom, includes such Native State."

(d) After clause (t) the following shall be added, namely:—

"and

(u) 'Supervisor' means a Supervisor appointed under this Act."

Amendment of section
64, Act VI, 1901.

3. For sub-section (1) of section 64 of the said Act, the following sub-section shall be substituted, namely:—

"(1) The Local Government may authorize any Superintendent to grant licenses to suitable persons to be Local Agents, for the purpose of representing employees within a specified area and for a specified period, in all matters connected with the supervision of garden-sardars under this Act.

(2) Any employer, or on behalf of an employer, any association or firm duly authorized by general or special order of the Governor-General in Council for the purpose of this clause, may apply for a license as aforesaid, to be granted to a specified person.

(3) Every such application shall be made to the Board, and the Board shall forward it with its recommendation to the Superintendent, who may thereupon, if he thinks fit, grant a license to such person:

and the existing sub-section (2) of the same section shall be renumbered (4)."

4. In section 67 (1) of the said Act there shall be substituted for the words "the employer" the words "his employer or the association or firm, which has applied in respect of such Local Agent under section 64, sub-section (2)" and for the words from "or if" to the end of the sub-section, the following words, namely:—

"or if the District Magistrate is satisfied that the conduct of the Local Agent has been such as to render him unsuitable to hold a license."

Insertion of new Chapter
VI-A in Act VI, 1901.

5. After section 116 of the said Act the following provisions shall be inserted, namely:—

"CHAPTER VI-A.

"ASSAM LABOUR BOARD."

116-A. (1) There shall be a Board, to be called the Assam Labour Board, for the supervision of Local Agents, and of the recruitment, engagement and emigration to labour districts of natives of India under this Act.

Constitution of Assam Labour Board.

(2) The Assam Labour Board shall be a body corporate, and have perpetual succession and a common seal, and may by that name sue and be sued.

(3) The Assam Labour Board (hereinafter called the Board) shall consist of sixteen members, including the Chairman, who shall be an officer in the service of Government, to be appointed by the Governor-General in Council by notification in the *Gazette of India*. The remaining members shall be elected by the following bodies, namely:—

(a) eight by the Indian Tea Association, Calcutta, as representatives of that Association and of the Indian Tea Association, London;

(b) four by the Assam Branch, Indian Tea Association; and

(c) three by the Surma Valley Branch, Indian Tea Association.

(4) The election shall be made in such manner as may be determined by the electing bodies, subject to the approval of the Governor-General in Council, and the name of every person so elected shall be published in the *Gazette of India*.

(5) If within the period prescribed by rules made under this Chapter any of the aforesaid bodies fails to elect representatives or to elect the full number of representatives to which it is entitled, the Governor-General in Council may nominate persons to be members of the Board as representatives of the said bodies.

(6) There shall be an Executive Committee of the Board with such powers and duties as may be conferred on it by rules made under this Chapter. It shall consist of five members, of whom one shall be the Chairman of the Board, and the remaining four shall be elected in the manner prescribed by such rules, as representatives of the following bodies, namely:—

(a) one of the Indian Tea Association, Calcutta;

(b) one of the Indian Tea Association, London;

(c) one of the Assam Branch, Indian Tea Association; and

(d) one of the Surma Valley Branch, Indian Tea Association.

(7) No act done by the Board or by the Executive Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Board or of the Executive Committee, as the case may be.

Salary of Chairman.

" 116-B. (1) The Governor-General in Council may fix the salary of the Chairman of the Board.

(2) Such salary shall be paid in such proportions by the Governor-General in Council and the Board, as the Governor-General in Council may from time to time determine.

" 116-C. (1) The Board may appoint so many persons as it thinks necessary to be Supervisors, with such powers and duties in respect of the supervision of Local Agents and the other matters mentioned in section 116-A (1), as may be conferred and imposed on them by rules made under this Chapter.

(2) Subject to the control of the Governor-General in Council, the Board may fix the salary to be paid to Supervisors.

(3) The Local Government may, subject to the control of the Governor-General in Council, declare the local area in the Province within which Supervisors shall exercise the powers and perform the duties conferred and imposed upon them by rule under this Chapter.

(4) Every Supervisor shall be deemed to be a public servant within the meaning of the Indian Penal Code.

" 116-D. (1) Whenever the Board has reason to believe that the conduct of a Local Agent has been such as to detract from his suitability to hold a license, it may call on him to produce his license, and after hearing any cause that he may have to show to the contrary, may make such endorsement thereon as it thinks fit. A copy of every such endorsement shall be sent to the Superintendent of Emigration in the district for which the Local Agent holds a license, and a copy shall also be sent to the employer or association or firm on whose application the Local Agent's license was granted.

(2) If the Local Agent fails to produce his license when called upon under sub-section (1), he shall be punishable with fine which may extend to two hundred rupees.

" 116-E. (1) Subject to the provisions of rules made under this chapter, the Board may levy a cess on employers for the purpose of meeting expenditure incurred in carrying out its functions under this Act, and in particular for the payment of the salary of Supervisors and of such proportion of the salary of the Chairman as may be determined under section 116-B.

(2) Such cess shall be payable on every garden-sardar deputed by his employer to engage labourers and on every person recruited or engaged as a labourer or assisted to emigrate under Chapter IV or section 81:

Provided that the rates at which the cess is levied shall not exceed the following, namely:—

Five rupees a year on each garden-sardar so deputed, and

Five rupees on each person so recruited, engaged, or assisted to emigrate.

(3) On the failure of an employer for the space of one month after the receipt of a notice in such form and served in such manner as the Governor-General in Council may, by rule under this Chapter, prescribe, to pay any sum due under sub-section (1), the same shall be recoverable from him.

“ 116-F. (1) The Governor-General in Council shall, after previous publication, make rules to carry out the purposes of this Chapter.

Rules.

(2) In particular and without prejudice to the generality or the foregoing power, such rules may, subject to the provisions of this Act, provide:—

- (a) for the powers to be exercised and the duties to be performed by the Board in carrying out the purposes for which it is constituted, and for the powers and duties of the Executive Committee and of the Chairman;
- (b) for the period within which elections to the Board must be made; for the election of members of the Executive Committee; and for the appointment of temporary or acting members of the Board and of the Executive Committee during the absence of any member;
- (c) for the times and places of meetings and procedure of the Board and of the Executive Committee;
- (d) for regulating the rate of the cess, the method of levying and collecting the cess, the purposes to which the cess may be applied, and the accounts to be kept and the audit thereof; and
- (e) for the powers and duties of Supervisors appointed under section 116-C.”

6. (1) The following portions of the said Act are hereby repealed, namely, S. 90; in S. 91, the

Repeal of section 90, Act VI, 1901. Consequential repeals and amendments

words “notwithstanding anything contained in section 90,” and in clause (b) thereof, the words “or holding permits granted and coun-

tersigned under section 90,” and the words “or of that section, as the case may be;” and clause (a) of section 174.

(2) In section 92 of the said Act for the words and figures “sections 90 and 91” there shall be substituted the word and figures “section 91.”

Repeal of Chapter III, Act VI, 1901. Consequentia repeals and amendments.

7. (1) The portions of the said Act specified in the Schedule to this Act are hereby repealed to the extent mentioned in the second column of the Schedule.

(2) The following amendments shall be made in the said Act, namely:—

(i) In the heading to Chapter V, and in section 92 there shall be substituted for the words and figures "Chapters III and IV" the word and figures "Chapter IV."

(ii) In section 93 (2) there shall be substituted for the words and figures "Chapters II to IV inclusive," the words and figures "Chapter II or IV" and for the words and figures "Chapters VI to X" the words and figures "Chapters VI (except Chapter VI-A) to X."

(iii) For Section 172 of the said Act, the following section shall be substituted, namely:—

Garden-sardar making over labourers to unauthorised persons, etc.

"172. (1) Whoever, being a garden-sardar holding a certificate under Chapter IV—

(a) makes over to the garden-sardar or Local Agent of any employer other than the employer by whom his certificate was granted, or, without authority from his employer, to any other person, any person whom he has engaged or intends to engage as a labourer or whom he has assisted or intends to assist to emigrate under Chapter IV as modified by any notification issued under section 91; or

(b) places any such person as aforesaid in a place of accommodation used in connection with the unlawful recruitment or engagement of labourers; or

(c) allows any person unlawfully recruited or engaged as a labourer to share the accommodation provided by him under section 62;

shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, and his certificate may be impounded by the convicting Magistrate.

(2) Any Magistrate impounding a certificate under this section shall send it for cancellation to the Magistrate by whom it was countersigned."

THE SCHEDULE.

PORTIONS OF ACT VI OF 1901 REPEALED.

[See section 7 (1).]

1	2
Chapter or Section.	Extent or Repeal.
S. 2 (1)	Clause (c) In clause (d) the words "contractor, sub-contractor, recruiter." In clause (l) the words and figures "section 34 or."
S. 12 (1)	Clause (a). In clause (c) the words from "or if the labourer" to the end of the clause.
S. 12 (2)	The whole.
S. 12 (3)	The whole.
Chapter III. S. 65	The whole.
S. 91	Clause (a).
S. 163 (2)	In clause (b) the word "contractors." Clause (f).
S. 163 (3)	In clauses (m) to (r) the word "contractors," wherever it occurs. The word "contractor," in both places where it occurs.
Ss. 165 to 168	The whole.
S. 171	The words and figures "section 55 or"
S. 174	Clause (a).
S. 175	The whole.

The Sea Customs (Amendment) Act.

ACT NO. IX OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 25TH MARCH 1915.]

An Act further to amend the Sea Customs Act, 1878.

WHEREAS it is expedient further to amend Sea Customs Act, 1878;
It is hereby enacted as follows :—

Short title.

1. This Act may be called the Sea Customs (Amendment) Act, 1915.

2. In the proviso to section 37 of the Sea Customs Act, 1878, for the words "on which application is made to clear such goods from the warehouse for home consumption" the following shall be substituted, namely, of the actual removal of such goods from the warehouse in the case of goods delivered out of a warehouse for home consumption, and in the case of goods delivered out of a warehouse for removal under bond to be re-warehoused where the duty is paid on such goods without their being re-warehoused, the rate and valuation (if any) in force on the date on which duty is paid."

Sri Jamsetjee Jejeebhoy Baronetcy Act.

ACT NO. X OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR GENERAL ON
THE 8TH SEPTEMBER, 1915.]

An Act for repealing Act No. XX of 1860 entitled "An Act for settling Promissory Notes of the Government of India, producing an annual income of one lakh of rupees and a Mansion House and hereditaments called Mazagon Castle, in the Island of Bombay, late the property of Sir Jamsetjee Jejeebhoy, Baronet, deceased, 'so as to accompany and support the title and dignity of a Baronet, lately conferred on him and the heirs male of his body, by Her present Majesty Queen Victoria, and for other purposes connected therewith," and for resettling the said Promissory Notes, Mansion House and hereditaments and for other purposes connected therewith.

WHEREAS by Letters Patent of Her late Majesty Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, dated at Westminster on or about the 6th day of August in the 21st year of Her said late Majesty's reign, and by Warrant under her said late Majesty's sign-manual, Her said late Majesty made known that she, of her special grace, certain knowledge and mere motion had erected, appointed and created Sir Jamsetjee Jejeebhoy, then of Bombay, Knight, but then deceased (a man eminent for family inheritance, estate and integrity of manner), to and into the dignity, state, and decree of a Baronet, and him, the said Sir Jamsetjee Jejeebhoy for Her said late Majesty, her heirs, and successors, she did erect, appoint, constitute and create a Baronet, by the said Letters Patent, to hold to him and the heirs male of his body lawfully begotten, and to be begotten for ever :

And whereas in fulfilment of an engagement in that behalf made with Her said late Majesty's Government, during the lifetime of the said Sir Jamsetjee Jejeebhoy, deceased, the said Sir Jamsetjee Jejeebhoy was desirous of settling in perpetuity such property on himself and the heirs male of his body who might succeed to the said Baronetcy, as should be adequate to support the dignity of the title conferred on him and them as aforesaid :

And whereas the said Sir Jamsetjee Jejeebhoy was seized of a Mansion House and hereditaments situate in the Island of Bombay called Mazagon Castle, and had an absolute estate of inheritance therein, and was desirous, in fulfilment of the aforesaid engagement of settling Promissory Notes of the Government of India, producing an annual income of one lakh of rupees and the said Mansion House and hereditaments, to the uses upon the trusts, and for the purposes in the said Act No. XX of 1860 limited and declared, concerning the same respectively :

And whereas the said Sir Jamsetjee Jejeebhoy was also desirous that the heirs male of his body to whom the said title and dignity of Baronet should descend, should take and bear the names of "Jamsetjee Jejeebhoy," in lieu of any other name or names whatever which they respectively might bear at the time of such descent on them respectively; and he was also desirous that the Revenue Commissioner for the Northern Division of the Presidency of Bombay, the Accountant-General, and the Sub-Treasurer at Bombay, for the time being should be Trustees for the aforesaid Promissory Notes, and be likewise the Trustees for carrying into execution the general purposes and powers of the said Act No. XX of 1860, with relation to the same securities, and also with relation to, the same Mansion House and hereditaments:

And whereas the said Sir Jamsetjee Jejeebhoy departed this life on the 14th day of April, 1855, before the aforesaid engagement with Her said late Majesty's Government was carried out on his part, and by his will, dated the 9th day of April, 1853, duly signed and executed by him, gave and devised the residue of his estate, houses, lands, securities, moneys and effects, to and amongst his sons Cursetjee Jamsetjee, Rustomjee Jamsetjee, and Sorabjee Jamsetjee, and appointed his wife Avaboye and his said three sons, the executrix and executors of his said Will; and the said Will was duly proved by the said Cursetjee Jamsetjee, Rustomjee Jamsetjee and Sorabjee Jamsetjee alone:

And whereas on the death of the said Sir Jamsetjee Jejeebhoy, the said title or dignity of Baronet, created by Her Majesty's said Letters Patent, devolved on and became and was at the date of the passing of the said Act No. XX of 1860 vested in the said Cursetjee Jamsetjee, as the eldest son and heir male of the body of the said Sir Jamsetjee Jejeebhoy, deceased;

And whereas the said Cursetjee Jamsetjee, the second Baronet, Rustomjee Jamsetjee, and Sorabjee Jamsetjee, as the sons, residuary legatees and Executors of the said Sir Jamsetjee Jejeebhoy, first Baronet, deceased, and the said Avaboye, being then the Dowager Lady Jejeebhoy, as Executrix of the said Sir Jamsetjee Jejeebhoy, first Baronet, deceased, in fulfilment of the engagement so as aforesaid entered into by the said Sir Jamsetjee Jejeebhoy, first Baronet deceased, with Her said late Majesty's Government, were desirous of settling the said Government Promissory Notes and the said Mansion House and hereditaments so as aforesaid agreed to be settled by the said Sir Jamsetjee Jejeebhoy, first Baronet, deceased, for the purpose of supporting the dignity of the said Baronetcy, to the uses upon the Trusts, and for the purposes in the said Act No. XX of 1860 limited and declared concerning the same respectively:

And whereas the said Dowager Lady Jejeebhoy was desirous that the said Mansion House and hereditaments called Mazagon Castle, with their rights, members and appurtenances should be released, exonerated, and discharged from her right, or title (if any) to dower or thirds, and every other right, interest, or estate whatsoever which she, the said Dowager Lady Jejeebhoy, might have or claim to have in the said premises under any custom or law of the Parsees, or otherwise howsoever :

And whereas in order to give effect to the aforesaid purposes, the said Act No. XX of 1860 was passed, and by the said Act it was *inter alia* enacted that the Revenue Commissioner for the Northern Division of the Presidency of Bombay, the Accountant-General, and the Sub-Treasurer at Bombay, should, for the purposes of the said Act, be a Corporation; and that such Revenue Commissioner, Accountant-General, and Sub-Treasurer, should be, and they were thereby constituted, as such corporation, the trustees for executing the powers and purposes of the said Act; and that all the powers by the said Act vested in such Revenue Commissioner, Accountant-General, and Sub-Treasurer, as Trustees for the purposes of the said Act, should be exercised by the persons for the time being acting as such Revenue Commissioner, Accountant-General, and Sub-Treasurer; and that immediately from and after the passing of the said Act, Promissory Notes of the Government of India, producing an annual income of not less than one lakh of rupees should be transferred into the name of the said Corporation, who should hold the same upon the trust and for the purposes in the said Act expressed concerning the same (that was to say); upon the trusts in the said Act declared and set forth: And it was also enacted that the said Mansion House and other hereditaments called Mazagon Castle, situate in the Island of Bombay, with their rights, members and appurtenances, of which the said first Baronet was seized to him and his heirs, should by force of the said Act from and immediately after the passing thereof, stand limited to the uses in the said Act set forth :

And whereas Promissory Notes of the Government of India producing at that time an annual income of not less than one lakh of rupees, were after the passing of the said Act, transferred into the name of the said Corporation; and the nominal amount of the Promissory Notes of the Government of India, now held by the said Corporation, is rupees twenty-two lakhs, fifty-four thousand and four hundred :

And whereas the persons now constituting the said Corporation under or by virtue of the said Act are the Commissioner for the time being for the Northern Division of the Presidency of Bombay, the Accountant-General of Bombay, and the Collector of Bombay :

And whereas under the said Act XX of 1860 power was granted to the said Corporation to invest the Government Promissory Notes so to be transferred into the name of the said Corporation as aforesaid if the same should be discharged by the Government of India in or on any stocks, funds or securities of the Government of the United Kingdom of Great Britain and Ireland or of the Government of India, and in like manner, as often as the same should become necessary, to alter, vary, and change such stocks, funds, and securities for others of the same or a like nature :

And whereas Sir Jamsetjee Jejeebhoy, the fifth and present Baronet, has represented to the Governor-General in Council that it is desirable, not only in his own interest, but also in the interest of those who may succeed him in the Baronetcy, that more extensive powers of investment should be granted to the said Corporation :

II of 1882.

And whereas more extensive powers of investment have been allowed to Trustees of Settlements which are governed by the Indian Trusts Act, 1882 :

And whereas it appears that certain of the powers last aforesaid may safely be granted to the said Corporation with a view to a higher rate of interest being obtained from the investment of the funds for the time being subject to the Trusts of a Settlement effected by this Act :

And whereas at the date when the said Act No. XX of 1860 was passed the locality in which the said Mansion House and hereditaments are situate was one of the principal residential localities of Bombay, and was healthy, but it has now ceased to be a healthy locality, and the upper classes of the inhabitants of Bombay have ceased to reside there :

And whereas the said Sir Jamsetjee Jejeebhoy has represented to the Governor-General in Council that he has been advised by his medical adviser and by Sanitary Authorities whom he has consulted that it is necessary for him to change his place of residence and to live in a more healthy part of the Island of Bombay, and has also represented that, by reason of the present unhealthiness of the locality future and succeeding Baronets, who may succeed to the said title of Sir Jamsetjee Jejeebhoy, will be unable to live in the said Mansion House, or on the said hereditaments, and therefore that it is both desirable and necessary for him to purchase a new residence in a healthy locality in the Island of Bombay, and that, to enable him to do this, it is necessary that power should be conferred to sell the said Mansion House and hereditaments and also to sell a portion of the said securities and to purchase a new residence out of the proceeds of the sale thereof :

And whereas the said Corporation, being the Trustees for the time being for executing the powers and purposes of the said Act XX of 1860, have agreed to the above proposals being carried into effect :

And whereas all the possible Beneficiaries of the Trust under the said Act now living have agreed to the above proposals with the exception of those relating to the sale of the said Mansion House and hereditaments :

And whereas all the possible Beneficiaries of the Trust under the said Act, with the exception of two possible Beneficiaries, have agreed to the said proposals relating to the sale of the said Mansion House :

And whereas the objections advanced by and on behalf of the said two possible Beneficiaries have been duly considered by the Governor-General in Council and have been overruled :

And whereas it is deemed expedient to confer the said powers and, for that purpose and for other divers good reasons, it is expedient to repeal the said Act XX of 1860, and to substitute the following Act in lieu thereof :

It is hereby enacted as follows :—

Short title.

1. (1) This Act may be called "The Sir Jamsetjee Jejeebhoy Baronetcy Act, 1915," and

Commencement.

(2) It shall come into force at once.

Repeal of Act XX of 1860.

2. The said Act No. XX of 1860 is hereby repealed, and the said Promissory Notes of the Government of India, of the nominal value of rupees twenty-two lakhs, fifty-four thousand and four hundred, shall henceforth cease to be vested in the Corporation created and constituted by the said Act No. XX of 1860, and the Mansion House and other hereditaments, called Mazagon Castle, situate in the Island of Bombay, with their rights, members and appurtenances, of which the said First Baronet was seized to him and his heirs, shall, by force of this Act, from and immediately after the passing of this Act, either as to the whole or, as the case may be, as to such parts thereof as shall not have been sold, transferred, and conveyed under the powers conferred by Sect. 10, stand limited, until such time as the same shall have been sold, transferred, and conveyed under the powers conferred by the said Section 10, to the uses following (that is to say) : to the use of the present, that is to say, the Fifth Baronet, for and during the term of his natural life, and from and immediately after his decease, to the use of the heirs male of the body of Sir Jamsetjee Jejeebhoy, First Baronet, who may succeed to the title of Baronet conferred by the said Letters Patent as aforesaid, but as to each one of the said

heirs male to the use of such heir male during the term of his natural life only, and, upon failure and default of heirs male of the body of the said Sir Jamsetjee Jejeebhoy, First Baronet, to whom the said title and dignity of Baronet may descend as aforesaid to the use of the heirs, and assigns for ever of the said Sir Jamsetjee Jejeebhoy, the Second Baronet, which ultimate remainder or reversion it shall be lawful for the heirs and assigns of the said Second Baronet, at any time or times during the continuance of the said title and dignity of Baronet and until there shall be such a failure of heirs male of the body of the said First Baronet as aforesaid, to grant, convey, devise, and dispose of by Deed or Will, or by any other assurance or assurances by which such an estate in remainder or reversion is capable by law of being conveyed or disposed of.

3. The Commissioner for the time being for the Northern Division of the Presidency of Bombay, the Accountant-General for the time being of Bombay, and the Collector for the time being of Bombay, and the holders for the time being of those offices respectively, and likewise the holder or holders for the time being of any one or more office or offices which may hereafter be substituted by the Governor in Council of Bombay for any one or more of the first mentioned offices, shall be, and they are hereby, created a Corporation with perpetual succession and a common Seal under the style and title of "Sir Jamsetjee Jejeebhoy Baronet's Trustees," and the said Corporation so hereby created (hereinafter styled "the Corporation") are hereby constituted, as such Corporation, the Trustees for executing the powers and purposes of this Act.

4. The present Sir Jamsetjee Jejeebhoy, Fifth Baronet, shall continue to be called by the name of "Jamsetjee Jejeebhoy," and all other the heirs male of the body of Sir Jamsetjee Jejeebhoy, First Baronet, to whom the said title and dignity shall descend, pursuant to the limitation of the Letters Patent whereby the said dignity was granted, shall take upon themselves respectively the name of "Jamsetjee Jejeebhoy," in lieu and in the place of any other name or names whatsoever; and the present Baronet, and all such other heirs male of the said Sir Jamsetjee Jejeebhoy, First Baronet, severally and successively shall be called by the name of "Jamsetjee Jejeebhoy," and by that name shall name, style and write themselves, respectively, upon all occasions whatsoever.

The Commissioner for the Northern Division; the Accountant-General, and the Collector of Bombay to be a Corporation for execution of the Trusts this Act.

Present Baronet to continue to bear, and all future Baronets to take, names of First Baronet.

5. Immediately from and after the passing of this Act, the said Government Promissory Notes of a certain nominal value vested in Trustees, Promissory Notes of the Government of India, of the nominal value of rupees twenty-two lakhs, fifty-four thousand, and four hundred, shall vest in the Corporation who shall hold the same upon the trusts and for the purposes, and with the powers, hereinafter expressed of and concerning the same, that is to say :

(a) Upon trust, if the same or any part thereof should be discharged by the Government of India, to invest the sum or sums paid by the Government of India, in discharge of the same or any part thereof, in or upon any stocks, funds, or securities in which they are by the provisions of this Act hereinafter authorised to invest the same, and in like manner, as often as the same shall become necessary, to alter, vary and change such stocks, funds, and securities for others of the same or a like nature ;

(b) and upon further trust, from time to time, to pay and apply the dividends, interest and annual income of the said stocks, funds, and securities unto and for the benefit of the present Baronet, that is to say, Sir, Jamsetjee Jejeebhoy, Fifth Baronet, during his natural life ;

(c) and upon further trust, from and immediately after the decease of the said Sir Jamsetjee Jejeebhoy, Fifth Baronet, to pay and apply the said dividends, interest and annual income unto and for the benefit of the person who, as heir male of the body of the said Sir Jamsetjee Jejeebhoy, First Baronet, shall, for the time being, have succeeded to, and be in the enjoyment of, the title of Baronet conferred by the said Letters Patent as aforesaid, notwithstanding any rule of Law or Equity to the contrary ;

(d) and upon further trust, upon failure and in default of heirs male of the body of the said Sir Jamsetjee Jejeebhoy, First Baronet, to whom the said title and dignity of Baronet may descend, to hold the *corpus* and also the income of the said Government Promissory Notes, Stocks, funds, and securities for the heirs and assigns for ever of Sir Jamsetjee Jejeebhoy, the Second Baronet, which ultimate remainder or reversion it shall be lawful for the heirs and assigns of Sir Jamsetjee Jejeebhoy, the Second Baronet, at any time or times during the continuance of the

Government Promissory Notes of a certain nominal value vested in Trustees.

On trust to re-invest if paid off ;

and to pay income to present Baronet for his life ;

and after death of present Baronet to pay income to Baronet for time being ;

With ultimate trust for Second Baronet, his executors, administrators and assigns.

said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said First Baronet as aforesaid, to assign, transfer, bequeath and dispose of by Deed or Will or other assurance or assurances.

6. The Corporation shall have power to invest the funds, which are subject to the trusts of the Settlement effected by this Act, on the following securities and on no others:—

Powers of invest-
ment. (a) in Promissory Notes, debentures, stock or other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland,

(b) in bonds, debentures or annuities charged by the Imperial Parliament, or by an Act of the Legislative Council of the Governor-General of India, on the revenues of India ;

(c) in stock or debentures of or shares in Railway or other Companies, the interest whereon shall have been guaranteed by the Secretary of State for India in Council ;

(d) in debentures or other securities for moneys issued by or on behalf of, any municipal body under the authority of any Act of a Legislature established in British India, or debentures issued by the Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or debentures issued

Bom. Act IV of 1898.
Bom. Act VI of 1879. by the Trustees of the Port of Bombay under the Bombay Port Trust Act, 1879, or debentures issued by the Trustees of the Port of Karachi under the Local Authorities Loans Act, 1914, or other law for the time being in force, or debentures issued by the Commissioners for the Port of Rangoon under the Local Authorities Loans Act, 1914, or the Rangoon Port Act, 1905 ;

Act IX of 1914. Bur
Act IV of 1905.

(e) on any other security expressly authorised by any rule which the High Court of Judicature at Bombay may, from time to time, prescribe as an investment for trust property consisting of money.

Prohibition against
varying investments with-
out consent of person
entitled to income.

7. The Corporation shall not vary any investment of the funds, subject to the Settlement effected by this Act, without the consent in writing of the person for the time being entitled to the income of the said funds.

8. The person for the time being entitled to, and in the enjoyment of, the title of Baronet conferred by the said Letters Patent shall have power, with the written approval of the Corporation,—

Power to Baronet for the time being to purchase land to erect a Mansion House thereon;

(a) to purchase land in any part of the Island of Bombay for the purpose of erecting thereon a Mansion House and all necessary or suitable accessory buildings, and to erect thereon such Mansion House and accessory buildings;

(b) to purchase land in any part of the island of Bombay with a dwelling-house standing thereon, and either to pull down the said dwelling-house and any other building which may be upon the land, and to erect upon the said land, in lieu thereof a Mansion House with all necessary or suitable accessory buildings, or to enlarge, alter, or add to the building or buildings which may be upon the land, when purchased, so as to convert the same into a Mansion House, with all necessary or suitable accessory buildings.

9. The Corporation shall have power to sell a sufficient portion of the securities upon which the funds, which are subject to the Settlement effected by this Act, shall for the time being be invested to produce the sum which shall be required for the purpose of paying for any land which may be purchased by the person for the time being entitled to, and in the enjoyment of, the title of Baronet conferred by the said Letters Patent under the powers conferred by Sec. 8, and for erecting thereon a Mansion House, with the necessary or suitable accessory buildings, or for paying for the purchase of any land with a house or other building standing thereon which may be purchased under the powers conferred as aforesaid, and for pulling down the said buildings, and erecting a Mansion House, with the necessary or suitable accessory buildings, in lieu thereof or for altering and adding to such buildings for the purpose of converting the same into a Mansion House, with the necessary or suitable accessory buildings, as the case may be :

Provided that the total sum raised shall not exceed Rs. 2,25,000.

power conferred upon them by this section for the sale of the said securities above-mentioned shall not exceed two lakhs and twenty-five thousand rupees.

10. The person for the time being entitled to, and in the enjoyment of, the title of Baronet conferred by the said Letters Patent, shall have power, with the written consent and approval of the Corporation, to sell, transfer, and convey freed and

Power to Baronet for the time being to sell Mazagon Castle.

discharged from all uses and trusts created by this Act, the said Mansion House and other hereditaments, called Mazagon Castle, situate in the Island of Bombay, with their rights, members and appurtenances, and either in one parcel or in several parcels, and either at one time or from time to time, upon condition that the proceeds of sale thereof shall be paid by the purchaser thereof direct to the Corporation.

11. The person for the time being entitled to, and in the enjoyment of, the title of Baronet, conferred by the said Letters Patent may, from time to time, request the Corporation, in writing, to pay out of the proceeds of sale of the said Mansion House and other hereditaments, called Mazagon Castle, if and when sold, the purchase-money of any land which may be purchased by the person for the time being entitled to, and in the enjoyment of, the said title of Baronet, under the powers conferred by Sec. 8; and all costs, charges, and expenses of, and incidental to, the purchase and acquisition of the same, and of the conveyance and assurance of the same to the Corporation, and also to pay all costs and expenses of, and incidental to, the erection thereon of a Mansion House, with the necessary or suitable accessory buildings, and to pay the purchase-money of any land, with a house or other building, standing thereon, which may be purchased by the person for the time being entitled to, and in the enjoyment of, the said title of Baronet, under the powers conferred by this Act, and all costs, charges and expenses of, and incidental to, the purchase and acquisition of the same, and of the conveyance and assurance of the same to the Corporation, and also to pay all costs and expenses of, and incidental to, the pulling down of the said buildings or any of them and of erecting of a Mansion House, with the necessary or suitable accessory buildings, in lieu thereof, or of altering, and adding to, such buildings, for the purpose of converting the same into a Mansion House, with the necessary or suitable accessory buildings as the case may be, and the Corporation shall, upon such request being made as aforesaid, make such payments out of the proceeds of sale of the said Mansion House and other hereditaments called Mazagon Castle :

Provided that the total sum expended by the Corporation, under the power conferred by this section, out of the proceeds of sale of the said Mansion House and other hereditaments, called Mazagon Castle, shall not exceed the sum of two lakhs and seventy-five thousand rupees.

12. All lands and buildings which may be purchased by the person for the time being entitled to, and in the enjoyment of, the title of Baronet under the said Letters Patent under the powers conferred by Sec. 8, with their rights, members, and appurtenances shall be conveyed to the Corporation, and the Corporation shall hold the same, and also all buildings which may be erected thereon under the powers conferred by Sec. 8, upon trust for Sir Jamsetjee Jejeebhoy, Fifth Baronet, for and during the term of his natural life, and from and immediately after his decease, upon trust for the heirs male of the body of Sir Jamsetjee Jejeebhoy, First Baronet, who may succeed to the title of Baronet conferred by the said Letters Patent, but as to each one of the said heirs male upon trust for such heir male during the term of his natural life only, and, upon failure and default of heirs male of the body of the said Sir Jamsetjee Jejeebhoy, First Baronet, to whom the said title and dignity of Baronet may descend as aforesaid, upon trust for the heirs and assigns of Sir Jamsetjee Jejeebhoy, the Second Baronet, which ultimate remainder or reversion it shall be lawful for the heirs and assigns of the said Second Baronet at any time or times during the continuance of the said title and dignity of Baronet, and until there shall be such a failure of heirs male of the body of the said First Baronet to grant, convey, devise and dispose of by Deed or Will, or by any other assurance or assurances by which such an estate in remainder or reversion is capable by law of being conveyed or disposed of.

13. Any person or persons who shall have lawfully derived from the said Sir Jamsetjee Jejeebhoy, Second Baronet, any interest in remainder or reversion in the said Mansion House and other hereditaments, called Mazagon Castle, contingent upon such failure and default of heirs male of the body of Sir Jamsetjee Jejeebhoy, First Baronet, shall upon such failure and default of heirs male of the body of Sir Jamsetjee Jejeebhoy, First Baronet, in the event of the said Mansion House and other hereditaments, called Mazagon Castle, having been sold in pursuance of the power in that behalf conferred by Sec. 10 be deemed to have a corresponding interest in the funds for the time being subject to the trusts of the Settlement effected by this Act to the extent of the amount of the proceeds of sale of the said Mansion House and other hereditaments, called Mazagon Castle, paid to the said Corporation in pursuance of Sec. 10.

Settlement of Mansion House, etc., in support of Baronetcy.

Saving of rights of persons interested in reversion or remainder in Mazagon Castle on sale thereof.

14. The Corporation shall hold so much, if any, of the proceeds of sale of the said Mansion House and other hereditaments, called Mazagon Castle, if and when sold, as shall exceed the sum of two lakhs and seventy-five thousand rupees, upon trust to invest the same upon some one or more of the investments authorised by section 6, and shall hold the said investments, upon the same trusts, and for the same ends, intents and purposes, and with the same powers, as are, by this Act, declared of and concerning the funds which are subject to the Settlement effected by this Act.

Declaration of Trusts as to surplus proceeds of sale of Mazagon Castle over and above the sum of Rs. 2,75,000.

15. The Corporation during the minority of any person for the time being entitled to, and in the enjoyment of, the title of Baronet under the limitations of the said Letters Patent, shall pay and apply for and towards the maintenance, education and benefit of such Baronet, in each and every year during his minority so much only of the annual interest, dividends and income of the said Trust Funds and premises as the Corporation shall, in their discretion, think proper; and shall, from time to time, invest the residue of the said annual dividends, interest and income of the said Trust Funds and premises in and upon some one or more of the investments authorised by this Act for the investment of the said Trust Funds; and shall upon such Baronet attaining his majority, pay over, transfer, and assign to him, or as he shall direct and for his own absolute benefit, the said investments and all accumulations thereof.

Power of Trustees to invest the surplus annual interest and income of the Trust Fund and premises during the minority of any Baronet, etc.

16. Provided always that in case any person who, for the time being shall be the heir male of the body of the said First Baronet to whom the said title of Baronet shall have descended, shall for the space of one whole year after he shall, by virtue of this Act, become entitled to the dividends, interest, and income of the said stocks, funds, and securities or to the possession or receipts of the rents and profits of the said hereditaments; or, being then under age, shall for the space of one whole year after he shall attain the age of twenty-one years, refuse or neglect to use the names of "Jamsetjee Jejeebhoy" as hereinbefore enacted; or in case any such person having so used those names, shall, for the space of six calendar months consecutively during his natural life, discontinue so to use such names, then in any or either of the said cases, the estate or interest of the person who shall so refuse or neglect to use, or having used, shall so discontinue to use, the said names of "Jamsetjee

Provision in case of refusal or discontinuance of names of First Baronet.

Jejeebhoy" shall, during the remainder of his respective natural life, be suspended; and that during any and every such suspension, the dividends, interest, and income of the said stocks, funds and securities, and the possession and actual occupation, and also the rents and profits of the said hereditaments, shall devolve and belong to the person who as heir male of the body of the First Baronet, would have succeeded to, and been in the enjoyment of, the title of Baronet conferred by the said Letters Patent, in case the persons so refusing or neglecting to use, or discontinuing to use, the said names of "Jamsetjee Jejeebhoy" had departed this life; but if there should be no such heir male, then to the person or persons who would be entitled to the same in case there had then been a total failure of issue male of the First Baronet entitled to the said dignity of Baronet.

17. It shall be lawful for Sir Jamsetjee Jejeebhoy, Fifth Baronet, and for any person upon whom the said title of Baronet shall, from time to time, descend when in the actual enjoyment of the said title, and who shall not refuse, neglect, or discontinue to use, for the respective periods hereinbefore in that behalf mentioned, the said names of "Jamsetjee Jejeebhoy" as hereinbefore enacted, either before or after his marriage with any woman or women by any Deed or Deeds, writing or writings, with or without power of revocation, to be by him sealed and delivered in the presence of two or more credible witnesses (but subject and without prejudice to any annuity or annuities, if any, which shall be then subsisting and payable by virtue of any appointment made under and in pursuance of this present power), to limit and appoint unto any woman or women whom he shall marry, for her or their life or lives, and for her or their jointure or jointures, in bar of dower or other legal or customary rights, any annuity or yearly sum not exceeding the sum of rupees ten thousand, clear of all taxes, charges and deductions whatsoever, to commence and take effect immediately after the decease of the person limiting or appointing the same, and to be issuing and payable out of the dividends, interest, and annual income, of the said stocks, funds, and securities, and to be paid and payable by equal half-yearly payments, on the thirtieth day of June and the thirty-first day of December; the first of the said half-yearly payment to be made on the half-yearly day which shall first happen after the decease of the person who shall have appointed such annuity or yearly sum, provided always that in case any person on whom such title shall descend, shall have refused or neglected to use the names of "Jamsetjee Jejeebhoy," or shall discontinue to use such names for six calendar months consecutively during his natural life, every such limitation and appointment, either

Baronet in possession
may jointure.

previously, or afterwards made by him, shall be and become inoperative and invalid; and no such annuity thereby created or appointed shall take effect or be payable or chargeable on the said stocks, funds, and securities, notwithstanding any such limitation or appointment.

18. Provided always, that the said dividends, interest and annual income of the said stocks, funds and securities shall not, at one and the same time, be subject to the payment of more than the yearly sum of rupees twenty thousand for, or in respect of, any jointure or jointures which shall be made in pursuance of the power hereinbefore contained, so that, if by virtue of or under the same power, the said dividends, interest and annual income would, in case this present provision had not been inserted, be charged at any one time with a greater yearly sum for jointures in the whole than the yearly sum of rupees twenty thousand, the yearly sum which shall occasion such excess, or such part thereof as shall occasion the same shall, during the time of such excess, abate and not be payable.

19. The said Mansion House and hereditaments called Mazagon Castle, with their rights, members, and appurtenances, and any lands, houses, buildings and tenements which may be purchased or erected under the powers conferred by section 8, with their rights, members and appurtenances, shall not be subject to dower of any Dowager Lady Jejeebhoy, or of the present or any future wife of Sir Jamsetjee Jejeebhoy, Fifth Baronet, or of any wife of any of the persons who may successively be entitled to the Baronetcy under the aforesaid limitations, or to any other right, interest, or estate whatsoever which any Dowager Lady Jejeebhoy or any such wife or wives as aforesaid may or might have or claim to have in the said Mansion House, lands, buildings and hereditaments, under any custom or law of the Parsees, or otherwise howsoever.

20. So long as the said title and dignity of Baronet shall endure, and until there shall be a failure of the heirs male of the body of the first Baronet to whom the said title and dignity of Baronet might descend, pursuant to the limitations of the said Letters Patent, neither Sir Jamsetjee Jejeebhoy, Fifth Baronet, nor any of the heirs male of the body of Sir Jamsetjee Jejeebhoy, First Baronet, in whose favour trusts are hereinbefore declared of the dividends, and annual income of the said stocks, funds, and securities, or to whom the said Mansion House and hereditaments called Mazagon Castle and any lands, buildings or other hereditaments, which may be purchased or erected

under the powers conferred by section 8 shall stand limited under this Act, shall transfer, dispose of, alien, convey, charge, or encumber the said stocks, funds and securities, or any part thereof, or the dividends, interest, and annual income thereof, or of any part thereof, or the said Mansion House or hereditaments, or any lands, buildings or other hereditaments, which may be purchased or erected under the power conferred by section 8 or any part thereof, for any greater or larger estate, interest or time, than during his natural life, and for such portion thereof only as he shall continue to use the names of "Jamsetjee Jejeebhoy," nor shall have any power to discontinue or bar the estate of any person or persons for whose benefit trusts are declared by this Act of the dividends, interest, and annual income of the said stocks, funds, and securities or to or upon whom the said Mansion House and hereditaments, and any lands, buildings and other hereditaments, which may be purchased or erected under the powers conferred by section 8, and the rents and profits thereof are, by this Act, limited to come or devolve in any manner whatsoever, either by default or otherwise, or to prevent any such person or persons from succeeding to, holding, or enjoying, receiving or taking the same premises, according to the true intent of the provisions hereinbefore contained; nor shall the same premises, or any of them, be held, by any Court of Law or Equity, to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he shall continue to use the names of "Jamsetjee Jejeebhoy," and every attempt to make any conveyance, assignment, or assurance contrary to the intention of this Act shall be, and is hereby declared and enacted to be, void.

21. If at any time or times hereafter the said Sir Jamsetjee Jejeebhoy, Fifth Baronet, or any other person or persons shall be desirous of augmenting the funds and securities for the time being subject to the trusts of this Act, and for that purpose and with that intent shall at his or her own expense transfer and deliver to the Corporation any stocks, funds, or securities of the kinds specified in section 6, then and as often as the same shall happen the Corporation may, with previous consent of the Governor of Bombay in Council, accept such stocks, funds and securities, and the same shall thenceforth be held by the Corporation upon the same trusts as those which are declared by this Act of and concerning the Trust Funds which are the subject of the Settlement effected by this Act upon such of them as shall be then subsisting and capable of taking effect:

Power to augment the funds and securities subject to the Settlement, provided that total amount of funds subject to the Settlement shall not exceed fifty lakhs.

Provided that the total amount of the *corpus* of the Trust Funds which shall be subject to the trusts of the Settlement effected by this Act shall at no time exceed fifty lakhs of rupees.

22. The person for the time being entitled to, and in the enjoyment of, the title of Baronet shall, at his own expense, insure the said Mansion House and other hereditaments, called Mazagon Cattle, and all buildings and offices accessory thereto, until such time as the same may be sold and the proceeds of sale thereof paid to the Corporation, in the name of the Corporation against loss or damage by fire, in such sum as the Corporation may deem adequate, and shall also, at his own expense, insure all houses and other buildings, which may be purchased or erected under the powers conferred by section 8, from the time when the same shall be conveyed to and become vested in the Corporation, against loss or damage by fire, in such sum as the Corporation may deem adequate, and in case any such person shall at any time neglect or refuse to insure the same in such amount or amounts, it shall be lawful for the Corporation to insure the same and to apply any portion of the income of the Funds for the time being subject to the trusts of the Settlement effected by this Act to that purpose, and in case the hereditaments and premises so insured or any part thereof shall be destroyed or damaged by fire, the moneys received in respect of such insurance shall either be laid out under the directions of the Corporation in rebuilding or re-instating the hereditaments and premises so destroyed or damaged by fire, or, upon the application of the person for the time being entitled to and in the enjoyment of, the said dignity of Baronet, and with the consent of the Governor of Bombay in Council to be notified by a resolution of the Government of Bombay, may be laid out in the purchase of other hereditaments in the Island of Bombay suitable for the support of the dignity of the said Baronetcy and, in such last mentioned case, the hereditaments so purchased shall, be conveyed to and vested in the Corporation, and the Corporation shall hold the same upon the same trusts and for the same ends, intents, and purposes, and with the same powers, as are declared and conferred by this Act of and concerning the hereditaments and premises which shall have been so destroyed or damaged by fire as aforesaid, or such of them as shall then be subsisting and capable of taking effect; and until such insurance moneys shall have been so laid out as aforesaid, the Corporation may invest the same or any part thereof in any of the securities specified in section 6.

Provision as to insurance of Mazagon Castle, and other house or buildings purchased in lieu thereof.

23. The person for the time being entitled to, and in the enjoyment of, the title of Baronet conferred by the said Letters Patent shall, at his own expense, keep in good repair, order, and condition, the said Mansion House and other hereditaments called Mazagon Castle and all offices and out-buildings accessory thereto, and likewise all houses and other buildings which may be purchased or erected under the powers conferred by section 8, and all alterations and additions thereto, and all offices, out-houses and other buildings accessory thereto, and, in case any person shall at any time neglect or refuse to keep the same or any part thereof in such good order and condition, it shall be lawful for the Corporation to cause the same to be kept in good order and condition, and to defray the expenses incidental thereto out of the income of the Funds for time being subject to the trusts of the Settlement effected by this Act.

24. The Corporation shall have power at any time, with the consent of the person entitled to, and in the enjoyment of, the title of Baronet conferred by the said Letters Patent, and of the Governor of Bombay in Council to be notified by a resolution of the Government of Bombay to sell or exchange for other lands or hereditaments in the Island of Bombay any lands or hereditaments which are subject to the Trusts of the Settlement effected by this Act or any part thereof, and upon any such exchange to give or receive any money for equality of exchange:

Provided that the Corporation shall not sell the Mansion House, if any, or the buildings accessory thereto, which may be purchased, or erected under the powers conferred by this Act, without having first consulted all persons who may be interested in the said Mansion House, either by way of reversion, or otherwise, and who may have attained their respective ages of majority:

Provided further that the foregoing proviso shall apply to the said Mansion House, and the buildings accessory thereto only, and shall not apply to any lands, hereditaments, or premises, other than the land upon which the said Mansion House and the buildings accessory thereto, may stand, or be erected, which may be purchased under the powers conferred by this Act.

25. Any sale which may be effected under the power conferred by section 24 may be made either by public auction or private contract, and the Corporation may make any stipulations as to title, or evidence, or commencement of title, or otherwise in any conditions

Directions as to how sale may be made.

of sale or contract for sale or exchange, of the said hereditaments or any part thereof; and may buy in, or rescind, or vary any contract for sale or exchange, and re-sell, or re-exchange, without being responsible for any loss occasioned thereby.

26. The Corporation shall, with all convenient speed, invest all moneys which may be received by them upon any sale or exchange which shall be effected by them under the powers conferred by section 24, either in the purchase of any one or more of the securities specified in section 6, or in the purchase of other lands and hereditaments in the Island of Bombay suitable for the support of the dignity of the said title; provided that every such purchase of lands or hereditaments be made with the consent in writing of the person for the time being entitled to, and in the enjoyment of, the said title conferred by the said Letters Patent.

27. The Corporation shall hold all stocks, funds, and securities which may be purchased by them in pursuance of the directions contained in section 26 upon the same trusts, and to the same ends, intents, and purposes, and with the same powers as are by this Act declared of and concerning the Trust Funds of the Settlement effected by this Act and shall hold all lands and hereditaments may be purchased by them in pursuance of the directions contained in section 26 upon the same trusts and to the same ends, intents, and purposes, and with the same powers as are declared by this Act of and concerning all lands and hereditaments which may be purchased under the powers conferred by section 8.

28. The person for the time being entitled to, and in the enjoyment of, the title of Baronet conferred by the said Letters Patent as aforesaid, shall have power with a view to the more advantageous sale of the land occupied by the said Mansion House and other hereditaments, called Mazagon Castle, in pursuance of the powers in that behalf conferred by section 10, and, notwithstanding anything in this Act contained to the contrary, to enter into an arrangement with the Government of Bombay whereby, in consideration of the waiver in perpetuity by the Government of Bombay of their right to enhance the amount of the assessment to land revenue for the time being payable in respect of the land occupied by the said Mansion House and other hereditaments, called Mazagon Castle,

either the amount of the assessment to land-revenue payable in respect of any land which may be purchased in pursuance of the power in that behalf conferred by section 8, may be enhanced, or an assessment to land-revenue of any land so purchased, which at the time of the purchase thereof shall not be liable to the payment of land-revenue, may be imposed thereon.

29. The Trustees for the time being acting in the execution of the trusts and powers hereby created and reposed in them respectively, and their successors, respectively, shall be charged and chargeable for such moneys only as he and they respectively shall actually receive by virtue of the trusts, powers and provisions of this Act, notwithstanding his, their, or any of their giving or signing, or joining in giving or signing any receipt or receipts, for the sake of conformity; and he and they respectively shall not be answerable or accountable for any banker or broker, agent or other person with whom or in whose hands any part of the said trust moneys shall or may be deposited or lodged for safe custody, or otherwise in the execution of any of the trusts, powers, and provisions hereinbefore created or contained; and the Trustees for the time being acting in the execution of the trusts and powers hereby created and reposed in them respectively, and their successors respectively, shall not be answerable or accountable for the insufficiency or deficiency of any security or securities, stocks or funds, in or upon which the said trust moneys or any part thereof shall be placed out or invested, nor for any other misfortune, loss or damage which may happen in the execution of the aforesaid trusts, powers and provisions or in relation thereto; and it shall be lawful for him and them respectively with or out of the money which shall come to his or their respective hands by virtue of the trusts and provisions of this Act, to retain and reimburse to himself and themselves respectively all costs, damages and expenses which he and they respectively shall or may sustain, expend, or disburse in or about the execution of the aforesaid powers, trusts, and provisions or in relation thereto.

30. Saving always to the King's Most Excellent Majesty, His heirs and successors, and to all and every other person and persons, bodies politic and corporate, and his, her and their respective heirs, successors, executors, and administrators and every one of them (other than and except the devisees, heirs and assigns of the said Sir Jamssetjee Jejeebhoy, First Baronet), all such estate, right, title, interest, claim, and demand

whatsoever of, in, to, out of, or upon the said Mansion House and hereditaments, called Mazagon Castle, and any lands, buildings or other hereditaments, which may be purchased or erected, under the powers conferred by section 8 or any part or parts thereof, as they, every, or any of them had before the passing of this Act and would, could, or might have had, held, or enjoyed in case this Act had not been passed.

The Repealing and Amending Act.

*ACT NO. XI. OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 22ND SEPTEMBER 1915.]

An Act to amend certain enactments and to repeal an enactment.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule;

AND WHEREAS it is also expedient that the enactment specified in the Second Schedule, which is unnecessary, should be expressly and specifically repealed; It is hereby enacted as follows:—

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| Short title. | 1. This Act may be called the Repealing and Amending Act, 1915. |
| Amendment of certain enactments. | 2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. |
| Repeal of certain words and figures in Act VIII of 1915. | 3. This enactment specified in the second Schedule is hereby repealed to the extent mentioned in the fourth column thereof. |
| Savings. | 4. 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.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

Year.	No.	Short title.	Amendments.
(1)	(2)	(3)	(4)
1867	XXV	The Press & Registration of Books Act, 1867.	In section 21, after the word "books," the words "or papers" shall be inserted.
1882	IV	The Transfer of Property Act, 1882.	In the last paragraph of section 59 and in clause (c) of section 69 of the said Act, for the words "and Akyab" and words "Akyab and in any other town which the Governor-General in Council may, be notification in the <i>Gazette of India</i> , specify in this behalf," and the words "Akyab or in any other town which the Governor-General in Council may, by notification in the <i>Gazette of India</i> , specify in this behalf shall be substituted, respectively.
1887	IX	The Provincial Small Cause Courts Act, 1887.	In section 8, sub-section (1), for the words "an Additional Judge" the words "Additional Judges" shall be substituted, and in sub-sections (2) and (3) of the same section for the words "the additional" the words "an additional shall be substituted, and in sub-section (4) of the same section, before the word "additional" the word "senior" shall be inserted.
1911	III	The Criminal Tribes Act, 1911.	In section 10 for the word "direct" the word "issue" shall be substituted, and after the word "tribe" the words "either or both of the following directions, namely" shall be inserted, and the word "or" where that word occurs between clauses (a) and (b), shall be omitted.
1913	VII	The Indian Companies Act, 1913.	In section 246, after the word "company" where that word occurs for the last time in sub-section (1), the following shall be added:—"and shall make rules providing for all matters relating to the winding-up of companies which, by this Act, are to be prescribed."

THE SECOND SCHEDULE.

REPEAL.

(See section 3.)

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
1915	VIII	The Assam Labour and Emigration (Amendment) Act, 1915.	In the Schedule the words and figures "S. 174, clause (a)."

The Indian Soldiers Litigation Act.

ACT NO. XII OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE
22ND SEPTEMBER 1915.]

An Act to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under war conditions.

WHEREAS it is expedient to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under war conditions; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Indian Soldiers (Litigation) Act, 1915.

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

2. In this Act,—

Definitions.

“Indian soldier” means any person subject to the Indian Army Act, 1911;

“prescribed” means prescribed by rules made under this Act;

“proceeding” includes suit and appeal; and

“serving under war conditions” means

(1) during the continuance of the present war and for six months thereafter, serving out of India or serving in India when such service has been declared, by notification of the Governor-General in Council in the *Gazette of India*, to be service under war conditions; and

(2) after the expiration of that period, serving in any place when such service has been declared, by notification of the Governor-General in Council in the *Gazette of India*, to be service under war conditions.

Particulars to be furnished in plaints, application or appeals to Civil or Revenue Court.

3. If any person presenting any plaint application or appeal to any Civil or Revenue Court has reason to believe that any adverse party is an Indian soldier who is serving under war conditions, he shall state the fact in his plaint, application or appeal.

4. If any Civil or Revenue Court has reason to believe that any party to any proceeding pending before such Court is an Indian soldier who is serving under war conditions, and that such soldier is

Notice to be given in case of unrepresented Indian soldier.

not represented in the proceeding by any person duly authorized to appear, plead, or act on his behalf, such Court shall give notice thereof in the prescribed manner to the prescribed authority.

5 On receipt of a notice under section 4, the prescribed authority may, if it is of opinion that a postponement of the proceeding as against such soldier is necessary in the interests of justice, certify the fact in the prescribed manner to the Court in which the proceeding is pending, and thereupon such Court shall postpone the proceeding as against such soldier for the prescribed period, or, if no period has been prescribed, for such period as it thinks fit.

6. If, after the issue of a notice under section 4, the prescribed authority either certifies that such postponement is not necessary or fails to certify, in the case of a soldier resident in the district in which the Court is situate, within two months, or in any other case, within three months from the date of the issue of the notice under section 4, that such postponement is necessary, the Court may, if it thinks fit, continue the proceeding.

7. If the Collector has reason to believe that any Indian soldier who ordinarily resides, or who has property in his district and is serving under war conditions, is a party to any proceeding pending before any Civil or Revenue Court, and that such soldier is not represented in such proceeding by any person duly authorized to appear, plead, and act in his behalf, the Collector may, if he is of opinion that a postponement of the proceeding as against such soldier is necessary in the interests of justice, certify the fact in the prescribed manner to such Court, and if the Court is satisfied that such Indian soldier is not so represented, the Court shall postpone the proceeding as against such soldier in the manner provided in section 5.

8. (1) In any proceeding before a Civil or Revenue Court in which a decree or order has been passed against any Indian soldier whilst such soldier was serving under war conditions, such soldier may apply to the Court which passed the same for an order to set it aside; and if he satisfies the Court that default after the 5th of May 1915, has been made in complying with the provisions of section 3 or 4, the Court shall, or, in any other case if the interests of justice require such a course the Court subject to such conditions (if any) as it thinks fit to impose, may make an order setting aside the decree or order as against such soldier:

Provided, firstly, that any such application is made within three months from the date on which such soldier ceased to serve under war conditions; secondly, that no decree or order shall be set aside on

any such application unless notice thereof has been served on the opposite party; and thirdly, that when the decree or order is of such a nature that it cannot be set aside as against such soldier only, it may be set aside as against all or any of the parties against whom it has been made.

(2) The provisions of section 5 of the Indian Limitation Act, 1908, shall apply to applications under this section.

(3) Where an order is made in the exercise of the power conferred by sub-section (1), the Court shall continue the proceeding.

Power of Civil or Revenue Court to refer question of whether service was under war conditions or not.

9. If any Civil or Revenue Court is in doubt whether any Indian soldier is or was at any particular time serving under war conditions, such Court may refer the point for the decision of the prescribed authority, and the certificate of such authority shall be conclusive evidence on the point.

Rule-making Power.

10. The Local Government, after consulting the High Court, may, by notification in the local official gazette, make rules—

(a) prescribing the manner and form in which any notice or certificate under this Act shall be given, and the authorities to whom such notice shall be given, and by whom the powers under this Act shall be exercised;

(b) the period for which proceedings or any class of proceedings shall be suspended under this Act, and

(c) generally providing for any matters incidental to the purposes of this Act.

11. In computing the period of limitation prescribed by the Indian Limitation Act, 1908, or any other law for the time being in force for any suit, appeal or application to any Civil or Revenue Court in which the plaintiff, appellant or applicant is an Indian soldier, the time during which such soldier has been serving under war conditions, since the 4th of August 1914, shall be excluded.

Modification of law of limitation in the case of Indian soldiers serving under war conditions.

12. The Governor-General in Council may, by notification in the *Gazette of India*, direct that all or any of the provisions of this Act shall apply to any other class of persons in the service of His Majesty specified in such notification—the same manner as they apply to Indian soldiers, and upon notification—such provisions shall apply accordingly.

Repeal of Ordinance No. II of 1915.

13. The Indian Soldiers (Litigation) Ordinance, 1915, is hereby repealed.

The North-West Frontier Constabulary Act.

ACT NO. XIII OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE
1ST OCTOBER, 1915.]

*An Act to provide for the regulation of the Frontier Constabulary
in the North-West Frontier Province.*

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

1. (1) This Act may be called the North-West Frontier Constabulary Act, 1915 ;

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

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

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

Definitions.

(a) "member of the Constabulary" means a person other than a person appointed by the Local Government who, at the commencement of this Act, is serving in the Frontier Constabulary, or who, after the commencement of this Act, has been appointed to the Frontier Constabulary under this Act, and has signed a recruiting-roll on which the conditions of service contained in the Schedule are set forth :

Provided that every person who has, for the space of six months, been in the receipt of pay as a member of the Frontier Constabulary, and been borne on the rolls of the Frontier Constabulary shall be deemed to be a member of the Constabulary, notwithstanding that he has not signed the said recruiting-roll :

(b) "Commandant" means a person appointed by the Local Government to be a Commandant of the Frontier Constabulary :

(c) "active service" means service against hostile tribes, raiders or other hostile persons, or persons co-operating with or assisting such tribes, raiders or hostile persons :

(d) the expressions "assault," "criminal force",

"fraudulently", "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them respectively, in the Indian Penal Code.

XLV of 1860.

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

Power to maintain Frontier Constabulary.

4. The Frontier Constabulary shall be constituted in such manner, and the members of the Constabulary shall receive such pay, pension, and other remuneration, as shall, from time to time, with the previous sanction of the Governor-General in Council, be ordered by the Local Government.

Constitution of Constabulary.

5. (1) The Local Government may appoint any person to be Commandant, and may appoint other persons to be District Constabulary Officers of Assistant Constabulary officers of the Frontier Constabulary, or of any part thereof, constituted in any one or more districts.

Appointment and powers of superior officers.

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

6. The appointment of all officers and men of the Frontier Constabulary, other than those mentioned in sub-section 1 of Sect. 5, shall rest with the Commandant and the District Constabulary Officer who shall respectively exercise such powers, in such manner as may be prescribed by rules made under this Act.

Appointment of subordinate officers and men.

Officer who shall respectively exercise such powers, in such manner as may be prescribed by rules made under this Act.

7. (1) The superintendence of, and control over, the Frontier Constabulary shall vest in the Local Government; and the Frontier Constabulary shall be administered by the Commandant and the District Constabulary Officer in accordance with the provisions of this Act and of any rules made thereunder.

Superintendence, control and administration of Constabulary.

(2) The District Constabulary Officer and the Constabulary of a district shall be under the general control and direction of the Deputy Commissioner of the district.

(3) In exercising authority under sub-sect. 2, the Deputy Commissioner shall be governed by such rules and orders as the Local Government may make in this behalf.

8. (1) Every member of the Constabulary who commits any of More heinous offences. the following offences, that is to say :—

(a) begins, excites, causes, or conspires to cause, or joins in any mutiny; or being present at any mutiny, does not use his utmost endeavours to suppress it, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention to mutiny, or of any conspiracy against the State does not without delay give information thereof to his commanding or other superior officer; or

(b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer whether on or off duty knowing or having reason to believe him to be such; or

(c) shamefully abandons or delivers up any garrison, fortress, post or guard which is committed to his charge, or which it is his duty to defend; or

(d) directly or indirectly holds correspondence with, or assists or relieves any person in arms against the State, or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge; or

who, while on active service,—

(e) disobeys the lawful command of his superior officer; or

(f) deserts the service; or

(g) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(h) without authority, leaves his commanding officer, or his post or party to go in search of plunder; or

(i) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or

(j) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard or, without authority, breaks into any house or any other place for plunder, or plunders, destroys, or damages any property of any kind; or

(k) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters; or

(l) displays cowardice in the execution of his duty;

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

(2) If any member of the Constabulary while on active service with a force beyond the limits of British India, is charged with

committing any offence described in cl. (c) cl. (d) or cl. (f), of sub-sect. (1), or the offence of culpable homicide amounting to murder, he may be summarily tried for such offence by the Political Officer accompanying the force, sitting with two other officers appointed by the Political Officer for this purpose.

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

(a) a British officer, that is to say, a person holding a commission in his Majesty's land forces; or

(b) a civil officer of gazetted rank; or

(c) a person appointed under Sect. 5.

Provided that, if circumstances permit not less than one such officer shall be a Constabulary Officer appointed under Sect. 5.

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

9. Every member of the Constabulary who commits any of the following offences, that is to say,—

(a) 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

(b) strikes or attempts to force any sentry; or

(c) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person duly committed to his charge, or, without proper authority releases any prisoner or person placed under his charge, or negligently suffers any such prisoner or person to escape; or

(d) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by proper authority; or

(e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(f) refuses to superintend or assist in the making of any field-work or other work of any description ordered to be made either in quarters or in the field; or

(g) strikes or otherwise ill-uses any member of Constabulary subordinate to him in rank or position; or

(h) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made, as far as possible, to the injured person or to report the case to the proper authority; or

(i) designedly or through neglect injures or loses, or fraudulently disposes of his arms, clothes, tools, equipments, ammunition;

accoutrements or Frontier Constabulary necessaries, or any such articles entrusted to him or belonging to any other person ; or

(j) malingers or feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity ; or

(k) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person ; or

(l) does not, when called upon by his superior officer so to do or upon ceasing to be a member of the Constabulary, forthwith deliver up, or duly account for, all or any arms, ammunition, stores, accoutrements, appointments or other property issued or supplied to him or in his custody or possession, as such member of the Constabulary ; or

(m) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any member of or any person attached to, the Constabulary, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid ; or

(n) absents himself without leave, or, without sufficient cause, overstays leave granted to him ; or

(o) is guilty of any act or omission which, though not specified in the Act, is prejudicial to good order and discipline ; or who, while not on active service,—

(p) disobeys the lawful command of his superior officer ; or

(q) deserts the service ; or

(r) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave ; or,

(s) quits his guard, picquet, party, or patrol without being regularly relieved or without leave ; or

(t) plunders, destroys or damages any property of any kind ;

or

(u) displays cowardice in the execution of his duty ;

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

10. (1) The Commandant or the District Constabulary Officer may, subject to any rules made under this Act, award in lieu of, or in addition to, suspension or dismissal, any of the following punishments to any member of the Constabulary who is, in the opinion of the Commandant or the District Constabulary Officer, as the case may be, guilty of disobedience, neglect of duty, or remissness in the discharge of any duty, or

Minor Punishments.

of rendering himself unfit to discharge his duty, or of other misconduct in his capacity as such member of the Constabulary, that is to say,—

- (a) reduction in rank and emoluments;
- (b) fine to any amount not exceeding one month's pay and allowances;
- (c) confinement to quarters for a term not exceeding one month;
- (d) confinement in the quarter-guard for not more than twenty-eight days with or without punishment-drill or extra guard, fatigue or other duty; and
- (e) removal from any office of distinction or special emolument in the Constabulary.

(2) The Commandant or the District Constabulary Officer, or an officer, not being below the rank of Subadar, commanding a separate detachment or an outpost, or in temporary command at the head-quarters of a district during the absence of the Commandant and the District Constabulary Officer may, without a formal trial, award to any member of the Constabulary, who is subject to his authority, any of the following punishments for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for a prosecution before a Criminal Court, that is to say:—

- (a) Confinement for not more than seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance; and
- (b) punishment-drill, or extra guard, fatigue or other duty, for not more than thirty days, with or without confinement to quarters.

(3) Any one of the punishments described in sub-sect. (1) or sub-sect. (2) may be awarded separately, or in combination with any one or more of the said punishments, respectively.

11. (1) Every person sentenced under this Act to imprisonment may be dismissed from the Frontier Constabulary, and shall be further liable to forfeiture of pay and allowances due, as well as of medals and decorations received, and the public money due to him.

(2) Every such person shall, if he is so dismissed, be imprisoned in the nearest prison or such other prison as the Local Government may, by general or special order, direct; but, if he is not also dismissed from the Frontier Constabulary, he may, if the Court of the Commandant so directs, be confined in the quarter-guard or such other place as the Court or the Commandant may consider suitable.

12. The following penal deductions may be made from the pay and allowances of a member of the Constabulary that is to say,—

(a) all pay and allowances for every day of absence either on desertion or without leave, and, for every day of imprisonment awarded by a Criminal Court or of confinement awarded by an Officer exercising authority under S. 10 ;

(b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted

(c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the proper Medical Officers attending on him at the hospital to have been caused by an offence under this Act committed by him ;

(d) all pay and allowances ordered to be forfeited under S. 10 ; and

(e) any sum required to make good such compensation for any expenses caused by him, or for any loss of or damage or destruction done by him to, any arms, ammunition, equipment, clothing instruments, Frontier Constabulary necessaries or decoration, or to any buildings or property, as may be awarded by the Commandant or the District Constabulary Officer.

13. Whenever any weapon or part of a weapon or ammunition forming part of the equipment of a company or other similar unit is lost or stolen, the Commandant may, after making such inquiry as he thinks fit, impose a collective fine upon the subordinate officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

Resignation and withdrawal from the Constabulary.

14. No member of the Constabulary shall be at liberty to—

(a) resign his appointment during the term of his engagement, except before the expiration of the first three months of his service ; or

(b) withdraw himself from all or any of the duties of his appointment, without the permission in writing, (to be previously obtained) of the Commandant of the District Constabulary Officer or other officer authorised by the Commandant to grant such permission.

15. (1) It shall be the duty of every member of the Constabulary promptly to obey and to execute all orders and warrants lawfully issued to him by any competent authority, to detect and bring offenders to justice, and to apprehend all

General duties of members of the Constabulary.

persons whom he is legally authorised to apprehend, and for whose apprehension sufficient grounds exist.

(2) Every member of the Constabulary shall be liable to serve without and beyond, as well as within, the limits of British India.

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

Powers and duties conferable and imposable on members of the Constabulary.

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

Protection for acts of members of the Constabulary.

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

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

18. Notwithstanding anything contained in the Code of Criminal Procedure, V of 1898, the Local Government may declare that the Court of any Deputy Commissioner, and no other Court, shall be deemed to be the Court of Session for the disposal of cases, or any class of cases, arising under this Act.

Authority to confer exclusive powers of Sessions Court on Deputy Commissioner.

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

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

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

Power to make rules.

21. The Local Government may, by notification in the Official Gazette, make rules—

(a) regulating the functions and powers of the Deputy Commissioner, Commandant, the District Constabulary Officer and the Assistant Constabulary Officer, respectively, under this Act ;

(b) regulating, subject to the provisions of Sect. 4, the classes and grades of, and the remuneration to be paid to, the officers and men of, and the conditions of service in, the Frontier Constabulary ;

(c) fixing the period of service for members of the Constabulary in any district or local area ;

(d) regulating the award of minor punishments to Constabulary Officers under the powers conferred by Sect. 10, and providing for appeals from, or the revision of orders under, that section, or the remission of fines imposed under that section, and the remission of deductions made under Sect. 12 ;

(e) regulating the several or collective liability of members of the Constabulary in the case of the loss or theft of weapons and ammunition ; and

(f) generally, for the purpose of carrying into effect the provisions of this Act.

Repeal.

22. The North-West Border Military Police Act, IV of 1904, is hereby repealed.

THE SCHEDULE.

CONDITIONS OF SERVICE.

(See Sect. 2, Cl. (a).)

After you have served for such periods as the Local Government may have prescribed in this behalf in the Frontier Constabulary maintained under the North-West Frontier Constabulary Act, 1915, you may, at any time, when not on active service, apply for your discharge, through the officer to whom you may be subordinate, to the Commandant, or to the District Constabulary Officer of the District in which you may be serving, and you will be granted your discharge after three months from the date of your application, unless your discharge would cause the vacancies in the Frontier Constabulary to exceed one-

tenth of the sanctioned strength, in which case you shall be bound to remain until this objection is waived by competent authority or removed. But, when on active service, you shall have no claim to a discharge, and you shall be bound to remain to do your duty until the necessity for retaining you in the Frontier Constabulary ceases, when you may make your application in the manner hereinbefore prescribed:

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

Provided, also, that the Commandant or the District Constabulary Officer may, if he thinks fit, allow you to resign at any time on your giving three months' notice of your wish to do so.

Signature of the member of the Constabulary in acknowledgment of the above having been read to him. } A. B.

Signed in my presence after I had ascertained that A. B. understood the purport of what he signed. } C. D.

Commandant or
District Con-
stabulary Of-
ficer.

The Enemy Trading Act.

ACT NO. XIV OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL
ON THE 1ST OCTOBER 1915.]

An Act to provide facilities for the payment to a public authority of certain moneys, the payment of which is, or may be, prohibited owing to the present war, and to provide for other matters in connection with trading with foreigners.

WHEREAS it is expedient to provide facilities for the payment to a public authority of certain moneys, the payment of which is, or may be, prohibited by, or under the provisions of, any proclamation or Order in Council of His Majesty for the time being in force, relating to trading, commercial intercourse, or other dealings with subjects of States at war with His Majesty, and to afford like facilities in the case of moneys due to certain classes of foreigners, and to extend the law relating to the contravention of the provisions of any such Proclamation or Order in Council, and to make further provisions as to dealings with foreigners; It is hereby enacted as follows:—

Short title, extent and duration.

1. (1) This Act may be called the Enemy Trading Act, 1915;

(2) It extends to the whole of British India, including the Sonthal Parganas; and

(3) It shall remain in force during the continuance of the present war, and for a period of six months thereafter.

2. In this Act,—

Definitions.

“custodian” means a custodian of enemy property appointed under this ;

“Enemy Trading Proclamation” means any Proclamation or Order in Council of His Majesty for the time being in force, relating to trading, commercial intercourse or other dealings with subjects of States at war with His Majesty ;

“foreigner” has the same meaning as in the Foreigners Act, 1864 ;

“prescribed” means prescribed by rules made under this Act.

3. (1) The Governor-General in Council shall appoint so many persons, as he thinks fit, to act as custodians for the whole or any part of British India the purpose of receiving, holding and dealing with such money as may be paid to them in pursuance of this Act.

Constitution of the office of custodian of enemy property.

(2) Custodians shall, subject to the provisions of this Act, have such powers and duties, with respect to the money held by them in their capacity as custodians, as may be prescribed.

(3) If any question arises as to the custodian to whom any money may be paid under this Act, the question shall be determined by the Governor-General in Council.

4. (1) Any sum, by way of dividends, interest or share of profits the payment of which to, or for the benefit of, any person is prohibited by or under any Enemy Trading Proclamation may, subject to the provisions of S. 7, be paid by the person by whom it would have been payable, if a state of war had not existed, to the custodian to hold subject to the provisions of this Act.

Power to pay to custodian certain prohibited payments.

(2) Where, before the commencement of this Act, any such sum has been paid into any account with a bank, or has been paid to any other person in trust, the bank or other person may pay the same to the custodian to hold as aforesaid.

(3) On such payment the bank or other person shall be exempt from all liability in respect of such payment.

5. Where, by or under any enactment for the time being in force relating to foreigners, any person is absolutely prohibited from carrying on, or engaging in, any trade or business, or from receiving any money, any sum payable to, or for the benefit of, such person in the way of his trade or business,

Power to pay to custodian sums the receipt of which is prohibited under enactments relating to foreigners.

or any such money may, subject to the provisions of section 7, be paid by the person by whom it is payable, to the custodian to hold subject to the provisions of this Act.

6. Any person paying money to a custodian under the provisions of section 4 or section 5 shall, at the same time, furnish such particulars in regard to the payment as the custodian, subject to any rules prescribed in this behalf, may require; until such particulars have been furnished to the satisfaction of the custodian the custodian shall not grant a receipt for such money.

7. (1) The custodian may refuse to receive any money on the ground that it is not money to which the foregoing provision of this Act apply or, with the sanction of the Local Government, for any other reason.

(2) In the event of any question arising as to whether any money is money to which the foregoing provisions of this Act apply, the decision of the custodian on the question shall be final.

8. Where any money is paid to a custodian under the foregoing provisions of this Act, the receipt of such custodian, or any person duly authorised by him to sign receipts on his behalf for any such money, shall be a good discharge to the person paying the same as against the person in respect of whom the money was paid to the custodian.

9. (1) The custodian shall hold and deal with any money paid to him under this Act in accordance with such directions as he may receive from the Governor-General in Council.

(2) Money held by the custodian under this Act shall not, save as may be otherwise prescribed be liable to be attached or otherwise taken in execution of a decree.

(3) The custodian shall keep a register of all money held by him under this Act, which register shall be open to public inspection at such reasonable times as he may direct.

10. No suit or other proceeding shall lie against a custodian for anything done, or intended to be done, in good faith under this Act or any rule made thereunder.

11. (1) The Governor-General in Council may, by notification in the *Gazette of India*, make rules for carrying into effect the provisions of this Act.

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

- (a) the powers and duties of custodians;
- (b) the particulars to be furnished to custodians by persons making payments to them; and
- (c) the payment of money in the hands of the custodian in satisfaction of decrees and debts.

(3) All rules made under this section shall have effect as if enacted in this Act.

12. The Governor-General in Council may, by notification in the *Gazette of India*, direct that the provisions of S. 4 of this Act, enabling certain moneys to be paid to custodians, shall apply to any payments, the making of which is prohibited or by under any Enemy Trading Proclamation and which are not provided for by that section; and upon such notification the Act shall be read and construed as if such payments had been included in S. 4.

Power to extend provisions of Act to other prohibited payments.

13. (1) The Governor-General in Council may, by order in writing, direct that any money which is, or may come into, the hands of any public officer by or under the provisions of any enactment for the time being in force, relating to foreigners, shall be paid by such officer to such custodian as may be specified in the order.

(2) Any money paid to a custodian, in accordance with the provisions of sub-section (1), shall be deemed to be money paid to the custodian in pursuance of this Act, and the provisions of this Act shall apply accordingly.

14. (1) The Governor-General in Council may, by order in writing, prohibit or restrict any person or class of persons from carrying on trade or business with, or transferring any property, moveable or immovable to any person or class of persons in respect of whom any restriction has been imposed by or under any enactment for the time being in force relating to foreigners.

(2) Any person who contravenes or attempts to contravene the provisions of any order made under sub-section (1) shall be punishable with the punishment provided for an offence under section 4 of the Foreigners Ordinance, 1914.

(3) The Governor-General in Council may, by notification in the *Gazette of India*, delegate to any Local Government, subject to such restrictions and conditions as he thinks fit, all or any of the powers conferred upon him by this section.

15. Section 3 of the Commercial Intercourse with Enemies Ordinance, 1914, as in force by virtue of Amendment of section 3 of Ordinance VI of 1914 as re-enacted by Act I of 1915. section 2 of the Emergency Legislation Continuance Act, 1915, shall be read and construed as if after the word "contravenes" the words "attempts, or directly or indirectly offers, proposes or agrees, or has, since the 14th day of October, 1914, attempted or directly or indirectly offered, proposed or agreed, to do any act in contravention of," were inserted.

The Inland Steam-vessels (Amendment) Act.

ACT NO. XV OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 1ST OCTOBER 1915.]

An Act further to amend the Inland Steam-vessels Act, 1884.

WHEREAS it is expedient further to amend the Inland Steam-vessels Act, 1884; It is hereby enacted as follows:—

1. This Act may be called the Inland Steam-vessels (Amendment) Act, 1915.

2. In section 11, sub-section (4) clause (a), of the Inland Steam-vessels Act, 1884 (hereinafter called the said Act), the words "with the previous sanction of the Governor-General in Council," and in clause (b) of the same sub-section, the words "of its own authority" shall be omitted.

3. In sections 23 and 24 of the said Act after the words "Local Government," where these words occur in the said sections, the words "or such officer as the Local Government may, by notification in the local official gazette, appoint in this behalf" shall be inserted.

4. In sections 25 and 27 of the said Act for the words the "Local Government" the following shall be substituted, namely:—

(a) in section 25, the words "the authority empowered to grant such certificate,"

(b) in section 27, the words "the authority."

Substitution of new section for section 29-A of the said Act.

Area in which certificates shall have effect.

5. For section 29-A of the said Act the following shall be substituted, namely:—

"29-A. Certificates of competency or service granted under this Act shall have effect as follows, namely:—

(i) A certificate of competency or service as engineer or engine-driver shall have effect throughout British India.

(ii) A certificate of competency or service as master or serang shall have effect throughout the province in which it was granted :

Provided that the authority granting such certificate may, by endorsement thereon, restrict the effect of such certificate to any part of such province :

Provided further that such certificate may be endorsed by the Local Government of any other province; or with the general or special sanction of the Local Government of such other province, by the authority granting it so as to have effect in such other province or any part thereof, and thereupon shall have effect accordingly."

6. (1) In sections 33, 34, 35 and 36 of the said Act for the words "master, engineer or engine-driver," wherever these words occur in the said sections, and for the words "master or engineer or engine-driver" in section 34, sub-section (2), the words "master, engineer or engine-driver or any person holding a certificate granted under Chapter III," shall be substituted.

Amendment of sections 33, 34, 35 and 36 of the said Act.

(2) In section 34, sub-section (1), the words "of an inland steam-vessel" shall be omitted.

Substitution of new section for section 43 of the said Act.

7. For section 43 of the said Act the following section shall be substituted, namely :—

"43. Any certificate granted under Chapter III may be suspended or cancelled by the Local Government by which, or under authority from which, it was granted or by any other Local Government in the following cases, that is to say :—

Power for Local Government to suspend or cancel certificates in certain cases.

(a) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the wrongful act or default of the holder of such certificate, or that the holder of such certificate is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct ; or

(b) if the holder of such certificate is proved to have been convicted of any non-bailable offence ; or

(c) if, in the case of a person holding a certificate of competency or service as second-class master or serang or as engine-driver, such person is or has become, in the opinion of the Local Government, unfit to act as second-class master or serang, or as an engine-driver, as the case may be :

Provided that a certificate shall not be suspended or cancelled or cancelled under clause (a) unless the Local Government is satisfied

that the holder of the certificate has been furnished before the commencement of the investigation with a copy of the report or statement required by section 33 or section 34, as the case may be."

Amendment of sections 44 and 57 of the said Act.

8. In sections 44 and 57 of the said Act for the words "master, engineer or engine-driver," the word "person" shall be substituted.

9. In section 45 of

Amendment of section 45 of the Act.

the said Act for the words "which granted the certificate" wherever they occur, the words "by which or under authority from which such certificate was granted" shall be substituted.

Insertion of new Chapter after Chapter VI of the said Act.

10. After Chapter VI the following shall be inserted, namely:—

"CHAPTER VI.A.

GENERAL RULE-MAKING POWER.

Power to make general rules.

10. B. (1) The Local Government may make rules to carry out the purposes of this Act not otherwise specially provided for.

(2) Rules under this section may provide for the following among other matters, that is to say:—

(a) the speed at which inland steam vessels may be navigated in specified areas,

(b) the regulation of the navigation of such vessels to prevent danger to other vessels or to the banks, channels, navigation marks or any property moveable or immovable in or abutting on navigable channels.

(3) Any rule made under this section may contain a provision that person committing a breach of it shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both."

Amendment of section 67 of the said Act.

11. To section 67 of the said Act the following proviso shall be added, namely:—

"Provided that the Governor-General in Council may, by notification in the *Gazette of India* direct that all or any of the provisions of this Act shall apply to inland steam-vessels belonging to or in the service of the Government of India, or to any class of such vessels."

Amendment of section 69 (5) of the said Act.

12. In section 69, sub-section (5), of the said Act, for the words "under this Act" the words "under sub-section (7) of section

21 or sub-section (1) of section 29" shall be substituted.

The Benares Hindu University Act.

ACT NO. XVI OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL
ON THE 1ST OCTOBER, 1915.]

*An Act to establish and incorporate a teaching and
residential Hindu University at Benares.*

WHEREAS it is expedient to establish and incorporate a teaching and residential Hindu University at Benares, and to dissolve the Hindu University Society, a Society registered under the Societies Registration Act, 1860, and to transfer to, and vest in, the said University all property and rights now vested in the said Society; It is hereby enacted as follows:—

Short, title and commencement. 1. (1) This Act may be called the Benares Hindu University Act, 1915.

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

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

(a) "College" means any college or institution maintained or admitted to privileges by the University;

(b) "Council" means the University Council;

(c) "Court" means the University Court;

(d) "Faculty" means a Faculty of the University;

(e) "Regulations" means the Regulations of the University for the time being in force;

(f) "Senate" means the Senate of the University;

(g) "Statutes" means the Statutes of the University for the time being in force; and

(h) "University" means the Benares Hindu University.

3. (1) The First Chancellor, Pro-Chancellor and Vice-Chancellor who shall be the persons specified in this behalf by a notification of the Governor-

Incorporation. General in Council in the Gazette of India, and the persons indicated in Schedule I as members of the Court and the Senate, and all persons who may hereafter become, or be appointed as such officers or members; so long as they continue to hold such office or membership, shall be constituted a body corporate by the name of the Benares Hindu University.

(2) The University shall have perpetual succession and a common Seal, and shall sue, and be sued, by the name first aforesaid.

(3) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for imparting education, literary, artistic and scientific, as well as agricultural, technical, commercial and professional, of furthering the prosecution of original research, and of giving instruction in Hindu theology and religion, and of promoting the study of literature, art, philosophy, history, medicine and science, and of imparting physical and moral training.

4. (1) The University shall, subject to the Regulations, be open to persons of all classes, castes and creeds, but provision shall be made for religious instruction and examination in Hindu religion only.

University open to all classes, castes and creeds save as regards religious instruction.

(2) The Court shall have power to make Statutes providing that instruction in Hindu religion shall be compulsory in the case of Hindu students, and shall also have power to make special arrangements for the religious instruction of Jain or Sikh students from funds provided for this purpose.

5. The Governor-General of India for the time being shall be the Lord Rector, Patrons and Vice-Patrons. Lord Rector of the University; and such persons, as may be specified in the Statutes, shall be the Patrons and Vice-Patron thereof.

6. (1) The Lieutenant-Governor for the time being of the United Provinces of Agra and Oudh shall be the Visitor of the University.

(2) The Visitor shall have the right of inspecting the University and its Colleges generally, and for the purpose of seeing that the proceedings of the University are in conformity with this Act and the Statutes and Regulations. The Visitor may, by order in writing, annul any such proceeding which is not in conformity with this Act and the Statutes and Regulations :

Provided that, before making any such order, he shall call upon the University to show cause why such an order should not be made, and if any cause is shown within a reasonable time, shall consider the same.

7. The following shall be the authorities and officers of the University :—

- I.—The Chancellor,
- II.—The Pro-Chancellor,
- III.—The Vice-Chancellor,
- IV.—The Pro-Vice-Chancellor,
- V.—The Court

VI.—The Council,

VII.—The Senate,

VIII.—The Syndicate,

IX.—The Faculties and their Deans,

X.—The Registrar,

XI.—The Treasurer, and

XII.—Such other authorities and officers as may be provided for by the Statutes.

8. Subject to the provisions of this Act, the powers and duties of the officers of the University, the term for which they shall hold office, and the filling up of casual vacancies in such offices, shall be provided for by Statutes.

Powers and duties of officers, terms of office and filling of casual vacancies.

9. (1) The Court shall be the supreme governing body of the University in administrative matters, and shall have power to review the acts of the Senate (save when the Senate has acted in accordance with powers conferred on it under this Act, the Statutes or the Regulations), and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

The Court.

(2) Save in the case of the first Court, no person not being a Hindu shall become, or be appointed, a member of the Court.

10. (1) The Council shall be the executive body of the Court, and shall, in addition to *ex-officio* members, consist of not more than thirty elected members:

The Council.

Provided that five members, other than *ex-officio* members, shall be members of the Senate elected by the Senate.

(2) The Council shall exercise such powers and perform such duties as may be vested in it by the Statutes.

11. (1) The Senate shall be the academic body of the University and, subject to the Act, the Statutes and Regulations, shall have entire charge of the organization of instruction in the University and the Colleges, the courses of study and the examination and discipline of students and the conferment of ordinary and honorary degrees.

The Senate.

(2) The Senate shall ordinarily consist of not less than fifty members.

12. (1) The Syndicate shall be the executive body of the Senate, and shall consist of seventeen members:

The Syndicate.

Provided that ten at least of the members of the Syndicate, other than *ex-officio* members, shall be University Professors or Principals or Professors of Colleges,

(2) The Syndicate shall exercise such powers and perform such duties as may be vested in it by the Statutes.

13. (1) The accounts of the University shall once at least in every year and at intervals of not more than fifteen months, be audited by auditors appointed by the Court:

Provided that no person shall be appointed an auditor in the exercise of this power, unless he is qualified in accordance with the provisions of the Indian Companies Act, 1913, to audit accounts of companies under that Act.

(2) The accounts, when audited, shall be published in the Gazette of India, and a copy of the accounts, together with the auditor's report, shall be submitted to the Visitor.

14. The University shall invest, and keep invested, in securities in which trust funds may be invested, in accordance with the provisions of the law relating to trusts in British India, a sum of fifty lakhs of rupees as a permanent endowment to meet the recurring charges of the University other than charges in respect of scholarships, prizes and rewards:

Provided that—

(1) any Government securities, as defined by the Indian Securities Act, 1886, which may be held by the University shall, for the purpose of this section, be reckoned at their face-value; and

(2) the aforesaid sum of fifty lakhs shall be reduced by such sum as, at the commencement of this Act, the Governor-General in Council shall, by order in writing, declare to be the total capitalised value, for the purposes of this section,—

(a) of all permanent recurring grants of money which have been made to the University by any Indian Prince or Chief; and

(b) of the total income accruing from immoveable property which has been transferred to the University.

15. (1) The Central Hindu College, Benares, shall, from such date as the Governor-General in Council may, by notification in the Gazette of India appointed in this behalf, be deemed to be a College maintained by the University, and the University may found and maintain other Colleges and institutions in Benares for the purposes of carrying out instruction and research.

(2) With the approval of the Senate and the sanction of the Visitor, and subject to the Statutes and Regulations, the University may admit Colleges and institutions in Benares to such privileges of the University, subject to such conditions, as it thinks fit.

16. The degrees, diplomas, certificates and other academic distinctions granted by the University, shall be recognized by the Government to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other academic distinctions granted by any other University incorporated by an Act of the Governor-General in Council.

17. (1) Subject to the provisions of this Act, the Statutes may provide for any or all of the following matters, namely:—

(a) the constitution, powers and duties of the Court, the Council, the Senate, the Syndicate, and such other bodies, as it may be deemed necessary to constitute from time to time;

(b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members, and the filling of vacancies of members and all other matters relative to those bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the necessary officers of the University;

(d) for the instruction of Hindu students in Hindu religion; and

(e) all other matters relating to the administration of the University.

(2) The first Statutes shall be those set out in Schedule I.

(3) The Court may, from time to time, make new or additional Statutes, or may amend or repeal the Statutes.

(4) The Council shall have power to draft and propose to the Court Statutes to be made by the Court, and it shall be the duty of the Court to consider the same.

(5) All new Statutes or additions to the Statutes or amendments or repeals to Statutes other than Statutes providing for the instruction of Hindu students in Hindu religion, shall require the previous approval of the Visitor, who may sanction, disallow, or remit for further consideration.

Provided that no Statute making a change in the constitution of the Court, the Council, the Senate or the Syndicate, as provided for in the first Statutes, shall be made without the previous sanction of the Governor-General in Council.

18. (1) Subject to the provisions of this Act and the Statutes, the Regulations may provide for any or all of the following matters, namely:—

(a) the payment of fees to the University and their amount;

(b) the admission of students to the University and their examination;

(c) the tenure of office and terms and manner of appointment and the duties of the examiners and examining boards;

(d) the discipline to be enforced in regard to the graduates and under-graduates;

(e) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining of the same;

(f) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(g) the removal from membership of the University of graduates and under-graduates; and

(h) all such other subjects as are required or authorised by the Act or Statutes to be prescribed by means of Regulations.

(2) The first Regulations shall be framed as directed by the Governor-General in Council, and shall receive his previous approval.

(3) The Senate, from time to time, may make new or additional Regulations, or amend or repeal Regulations.

(4) The Syndicate shall have power to draft and propose to the Senate Regulations to be made by the Senate, and it shall be the duty of the Senate to consider the same.

(5) All new Regulations or additions to the Regulations, or amendments or repeals to Regulations, shall require the previous approval of the Visitor, who may sanction, disallow or remit for further consideration:

Provided that no Regulation making a change in the first Regulations as to the admission of students to the University, shall be made without the previous sanction of the Governor-General in Council.

19. (1) If, at any time, the Governor-General in Council is of opinion that special reasons exist which make the removal of any member of the teaching staff desirable in the interest of the

Emergency powers of the Governor General in Council.

University, or that, as a special measure, the appointment of a certain examiner or examiners to report to him is desirable to maintain the standard of University examinations, or that the scale of staff of the University is inadequate, or that in any other respect the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, he may indicate to the Council any matter in regard to which he desires explanation, and call upon that body to

offer such explanation as it may desire to offer, with any proposals which it may desire to make, within such time as he may prescribe.

(2) If the Council fails to offer any explanation within the time prescribed, or offers an explanation or makes proposals which in the opinion of the Governor-General in Council, is or are unsatisfactory the Governor-General in Council may issue such instructions, as appear to him to be necessary and desirable in the circumstances of the case and the Court shall give effect to such instructions.

20. (1) From the commencement of this Act, the Hindu University Society shall be dissolved, and all property, moveable and immoveable and all rights, powers and privileges of the Hindu University Society which, immediately before the commencement of this Act, belonged to, or were vested in, the said Society, shall vest in the University, and shall be applied to the objects and purposes for which the University is incorporated.

(2) From the commencement of this Act, all debts and liabilities of the said Society shall be transferred and attached to the University and shall thereafter be discharged and satisfied by the University.

(3) Any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the Central Hindu College or the said Society shall, on the commencement of this Act, be construed as if the University were therein named, instead of the said College or Society.

SCHEDULE I.

FIRST STATUTES OF THE UNIVERSITY.

[See section 3 and 17 (2).]

Definitions.

1. (1) In these Statutes—

“The Act” means the Benares Hindu University Act, 1915.

(2) All words and expressions used herein and defined in the Act shall be deemed to have the meanings respectively attributed to them by the Act.

Membership of the University. 2. (1) The following persons shall be members of the University, namely :—

(i) The officers of the University.

(ii) The members of the University authorities.

(iii) The members of the teaching staff.

(iv) The Graduates.

(v) The Under-graduates.

(2) Membership of the University shall continue so long only as one at least of the qualifications above enumerated shall continue to be possessed by the individual member

Patrons and Vice-Patrons. 3. (1) The following persons shall be the Patrons of the University, namely;—

- (i) all heads of local administrations in British India, other than the Lieutenant-Governor of the United Provinces, Agra and of Oudh;
- (ii) such Indian Princes and Chiefs as the Lord Rector may, of his own motion, or on the recommendation of the Court, from time to time, appoint.

(2) The Lord Rector may, on his own motion, or on the recommendation of the Court, appoint such persons, as he may think fit, to be Vice-Patrons of the University.

The Chancellor. 4. (1) The successors to the first Chancellor shall be elected by the Court.

(2) The Chancellor shall hold office for three years.

Powers of the Chancellor. 5. (1) The Chancellor shall, by virtue of his office, be the head of the University.

(2) The Chancellor shall, if present, preside at the Convocation of the University for conferring degrees, and at all other meetings of the Court.

(3) The Chancellor may, on the recommendation of the Senate, appoint Rectors, being persons of eminent position or attainment.

The Pro-Chancellor. 6. (1) The successors to the first Pro-Chancellor shall be elected by the Court

from among its own members.

(2) The Pro-Chancellor shall hold office for one year.

(3) Casual vacancies in the office of the Pro-Chancellor shall be filled up by the Chancellor on the recommendation of the Council. The person so appointed shall hold office till the next annual election.

Powers of the Pro-Chancellor. 7. The Pro-Chancellor may, in the absence of the Chancellor or pending a vacancy in the office of Chancellor, exercise the functions of the Chancellor, except the conferring of degrees, and preside at any meetings of the Court.

8. (1) The successors to the first Vice-Chancellor shall be elected by the Court from among its own members.

The Vice-Chancellor. Such appointment shall be subject to approval by the Visitor.

(2) The Vice-Chancellor shall hold office for three years.

(3) Casual vacancies in the office of Vice-Chancellor shall be filled up by election by the Court, subject to approval by the Visitor. Until the election of a new Vice-Chancellor, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor.

9. (1) The Vice-Chancellor shall take rank in the University next to the Chancellor and the Pro-Chancellor, and shall be *ex-officio* Chairman of the Council, the Senate and the Syndicate. He shall be the principal Executive and Academic Officer of the University, and shall, in the absence of the Chancellor, preside at the convocation and confer degrees.

(2) It shall be the duty of the Vice-Chancellor to see that the Act, the Statutes and the Regulations are faithfully observed.

(3) The Vice-Chancellor shall have power to convene meetings of the Court, the Council, the Senate and the Syndicate, and to perform all such acts as may be necessary to carry out or further the provisions of the Act, the Statutes and the Regulations.

(4) If any emergency arises which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and shall report the fact to the authority which, in the ordinary course, would have dealt with the matter.

10. (1) The Pro-Vice-Chancellor shall be elected by the Court. The appointment shall be subject to approval by the Visitor.

(2) He shall hold office for such period and under such conditions as shall, from time to time, be determined by the Court.

(3) Casual vacancies in the office of the Pro-Vice-Chancellor shall be filled up by the Vice-Chancellor with the approval of the Chancellor and the Visitor. The person so appointed shall hold office till the next meeting of the Court.

11 The Pro-Vice-Chancellor shall be *ex-officio* Secretary of the Court and the Council. He shall be the executive assistant of the Vice-Chancellor in all matters affecting the discipline of the graduates and undergraduates.

12. (1) The Registrar shall be a whole-time paid officer of the University, and shall be appointed by the Council. He shall be *ex-officio* Secretary of the Senate and the Syndicate. He shall hold office for a term of five years.

(2) The Registrar may be a member of the Senate, but shall not be a member of the Syndicate.

(3) It shall be the duty of the Registrar :—

- (a) to be the custodian of the records, common seal and such other property of the University as the Syndicate shall commit to his charge ;
- (b) to act as Secretary to the Senate and the Syndicate, and to attend, as far as possible, all meetings of the Senate, Syndicate, Faculties, and any Committees appointed by the Senate, the Syndicate, or the Faculties, and to keep minutes thereof ;
- (c) to conduct the official correspondence of the Senate and the Syndicate ;
- (d) to issue all notices convening meetings of the Senate, Syndicate, Faculties, Boards of Studies, Boards of Examiners, and of any Committees appointed by the Senate, the Syndicate, the Faculties or any of the Boards ;
- (e) to arrange for, and superintend, the examinations of the University at Benares ; and
- (f) to perform such other work as may, from time to time, be prescribed by the Syndicate.

13. (1) The Treasurer shall be appointed by the Court. He shall hold office for the term of one year.

(2) Casual vacancies in the office of Treasurer shall be filled up by election by the Council. The person so appointed shall hold office for the unexpired period of office of the person in whose place he is elected.

(3) The receipt of the Treasurer for any money payable to the University shall be sufficient discharge for the same.

14. (1) Subject to the provisions of the Act, and save as hereinafter provided in this Statute, the Court shall consist of the following persons, namely :—

Class I.—Ex-officio Members, the Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor for the time being.

Class II.—Donors and their representatives :—

- (a) Every Indian Prince or Chief, contributing a donation of three lakhs of rupees or upwards, or transferring property of the like value, shall be a life-member from the date of the receipt of the donation or of the transfer, and, after his decease, his successor for the time being holding his position as such Prince or Chief, shall be a life-member.
- (b) Every person contributing to the University a donation of one lakh of rupees or upwards, or transferring property of the like value, shall be a life-member from the date of the receipt of the donation or of the transfer.

- (c) Every person contributing to the University a donation of Rs. 10,000 or upwards, or transferring property of the like value, shall be a member for a period of ten years from the date of the receipt of his donation or of the transfer.
- (d) Every person who is a life-member in virtue of clause (a) may, from time to time, nominate one member. The member so nominated shall continue in office for such period as the nominator may specify to the Registrar, provided that his membership shall determine on the death of the nominator.
- (e) Every person who is a life-member in virtue of clause (b) may, by notice in writing to the Registrar, nominate one member to hold office for a period of five years.
- (f) Every donor who makes a bequest of Rs. 10,000 or upwards, or of property of the like value may, by or under his will, nominate one person who shall be a member for a period of five years from the receipt of the bequest.
- (g) Every Indian Prince or Chief who makes a permanent annual grant of money to the University shall, subject to the provisions of clause (j), have the same rights as to membership of, and representation on, the Court as if he had been a donor of such sum as represents the capital value ascertained at a rate of interest of $3\frac{1}{4}$ per cent. of such annual grant.
- (h) Every other grantor to the University of any annual grant

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of money, the payment of which is secured by mortgage of immoveable property affording sufficient security for such grant within the provisions of the *Explanation* to S. 66 of the Transfer of Property Act, 1882, and effected by duly executed instrument in a form approved by the Council, shall, subject to the provisions of clause (j), have the same rights as to membership of, and representation on, the Court as if he had been a donor of a sum calculated in the manner prescribed in clause (g).

- (i) The amounts of donations specified in clauses (a), (b), (c), (f) and in Class III (b) may, for the purpose of qualifying the donors within those provisions, be made up partly of money or of capitalised grants as provided in clauses (g) and (h), or of property, or partly of any two or more of these.
- (j) When an annual grant is not fully paid up or falls in arrears, the grantor shall not be entitled to exercise any of the privileges conferred on him by any of the foregoing

clauses of this statute, unless and until the said arrears are paid up.

Class III.—Elected Members :—

- (a) Ten persons to be elected by the registered graduates of the University from such date as the Court may fix.
- (b) Thirty persons to be elected by registered donors of Rs. 500 or upwards :

Provided that, whenever the number of such donors falls below fifty, there shall be no election until the number of such donors again attains or exceeds fifty.

- (c) Ten persons to be elected by the Senate.
- (d) Fifteen representatives of Hindu religion and Sanskrit learning to be elected by the Court.
- (e) Ten persons to be elected by the Court to represent Jain and Sikh communities.
- (f) Ten persons to be elected by the Court to represent the learned professions.
- (g) Such other persons, not exceeding twenty in number, as may be elected by the Court.

(2) The foregoing provisions of this statute shall, as far as may be, be applicable to the first Court :

Provided that, in the case of the first Court, the ten persons specified in group (c) of Class III shall be appointed by the Vice-Chancellor, with the approval of the Governor-General in Council.

(3) When any electoral body, entitled to elect a member or members, fails to do so within the time prescribed by the Court, the Court may appoint any qualified person of the class from which such electoral body was entitled to elect.

(4) Save when otherwise expressly provided, members shall hold office for five years :

Provided that, as nearly as may be, one-fifth of the total number of the members of the first Court in each of the groups of Class III shall retire by ballot at the end of each year for the first four years.

(5) All casual vacancies among the appointed or elected members shall be filled, as soon as conveniently may be, by the person or body who appointed or elected the member whose place has become vacant, and the person appointed or elected to a casual vacancy shall be a member for the residue of the term for which the person, in whose place he is appointed or elected, was a member.

15. The Court shall exercise control over the Senate through the
 Exercise of control by Council and not otherwise, and over the
 the Court. Faculties through the Council and Senate and
 not otherwise, and over the Council by means of statutes and Resolu-
 tions passed at a meeting of the Court and not otherwise.

16. (1) As soon as may be after the commencement of the Act the first Court shall assemble at such place, and time, as the Chancellor may direct, in order to make the necessary appointments and elections for the purpose of the Act and Statutes.

(2) An annual meeting of the Court shall be held during the month of October in each year, unless some other month be fixed by Resolution at a previous annual general meeting, on such day and at such hour as shall be appointed by the council. And at such yearly meeting, a report of the proceedings of the Council and of the University, together with a statement of the receipts and expenditure and the balance sheet as audited, shall be presented by the Council to such meeting, and any vacancies among the officers of the University or among the members of the Court or Council which ought to be filled up by the Court shall be filled up.

(3) A copy of the statement of receipts and expenditure and of the balance-sheet referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting, and shall be open to the inspection of all members of the Court and Senate at the office of the University during the year following such annual meeting, at such reasonable hours and under such conditions as the Council may determine.

(4) Twenty members of the Court shall form a quorum.

(5) Special general meetings of the Court may be convened by the Council at any time.

17. (1) The Council shall consist of the following persons, namely:—

The Council.

(i) The Vice-Chancellor and the Pro-Vice-Chancellor for the time being.

(ii) Not more than thirty elected members, of whom five shall be members of the Senate elected by the Senate, and the remainder members of the Court elected by the Court.

(2) Not less than five of the members to be elected by the Court shall be residents of places outside the United Provinces of Agra and Oudh.

(3) At the first election of members of the Council by the Court, it shall proceed in the first place to elect twenty members. The Court shall, as soon as the result of the election is declared, proceed to determine the province, or provinces or States, from among the residents of which the remaining five members are to be elected, and assign to each province or State the number of member or members to be elected.

(4) At each subsequent election, as nearly as may be, four-fifths of the vacancies shall be first filled up. The remaining one-fifth of the vacancies shall then be filled up to secure representation of provinces and States, on the same lines *mutatis mutandis* as provided in sub-section (3).

(5) The elected members of the Council shall hold office for the term of three years :—

Provided that, at the first annual meeting of the Court, and at the second annual meeting of the Court, as nearly as may be, one-third of the first elected members shall retire by ballot.

(6) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.

(7) Seven members of the Council shall form a quorum.

18. (1) The Council shall, subject to the control of the Court, have the management and administration of the whole revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the Act, the Statutes and any Regulations made in pursuance thereof, the Council shall, in addition to all other powers vested in it, have the following powers, namely :—

(i) To appoint, from time to time, Principals of Colleges and such University Professors, Professors, Assistant Professors, Readers, Lecturers and other members of Teaching Staff, as may be necessary, on the recommendation of the Board of Appointments.

(ii) In the case of other appointments, to delegate, subject to the general control of the Council, the power of appointment to such authority or authorities as the Council may, from time to time, by Resolution, either generally or specially direct.

(iii) To manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and, for that purpose, to appoint such agents as it may think fit.

(iv) To invest any moneys belonging to the University, including any unapplied income in such stocks, funds shares, or securities, as it shall, from time to time, think fit, or in the purchase of immoveable property in India, with the like power of varying such investments from time to time.

(v) To transfer or accept transfers of any moveable or immoveable property on behalf of the University.

- (vi) To provide the buildings, premises, furniture, and apparatus and other means needed for carrying on the work of the University.
- (vii) To enter into, vary, carry out, and cancel contracts on behalf of the University.
- (viii) To entertain, adjudicate upon, and, if thought fit, redress any grievances of the officers of the University; the Professors, the Teaching Staff, the Graduates, Undergraduates and the University servants, who may, for any reason, feel aggrieved, otherwise than by an act of the Court :

Provided that nothing in this provision shall be deemed to confer on the Council any power to interfere in any matter of discipline in regard to graduates and undergraduates.

- (ix) To maintain a register of donors to the University.
- (x) To select a Seal for the University, and provide for the custody and use of the Seal.

19. (1) The Senate shall, save as hereinafter provided in this Statute, ordinarily consist of not less than fifty members, of whom not less than three-fourths shall be Hindus, and shall include the following persons, namely :—

The Senate.

Class I.—Ex-officio members.

- (a) The Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor for the time being.
- (b) The University Professors.
- (c) The Principals or heads of Colleges.

Class II.—Elected members.

- (a) Five members to be elected by the Court.
- (b) Five members to be elected by the registered graduates of the University from such date as the Court may fix.
- (c) Five representatives of Hindu religion and Sanskrit learning to be elected by the Senate.
- (d) Ten representatives to be elected by the Senate from persons engaged in the teaching work of the University or its Colleges.
- (e) Should the Vice-Chancellor declare that there is a deficiency in the number of members required in any Faculty or Faculties, then five or less persons elected by the Senate, eminent in the subject or subjects of that Faculty or those Faculties,

Class III.—Nominated members.

(a) Five members to be nominated by the Visitor.

(2) The foregoing provisions of this Statute shall, as far as may be, be applicable to the first Senate.

(3) The elected and nominated members of the Senate shall hold office for five years :

Provided that, as nearly as may be, one-fifth of the total number of the members of the first Senate shown in each of the groups of Class II and of those shown in Class III shall retire by ballot at the end of each year for the first four years.

(4) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.

(5) Fifteen members of the Senate shall form a quorum.

20. (1) The Senate shall be the academic body of the University and, subject to the Act, the Statutes and Regulations of the University, shall have

Powers of the Senate. entire charge of the organization of instruction, the courses of study and the examination and discipline of students (save so far as matters of discipline rest with the Pro-Vice-Chancellor and the heads of colleges) and the conferment of ordinary and honorary degrees.

(2) Subject to the Act and the Statutes and any Regulations made in pursuance thereof, the Senate shall, in addition to all other powers vested in it, have the following powers, namely :—

(i) To report on any matter referred to or delegated to them by the Court or the Council.

(ii) To discuss, and declare an opinion on, any matters whatsoever relating to the University.

(iii) To make recommendations to the Council or to the Board of appointments as to the removal of any Professor or Teacher of the University or of its Colleges, or as to the appointment of additional Professors or Teachers for the University or its Colleges.

(iv) To formulate and modify or revise schemes for the organization of Faculties, and to assign to such Faculties their respective subjects and also to report to the Council as to the expediency of the abolition, combination, or sub-division of any Faculty.

(v) To fix, subject to any conditions made by the Founders which are accepted by the Court, the times and mode and conditions of competition for Fellowships, Scholarships, and other Prizes, and to award the same.

(vi) To promote research within the University and to require, from time to time, reports on such research.

(vii) To maintain a register of graduates.

21. (1) The Syndicate shall be the executive body of the Senate, and shall consist of the Vice-Chancellor, the Pro-Vice-Chancellor and fifteen persons elected by the Senate, of whom not less than ten shall be University Professors or Principals or Professors of Colleges.

The Syndicate.

(2) The elected members of the Syndicate shall hold office for three years :

Provided that, as nearly as may be, one-third of the elected members of the first Syndicate shall retire by ballot at the end of each year for the first two years.

(3) All casual vacancies among elected members may be filled up by the Senate.

(4) Five members of the Syndicate shall be a quorum.

22. It shall be the duty of the Syndicate subject to the revision and control of the Senate,--

Duties of the Syndicate

- (i) to order examinations in conformity with the Regulations, and to fix dates for holding them ;
- (ii) to appoint Examiners, and, if necessary, to remove them, and, subject to the approval of the Council, to fix their fees, emoluments and travelling and other allowances, and to appoint Boards of Examiners and Moderators ;
- (iii) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting Colleges applying for admission to the privileges of the University ;
- (iv) to declare the results of the various University Examinations, and to recommend for degrees, honours, diplomas, licences, titles and marks of honour ;
- (v) to award stipends, scholarships, medals, prizes and other rewards, in conformity with the Regulations and the conditions prescribed for their award ;
- (vi) to consider and make such reports, or recommend such action, as may be deemed necessary, on proposals or motions brought forward by the members of the Senate and Faculties, for consideration by the Senate ;
- (vii) to publish lists of prescribed, or recommended, text books and to publish statements of the prescribed course of study ;

(viii) to prepare such forms and registers as are, from time to time, prescribed by the Regulations; and, generally,

(ix) to perform all such duties and to do all such acts, as may be necessary, for the proper carrying out of the provisions of the Act, and the Statutes and Regulations or the Resolutions of the Senate.

23. (1) The University shall include the Faculties of—(1) Oriental learning, (2) Theology, (3) Arts, (4) Science, Pure and Applied, (5) Law, and, as soon as the Visitor is satisfied that sufficient funds are available for the purpose, of (6) Technology, (7) Commerce, (8) Medicine and Surgery, (9) Agriculture, and other Faculties.

(2) The Senate shall annually assign its members to the different Faculties.

(3) The method of assignment of members to the Faculties, the meetings of the Faculties, and their power of co-opting additional member shall be provided for by Regulations:

Provided that the members assigned to the Faculty of Theology shall all be Hindus.

24. (1) The Faculties shall have such powers, and shall perform such duties, as may be assigned to them by the Statutes and the Regulations, and shall, from time to time, appoint such and so many Boards of Studies, in different branches of knowledge as may be prescribed by the Regulations. They shall also consider and make such recommendations to the Senate on any question pertaining to their respective sphere of work as may appear to them necessary, or on any matter referred to them by the Senate.

(2) Five members, in the case of the Faculty of Arts, and three members, in the case of the other Faculties, shall constitute a quorum.

25. Convocations of the University for the conferring of degrees, or for other purposes, shall be held in a manner to be prescribed by Regulations.

26. The Court, Council, Senate, Syndicate and the Faculties may, from time to time, appoint such and so many standing and special Committees or Boards as may seem to them fit, and may, if they think fit, place on them persons who are not members of the appointing bodies. Such Committees may deal with any subject delegated to them, subject to subsequent confirmation by the appointing body.

Board of Appointments. 27. (1) The Board of Appointments shall consist of—

- (i) The Vice-Chancellor.
- (ii) The Pro-Vice-Chancellor.
- (iii) Two members to be elected by the Court.
- (iv) Two members to be elected by the Council.
- (v) Two members to be elected by the Senate.
- (vi) Two members to be elected by the Syndicate.

(2) The elected members shall hold office for the term of two years. One member from each electing body, to be determined by ballot, shall retire at the end of the first year.

(3) The Vice-Chancellor shall preside at the meetings of this Board or, in his absence, the Pro-Vice-Chancellor.

(4) The meetings of the Board shall be convened by the Vice-Chancellor or Pro-Vice-Chancellor, or, when so directed by the Syndicate, by the Registrar.

(5) The Board shall consider and submit recommendations as to all appointments referred to it.

28. No act or Resolution of the Court, the Council, the Senate, the Syndicate or the Faculties or any other authority shall be invalid by reason only of Acts during vacancies. any vacancy in the body doing or passing it, or by reason of any want of qualification by, or invalidity in, the election or appointment of any *de facto* member of the body, whether present or absent.

29. Where, by the Statutes or Regulations, no provision is made for a President or Chairman to preside over a meeting of any University authority, Board or Committee, or when the president or chairman so provided for is absent, the members present shall elect one of their number to preside at the meeting. Elected chairman to preside where no provision made by the statute.

30. Every officer of the University and every member of any University authority, whose term of office or of membership has expired, shall be eligible for re-appointment or re-election, as the case may be. Re-appointment and re-election.

31. Any member of the Court, the Council, the Senate or the
Resignation. Syndicate or any other University authority
may resign by letter addressed to the Secretary in the case of the Court, and to the Registrar in all other cases.

32. A member of the Court or the Senate may be removed
Removal. from office on conviction by a Court of law
of what, in the opinion of the Court or the Senate, as the case may be, is a serious offence involving moral delinquency :

Provided that a Resolution for the removal of any such member is approved by not less than two-thirds of the members present at the meeting of the Court or the Senate, as the case may be, at which such a Resolution is proposed :

And provided further that such a Resolution is confirmed by a like majority at a subsequent meeting of the Court or Senate, as the case may be.



The Madras Abkari (Amendment) Act.

MADRAS ACT NO. I OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR ON THE 13TH
FEBRUARY 1915 AND THAT OF THE GOVERNOR-GENERAL
ON THE 26TH FEBRUARY 1915.]

An Act to amend the Madras Abkari Act I of 1886.

WHEREAS it is expedient to amend Madras Act I of 1886; It is hereby enacted as follows:—

1. This Act shall be called the Madras Abkari Act (Amendment Act), 1915.

2. In section 3 of the said Act the following amendment shall be made:—

For the existing explanation of the term "denatured" occurring at the end of sub-section (8) the following shall be substituted:—

"*Explanation.*—'Denatured' means subjected to a process prescribed by the Local Government by notification for the purpose of rendering unfit for human consumption."

3. The following shall be substituted for section 55-A:—

"Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in British India or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction before a Magistrate be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section it shall be presumed unless and until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit."

The Madras Port Trust (Amendment) Act.

MADRAS ACT NO. II OF 1915.

[RECEIVED THE ASSENT OF THE GOVERNOR ON THE 24TH
JUNE 1915 AND THAT OF THE GOVERNOR-GENERAL
ON THE 26TH JULY 1915.]

An Act to amend the Madras Port Trust Act, 1905.

WHEREAS it is expedient to amend the Madras Port Trust Act, 1905; It is hereby enacted as follows:—

1. This Act may be called the Madras Port Trust (Amendment) Act, 1915.

2. In this Act the words "section", "sub-section" and "clause" shall, unless otherwise expressly stated, mean section, sub-section and clause of the Madras Port Trust Act, 1915.

3. In clause (2) of section 5 the word "Sea" before the words "Customs for the Port of Madras" shall be omitted.

In clause (3) of the same section the word "slipways" shall be substituted for the words "patent slips" and the words "or protected" shall be inserted before the words "by the arms or groynes of the harbour."

Clause (5) of the same section shall be omitted and the subsequent clauses renumbered as (5) to (12).

In clause (13) of the same section the words "any wall or stage and" shall be inserted after the word "includes."

4. In section 8 the word "nine" shall be substituted for the word "eight" and the word "fourteen" for the word "twelve" and the words "residing in the City of Madras" occurring at the end shall be omitted.

5. For section 9 the following shall be substituted —

"Four of the Trustees shall be elected by the members for the time being of the Madras Chamber of Commerce, two by the members for the time being of the Southern India Chamber of Commerce, and one by the members for the time being of the Madras Trades Association, in such a manner as shall from time to time be determined at a meeting of the members of the Chamber concerned or of the Trades Association convened in accordance with the rules of such Chamber or Association." A return of the name of every person so elected shall be made to the Local Government by the Chairman of the Chamber or Association concerned, and such return shall be published in the *Fort St. George Gazette*.

6. At the end of section 12 shall be added the following proviso:—

"Provided that when the full number of Trustees which may be appointed by the Local Government has not been so appointed, the Local Government may at any time appoint a Trustee to fill a vacancy thus existing, and any Trustee so appointed shall hold office until the expiry of the term of two years of the remaining Trustees."

7. In section 18, the words "by the Chamber of Commerce or Trades Association" shall be omitted.

8. In section 23, clause (2), sub-clause (g), the words "by the Secretary" shall be omitted.

9. For clause (2) of section 36 shall be substituted the following:

"(2) railways, tramways, warehouses, sheds, locomotives, rolling-stock and other appliances for carrying passengers and for conveying, receiving and storing goods landed, or to be shipped or otherwise".

and in clause (8) the words "passengers or" shall be inserted between the words "transshipping" and "goods."

10. For section 39 shall be substituted the following section:—

"39. Subject to the provisions of any law for the time being in force, the Board at its option may—

" (1) land, ship, or tranship passengers and goods between vessels in the port and the wharves, piers, quays or docks in possession of the Board ;

" (2) receive, remove, shift, transport, store or deliver goods brought within the Board's premises ; -

" (3) carry passengers by rail, tramway or otherwise within the limits of the port, subject to such restrictions and conditions as the Local Government may see fit to impose ;

" (4) relinquish any or all of the services specified under (1) and (2) to owners of goods or to masters of vessels or to persons who have been granted overside delivery orders by such masters ; and

" (5) in case of such relinquishment nevertheless charge such dues for the use of its works, services and appliances as shall have been laid down for the purpose under section 42 or 43 of this Act, without thereby incurring responsibility for the care of such goods'.

11. For section 41 shall be substituted the following : -

" 41. (1) The responsibility of the Board for the loss, destruction or deterioration of animals or goods of which it has taken charge during such time as the same remain in the possession or under the control of the Board shall, subject to the other provisions of this Act and subject also in the case of animals or goods received for carriage by railways to the provisions of the Indian Railways Act, 1890, be that of a bailee under sections 151, 152 and 151 of the Indian Contract Act, 1872, omitting the words 'in the absence of any special contract' in section 152 of the last-mentioned Act,

" provided that the Board shall not be responsible in respect of animals or goods for which it has not granted a receipt under section 40.

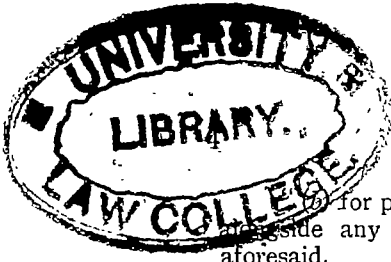
" (2) With the previous sanction of the Local Government and under such circumstances and conditions as the Local Government may prescribe the Board may enter into an agreement imposing upon it a greater or less responsibility than that imposed by sub-section (1).

" (3) An agreement purporting to enhance or limit that responsibility shall, in so far as it purports to effect such enhancement or limitation, be void, unless it is in writing signed by or on behalf of the parties thereto and in a form approved by the Local Government."

12. For S. 42 the following shall be substituted : -

Substitution of a revised section for S. 42. " 42. The Board shall frame a scale of rates to be levied and a statement of the conditions on which it is prepared to perform services for each or any of the following matters : -

" (a) for the landing, shipping and transhipping of passengers and goods and for the wharfage, cranage, rent, storage, or demurrage of goods at, or for the portage of goods on, from or within any wharf, quay, pier, dock, land or building in the possession of occupation of the Board or at any place within the limits of the port.



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for permission for vessels or boats to approach or lie alongside any wharf, quay, pier, dock, land, building or place aforesaid.

"(c) for animals or vehicles carrying passengers or goods to or from or entering upon or playing for hire at or any wharf, quay, pier, dock, land, building or place aforesaid,

"(d) and for the leasing out of land and sheds to owners of goods imported, or intended for export, or to steamer agents."

13. In S. 43, the words "and a statement of conditions" shall be inserted after the words "a scale of charges".
Amendment of S. 43.

14. The following shall be added at the end of S. 44, Sub-S. (2):—

Amendment of S. 44. "It may also on its own initiative correct mistakes, remit overcharges made in its bills, and write off irrecoverable sums up to a limit of Rs. 200 in each case."

The following shall be inserted as sub-section (3) of S. 44:—

"(3) In respect of any item of any scale of rates framed under the powers conferred by S. 42 or 43 the Board, with the previous sanction of the Local Government, may prescribe, instead of a fixed rate, maximum and minimum rates, and may levy any charges, not exceeding the maximum and not below the minimum thus laid down."

15. In the last clause of S. 76 for the words "twenty-five thousand rupees" shall be substituted the words "fifty thousand rupees".
Amendment of S. 76.

16. S. 79 shall be transferred to chapter X and numbered as S. 93, the numbering of Ss. 80 to 93 and the references thereto being altered accordingly.
Transfer of S. 79 to chapter X.

17. In S. 81 the words "and in some one or more of the daily newspapers published in Madras" shall be omitted.
Amendment of S. 81.

18. In S. 95, the following shall be inserted as clause (9):—

"(9) for the exclusion from its premises of disorderly or other undesirable persons and of trespassers; and", the word "and" at the end of clause (8) being omitted, and the present clause (9) being renumbered as clause (10).
Amendment of S. 95.

19. In S. 98 before the words "to be printed" shall be inserted

Amendment of S. 98. "the words together with a statement of the conditions under which it is prepared to render services".

20. In S. 105 the words "weight, quantity or description of such

Amendment of S. 105. "goods has been understated or incorrectly given" shall be substituted for the words "weight or quantity of such goods has been understated"; and for the words "weight or quantity of goods so understated" occurring in the same section shall be substituted the words "whole weight or quantity of the consignment of goods so understated or incorrectly described."