

# Central Regulations

Year No. Short title or subject

1910 - 1914

1 2 3

1910 1 The Ajmer Courts (Amendment)  
Regulation, 1910

2 The Burma Laws Act, Kachin  
Hill Tribes Regulation and Chin  
Hills Regulation Amendment  
Regulation, 1910

3 The Aden Arms (Sea-traffic)  
Regulation, 1910

4 The Sonthal Parganas Rural  
Police Regulation 1910

5 The British Baluchistan Bazaars  
Regulation, 1910

6 The Upper Burma Oil-fields  
Regulation, 1910

1911 1 The North-west Frontier Gazette  
Regulation, 1911

2 The Ajmere Talukdars Loan  
Regulation, 1911

1 2 3

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1911	3	The Hazare Forest Regulation, 1911	1
	4	The Coorg Land and Revenue (Amendment) Regulation, 1911	
	5	The Coorg District Fund (Amendment) Regulation, 1911	
1912	1	The Laccadive Islands and Minicoy Regulation, 1912	

2 The North-West Frontier Province  
Law and Justice (Amendment)  
Regulation, 1912

3 The Assam Forest (Amendment)  
Regulation, 1912

4 The Santhal Pargamas Justice  
(Amendment) Regulation

5 The British Baluchistan Forest  
(Amendment) Regulation, 1912



1	2	3
1913	1	The Coorg District Fund (Amendment) (Regulation) 1913.
	2	The British Baluchistan Laws Regulation 1913.
	3	The Angul Laws Regulation, 1913
	4	The Upper Burma Registration Amendment Regulation. 1913
1914	1	The Coorg Noxious Weeds Regulation, 1914
	2	The Ajmere Repealing and Amending Regulation, 191
	3	The Ajmer Alienation of Land Regulation. 1914



## REGULATION NO. I OF 1910.

Regulation further to amend the Ajmer  
Courts Regulation, 1877.

*[Received the assent of the Governor General on the 10th Feb-  
ruary 1910; and published in the Gazette of India on the  
21st idem.]*

WHEREAS it is expedient further to amend the  
Ajmer Courts Regulation, 1877; It is hereby I of 1877.  
enacted as follows :—

1. This Regulation may be called the Ajmer  
Courts (Amendment) Regulation, 1910.

2. In sections 5, 11, 13, 14 (a), 29 and 30 of the  
Ajmer Courts Regulation, 1877, the words "with the  
previous sanction of the Governor General in  
Council", and in section 11 of the same Regulation,  
the words "with like sanction", shall be omitted.

(Price one anna.)

CALCUTTA: PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET.

## REGULATION No. II OF 1910.

A Regulation to amend the Burma Laws Act, 1898, the Kachin Hill-Tribes Regulation, 1895, and the Chin Hills Regulation, 1896.

*[Received the assent of the Governor General on the 4th June 1910; published in the Gazette of India on the 11th June; and in the Burma Gazette on the 9th July 1910.]*

**W**HEREAS it is expedient to amend the Burma Laws Act, 1898, the Kachin Hill-Tribes Regulation, 1895, and the Chin Hills Regulation, 1896; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Burma Laws Act, Kachin Hill-Tribes Regulation and Chin Hills Regulation Amendment Regulation, 1910; and

Short title and commencement.

(2) It shall come into force at once.

2. In section 10, sub-section (1), of the Burma Laws Act, 1898, for the words "with the previous sanction" the words "subject to the control" shall be substituted.

Amendment of section 10, sub-section (1), of Act XIII of 1898.

3. In section 1, sub-section (3), of the Kachin Hill-Tribes Regulation, 1895, for the words "with the previous sanction" the words "subject to the control" shall be substituted.

Amendment of section 1, sub-section (3), of Regulation I of 1895.

4. In section 3, sub-section (2), of the Kachin Hill-Tribes Regulation, 1895, for the words "with the previous sanction" the words "subject to the control" shall be substituted.

Amendment of section 3, sub-section (2), of Regulation I of 1895.

5. In section 3, sub-section (2), of the Chin Hills Regulation, 1896, for the words "with the previous sanction" the words "subject to the control" shall be substituted.

Amendment of section 3, sub-section (2), of Regulation V of 1896.

*[Price one anna.]*

CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET.

## REGULATION No. III OF 1910.

*[Received the assent of the Governor General on the 14th June 1910; published in the Gazette of India on the 25th idem; and in the Bombay Government Gazette on the 30th idem.]*

A Regulation to amend the law relating to restrictions on the sea-traffic in arms, ammunition, military stores and explosives between Aden and places in the Gulf of Aden.

WHEREAS it is expedient to amend the law relating to restrictions on the sea-traffic in arms, ammunition, military stores and explosives between Aden and places in the Gulf of Aden; It is hereby enacted as follows:—

1. This Regulation may be called the Aden Arms Short title.  
(Sea-traffic) Regulation, 1910.

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

(a) "Resident" means the Political Resident at Aden; and

(b) all words and expressions defined in the Indian Arms Act, 1878, or the Indian Explosives Act, 1884, and used in this Regulation shall be deemed to have the meanings respectively assigned to them by those Acts.

No vessel shall depart or proceed from Aden Vessels not to  
voyage to any place in the Gulf of Aden leave Aden  
without obtaining a port-clearance from such officer as without port-  
Resident may appoint in this behalf. clearance.

Subject to the control of the Governor of Power to re-  
Coast in Council, the Resident may from time quire produc-  
to time prepare and publish a list of selected ports in tion of port-  
the clearance for

*[Price two annas and three pies.]*

vessels arriving in Aden from selected ports.

the Gulf of Aden and declare that the master of any vessel arriving in Aden from any such selected port must produce a port-clearance, granted by the proper authority at such port, authorizing the vessel to depart or proceed from such port direct to Aden.

Power to declare any of such ports to be "prescribed ports".

5. Subject to the control of the Governor of Bombay in Council, the Resident may from time to time, by published order, declare that any port included in a list published under section 4 shall be deemed to be a "prescribed port", for the purposes of this Regulation, in respect of any specified portion of the coast-line of the Gulf of Aden.

Power to prohibit grant of port-clearance at Aden for voyages to other than prescribed ports.

6. (1) When any port has been declared under section 5 to be a prescribed port in respect of any portion of the coast-line of the Gulf of Aden, the Resident may, subject to the control of the Governor of Bombay in Council, prohibit the grant of port-clearance at Aden for voyages to any port on such portion of the coast-line other than a prescribed port.

(2) When port-clearance is granted for a voyage to a prescribed port, it shall only authorise the vessel to depart or proceed from Aden direct to such port.

Penalties for leaving Aden without port-clearance or touching at place on way to prescribed port.

7. If any vessel—

(a) departs or proceeds from Aden on a voyage to any place in the Gulf of Aden without obtaining a port-clearance as required by section 3, or,

(b) in the case of a voyage to a prescribed port, after leaving Aden and before arriving at the prescribed port, touches at any other place otherwise than by reason of the perils of the sea or other unavoidable accident,

the master and the owner shall, on conviction by a Magistrate, be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalties for unlawfully carrying arms

8. If any vessel has, within a period of one month immediately before the institution of a prosecution

under

1910.] *Aden Arms (Sea-traffic).*

- under this section in respect of the vessel, carried arms, ammunition, military stores or explosives between any places in the Gulf of Aden without, or in contravention of the terms of, —

ammunition,  
military  
stores or  
explosives.

(a) a license granted at Aden by such officer as the Resident may appoint in this behalf, or

(b) a pass granted elsewhere by a public official whose designation is included in a list to be prepared and published from time to time by the Resident subject to the control of the Governor of Bombay in Council,

the master and the owner shall, on conviction before a Magistrate, be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to three years, or with both.

9. If any vessel arrives in Aden from any port mentioned in a list published under section 4,—

- (a) without having a port-clearance granted by the proper authority at such port, or
- (b) having touched after leaving any such port and before arriving in Aden, at any other place otherwise than by reason of the perils of the sea or other unavoidable accident,

Penalties for  
arriving in  
Aden with-  
out port-  
clearance or  
touching at  
place on way  
from pre-  
scribed port.

the master and the owner shall, on conviction before a Magistrate, be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with

10. (1) Where the owner or master of a vessel is charged with any offence punishable under section 7, section 8 or section 9, the Resident may, by order in writing, direct such vessel to be detained, and where such owner or master is sentenced to pay a fine for any such offence, and the fine is not paid at the time in the manner prescribed by the order of payment, the Court may, in addition to any other means prescribed by law for enforcing payment, direct that the

Detention,  
realization  
and confisca-  
tion.



1910.]

*Aden Arms (Sea-traffic).*

- (c) provide for the renewal of any such license, and its cancellation or suspension in the case of any breach of the terms and conditions on and subject to which it is granted;
- (d) provide for ascertaining the quantity and description of any arms on board any native vessel;
- (e) provide for the marking for the purpose of identification, and the registering, of any arms covered by any such license;
- (f) require the person holding or acting under any such license to produce the same, and to produce or account for the arms covered by the same when called upon by an officer of Government so to do; and
- (g) provide for the deposit and custody on shore of any arms covered by any such license, while the vessel is in port.

(3) In making any rule under this section, the Resident may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both.

(4) All rules under this section shall be published locally in such manner as the Resident, subject to the control of the Governor of Bombay in Council, may direct.

*Explanation.*—For the purposes of this section, "native vessel" means a vessel fulfilling one of the following conditions, namely :—

- (a) it must present the outward appearance of native build or rig; or
- (b) it must be manned by a crew of whom the master and the majority of the seamen belong by origin to a country having a sea-coast on the Indian Ocean, the Red Sea or the Persian Gulf.

13. Subject to the control of the Governor of Exemption.  
Bombay



*Aden Arms (Sea-traffic).* [REG. III, 1910.]

Bombay in Council, the Resident may declare that all or any of the provisions of this Regulation shall not apply in the case of any vessel or class of vessels, and may from time to time alter or vary any such declaration.

Repeal. 14. The Aden Sea-traffic in Arms Regulation, III of 1902, is hereby repealed.



## REGULATION No. IV of 1910.

A Regulation to provide for the organization and maintenance of the Rural Police in the Sonthal Parganas.

*[Received the assent of the Governor General on the 20th June 1910; published in the Gazette of India on the 25th idem; and in the Calcutta Gazette on the 29th idem.]*

WHEREAS it is expedient to provide for the organization and maintenance of the rural police in the Sonthal Parganas; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Sonthal Parganas Rural Police Regulation, 1910; and

Short title  
and extent.

(2) It extends to the whole of the Sonthal Parganas, as described in the Schedule to the Sonthal Parganas Act, 1857, and in the Notification of the Governor General in Council, No. 478, dated the 12th March 1872, published at page 240 of Part I of the Gazette of India of the 16th idem.

2. The Local Government may, by notification in the Calcutta Gazette, withdraw this Regulation, or any part thereof, from any portion of the Sonthal Parganas, and may extend this Regulation, or any part thereof, to any portion of the Sonthal Parganas from which the same has been so withdrawn.

Power to  
vary local  
extent of  
Regulation.

3. In this Regulation, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "Deputy Commissioner" means the Commissioner of the Sonthal Parganas, and includes any officer appointed by the Local Government to perform the functions of the Deputy Commissioner under this Regulation:

(b) "under-tenure"

- (b) "under-tenure" includes also the tenure known as mukarari, shikmi and khor-posh : and
- (c) "zamindar" means the person whose name is registered in the general register of estate paying revenue directly to the Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of revenue-free lands as the proprietor of a revenue-free tenure, and includes also the ghatwals of Tapah Sarath Deoghur, whose tenures are subject to the provisions of the Bengal Ghatwali Lands Regulation, 1814.

Formation  
of villages  
and circles,  
and appoint-  
ment of  
sardars.

4. The Deputy Commissioner may, from time to time, by order in writing,—

- (a) declare any local area of group of houses to be a village for the purposes of this Regulation ;
- (b) form any of such villages into circles ; and
- (c) appoint a sardar for each circle :

Provided that, in the Damin-i-Koh and in the ghatwalis subject to the provisions of the Bengal Ghatwali Lands Regulation, 1814, the circles shall be so formed as to admit of the duties of sardars being performed by parganaits, sardars or ghatwals as the case may be, according to existing arrangements.

Deputy  
sardars.

5. (1) The person or persons responsible for performing the duties of sardar in any circle may appoint a deputy sardar for any period :

Provided that the appointment of any deputy sardar, and the period for which he is appointed shall be subject to the approval of the Deputy Commissioner.

(2) A deputy sardar may perform any of the duties of the sardar who appointed him, but shall have no claim on the villagers for remuneration unless

less he has a customary right to receive remuneration from them or unless the Deputy Commissioner directs that he be paid by them and not by the sardar who appointed him.

6 The Deputy Commissioner shall determine the number of chaukidars to be employed in each village:

Number of  
chaukidars  
for each  
village.

Provided that, without the previous sanction of the Commissioner, there shall not be more than one chaukidar for every sixty houses.

7. The amount required for the salaries and equipment of the sardars, deputy sardars and chaukidars employed under this Regulation shall be determined by the Deputy Commissioner:

Salaries and  
equipment  
of sardars,  
deputy  
sardars and  
chaukidars.

Provided as follows:—

- (a) the salary of a sardar shall not be less than eight rupees, nor more than twelve rupees, per mensem;
- (b) the salary of a deputy sardar shall not be less than six rupees, nor more than eight rupees, per mensem;
- (c) the salary of a chaukidar shall not be less than two rupees, nor more than six rupees, per mensem;
- (d) in determining the salaries of the sardars, deputy sardars and chaukidars employed as aforesaid, the Deputy Commissioner shall take into consideration the value of any chakran lands which may be held by them, or be provided for them by the zamindars, under-tenure-holders or villagers, and any customary payments made to them by the villagers in money, in produce or in kind.

8. (1) Where a zamindar or under-tenure-holder holds subject to the condition, expressed or implied, of supporting the police within his zamindari or under-tenure, he shall be liable to pay the amount determined by the Deputy Commissioner under section 7:

Payments by  
zamindars  
or under-  
tenure-  
holders.

Provided

Provided that the Deputy Commissioner may, with the previous sanction of the Commissioner, in any case, after recording his reasons in writing, abstain from enforcing the said liability, or enforce the same only in part.

(2) The amount due under sub-section (1) from any zamindar or under-tenure-holder shall be paid in instalments to be fixed by the Deputy Commissioner; and, if any instalment is not paid on the due date, the Deputy Commissioner shall recover the same by the process prescribed for the recovery of arrears of Government revenue.

Village-  
assessments.

9. (1) In cases other than those referred to in section 8, and in cases in which the liability under that section is not enforced or is only partially enforced, the amount required for the salaries and equipment of the sardars or deputy sardars and chaukidars employed under this Regulation, together with a sum, not exceeding two annas in the rupee of that amount, to provide for payment of the costs of collection (including the remuneration of the person making the collection) and the keeping of accounts and for losses from the non-realization of sums from defaulters, shall be assessed on each village.

(2) Every owner or occupier of a house or land in any village, and every zamindar or under-tenure-holder who has a kachahri for the collection of rent within the village, shall be liable to the said assessment.

List of  
payments.

10. (1) The total amount payable by each village shall be fixed by the Deputy Commissioner; and thereupon the headman or headmen of the village, or, in areas in which there are no headmen, such persons as the Deputy Commissioner may appoint in this behalf, shall prepare a list showing—

- (a) the amount payable by each person liable to assessment in the village, and
  - (b) such customary payments referred to in proviso (d) to section 7 as have not been dis-
- continued

continued by order of the Deputy Commissioner.

(2) If, within three months after the Deputy Commissioner has fixed the amount payable by any village, the said list has not been prepared, the Deputy Commissioner may adopt either or both of the following courses, namely,—

- (i) he may impose a daily fine of one rupee on the person whose duty it is to prepare the list, to be paid until the list is prepared ;
- (ii) he may cause the list to be prepared by such other means as he thinks fit.

(3) Every list prepared under this section shall, with the sanction of the Deputy Commissioner, be published at some conspicuous place within the village to which it relates, and shall remain in force until altered with the sanction of the Deputy Commissioner.

11. The amount at which each person is assessed under section 10, clause (a), shall be fixed according to the circumstances and the property to be protected of that person :

Nature and amount of assessment.

Provided as follows :—

- (a) the amount to be assessed on any one person shall not exceed one rupee per mensem in the case of a zamindar, under-tenure-holder or trader, or eight annas per mensem in the case of an ordinary raiyat ; and
- (b) every person who is, in the opinion of the Deputy Commissioner, too poor to pay half an anna per mensem shall be exempted from assessment.

12. (1) The Deputy Commissioner may, from time to time, alter the amount assessed on any village.

Alteration of village-assessment, and preparation of revised list of monthly payments.

(2) Before the month of October in the year immediately preceding that in which any alteration made under sub-section (1) is to take effect, the Deputy Commissioner shall give notice of the altera-

tion

tion to the person or persons whose duty it is to prepare the list prescribed by section 10; and thereupon a revised list of the sums payable by each person shall be prepared in the manner prescribed by that section.

Revision or confirmation of assessment.

13. Any person who is dissatisfied with the amount at which he has been assessed may apply to the Deputy Commissioner, either orally or in writing, for a revision of the assessment; and the Deputy Commissioner may amend, remit or confirm the assessment.

Assessment and customary payments realizable in instalments.

14. Every amount assessed under this Regulation, and all customary payments referred to in section 10, clause (b), shall be realizable by such instalments and on such dates as may be fixed by the Deputy Commissioner.

Collection of assessment and customary payments.

15. (1) The headman or other person whose duty it is to prepare the list prescribed by section 10 shall collect the amount payable under section 14 by each of the persons named in the list, and shall grant receipts for the same.

(2) In any village in which two or more persons are charged with the duty of preparing the list prescribed by section 10, those persons, or, if they fail to make the appointment, the Deputy Commissioner, shall appoint one of their number to receive the collections from the others and keep the accounts of the collections.

Payment of dues by persons whose duty it is to make collections.

16. The person whose duty it is to make the collections referred to in section 15 shall pay, through such officers and on such dates as the Deputy Commissioner may direct, the dues to meet which the making of such collections is authorized.

List of defaulters and application for distraint.

17. As soon as may be after any payment has become due under section 14, the person whose duty it is to collect such payments shall prepare a list of the persons who have failed to pay the amounts due from them, and shall apply to the Deputy Commissioner for the attachment and sale of any moveable property belonging to the defaulters, at the same time publishing a copy of the list at some

conspicuous



persons whose duty it is to pre-  
pared by section 10; and thereupon  
sums payable by each person shall  
manner prescribed by that section.  
who is dissatisfied with the amount  
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r orally or in writing, for a revision  
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conspicuous

conspicuous place within the village to which it  
relates.

18. Where any person whose name has been  
included in a list of defaulters prepared under sec-  
tion 17 desires to dispute his liability to pay the  
amount mentioned therein, or any part thereof, he  
may, within fifteen days of the publication of the  
copy of the list within the village, apply to the  
Deputy Commissioner, either orally or in writing,  
stating the grounds of his objection; and the Deputy  
Commissioner shall examine his objection and pass  
such order thereon as he may think fit.

Decision of  
objections to  
list of de-  
faulters.

19. (1). Whenever the Deputy Commissioner im-  
poses a fine under section 10, sub-section (2), he may  
issue a warrant in the form set forth in the Sche-  
dule.

Distress-  
warrants.

(2) If any person whose duty it is to make the  
collections referred to in section 15, fails to pay any  
dues as directed under section 16, the Deputy Com-  
missioner, if he is satisfied that such failure was due  
to the default of such person, may issue a warrant  
in the said form.

(3) Whenever the Deputy Commissioner receives  
a list of defaulters prepared under section 17, he  
shall, subject to any orders passed under section 18,  
issue a warrant in the said form.

(4). Every warrant issued under this section shall  
be signed by the Deputy Commissioner and shall  
authorize the person therein named in that behalf to  
recover, by distraint and sale of a sufficient portion  
of the moveable property of each of the defaulters,  
other than plough-cattle and tools and implements  
of trade or agriculture, the amount due from him,  
together with a sum equal to a proportionate share of  
the costs of distraint and sale.

20. (1) The person so authorized shall seize and  
keep in his own custody such portion of the moveable  
property of the defaulters as he may think sufficient,  
and shall make an inventory of all moveable property  
seized, and shall, at the same time, make proclama-  
tion

Seizure of  
property and  
proclamation  
of sale.

tion, by beat of drum, of the time and place where the property will be sold.

(2) The time of sale fixed under sub-section (1) shall be not less than five, nor more than ten, days from the date of the proclamation thereof.

Sale of property and application of proceeds.

21. Where a defaulter does not, within the time so proclaimed, pay the amount due from him, together with his share of the costs of the distraint, the movable property distrained or a sufficient portion thereof shall be sold by public auction at the time and place so proclaimed, and the proceeds shall be applied in discharge of the said amount and costs, the surplus (if any) being returned to the owner of the distrained property.

No distraint after one year.

22. No amount payable under this Regulation shall be recovered by distraint and sale under the foregoing provisions after the expiration of one year from the date on which the same became due.

Delegation of Deputy Commissioner's powers.

23. The Deputy Commissioner may, from time to time, by order in writing, with the previous sanction of the Commissioner, delegate all or any of his powers under this Regulation to any Magistrate subordinate to him, or to the Superintendent of Police, and may in like manner withdraw any order so made.

District Chaukidari Reward Fund.

24. All fines levied from sardars and chaukidars under this Regulation shall be credited to a fund, to be called the District Chaukidari Reward Fund, the control over which shall rest with the Deputy Commissioner.

Power to make rules.

25. (1) The Local Government may make rules to carry out the purposes and objects of this Regulation.

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

(a) regulate the appointment of sardars, deputy sardars and chaukidars, and their punishment, whether by dismissal, suspension or fine;

(b) determine the duties to be performed by sardars, deputy sardars and chaukidars;

(c) deter

*ganas Rural Police.* [REG. IV 1910.]

*Sonthal Parganas Rural Police.*

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old.

sale fixed under sub-section (f)  
five, nor more than ten, days  
proclamation thereof.

After does not, within the time  
amount due from him, together  
costs of the distraint, the move-  
d or a sufficient portion thereof  
auction at the time and place  
the proceeds shall be applied  
mount and costs, the surplus  
d to the owner of the distrainted

- (c) determine and regulate the method and times  
for paying sardars, deputy sardars and  
chaukidars their salaries ;
- (d) provide for the equipment of sardars, deputy  
sardars and chaukidars ;
- (e) regulate the mode of assessing and collecting  
the amounts payable under this Regula-  
tion ; and
- (f) regulate the payment of rewards out of the  
District Chaukidari Reward Fund.

26. The Sonthal Parganas Rural Police Regula- Repeal.  
tion, 1900, is hereby repealed.

payable under this Regulation  
distraint and sale under the  
after the expiration of one year  
the same became due.

Commissioner may, from time  
to time, with the previous sanction  
delegate all or any of his powers  
to any Magistrate subordinate  
to the Commissioner, and may  
make any order so made.

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Government may make rules  
and objects of this Regulation.

and without prejudice to the  
legislative power, such rules may

appointment of sardars, deputy  
chaukidars, and their punishment  
by dismissal, suspension

duties to be performed  
by sardars and chaukidars

(c) deter

*Sonthal Parganas Rural Police* [REG. IV, 1910.]

THE SCHEDULE.

(See section 19.)

FORM OF DISTRESS-WARRANT.

To

To WHEREAS the several persons named in the following list have made default in payment of the sums in the said list set opposite to their respective names:

You are hereby authorized and required to recover, by distress and sale of a sufficient portion of the moveable property of the said defaulters, the said several sums set opposite to their respective names, together with the additional sums by way of costs mentioned in the said list:—

*List of Defaulters.*

Name and description.	Amount.	When due.	Costs.	TOTAL.
1	2	3	4	5

Deputy Commissioner.

The

19

12

## 12. Power



SECTIONS.

12. Power to exempt from taxation.
13. Taxes not invalid for defect of form.
14. Taxes when paid.
15. Receipts to be given.
16. Appeals against taxation.
17. Limitation for appeals.
18. Taxation not to be questioned except under Regulation.
19. Power to examine article liable to octroi.
20. Power to search where octroi is leviable.
21. Presentation of bill for octroi.
22. Recovery of octroi.
23. Taxes leviable under the orders of the Chief Commissioner or the Governor General in Council to be deemed to be taxes under this Regulation.

CHAPTER IV.

BAZAR FUND AND PROPERTY.

24. Constitution of Bazar Fund.
25. Application of fund.
26. Custody of Bazar Fund.
27. Investment of same.

CHAPTER V.

POWERS FOR SANITARY AND OTHER PURPOSES.

*Streets and buildings.*

28. Power to acquire land for building-site adjoining new streets.
29. Power to close streets.
30. Power to permit temporary occupation of streets, etc.
31. Power to attach brackets for lamps.
32. Names of streets and numbers of buildings.
33. Notice of new buildings.
34. Removal of obstructing projections and encroachments.

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Bathing and washing places.

SECTIONS.

35. Bathing and washing places.

Deposit of offensive matter and slaughtering-places.

- 36. Removal and deposit of offensive matter.
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Burial and burning places.

- 38. Powers in respect of burial and burning places.

Inflammable materials.

- 39. Inflammable materials.

Powers of entry and inspection.

- 40. Inspection of drains, privies and cesspools.
- 41. Power to enter and inspect buildings, etc.
- 42. Other powers of entry on building or land.
- 43. Power to enter for discovery of vehicles or animals liable to taxation.
- 44. Power to inspect places for sale of food or drink, etc., and to seize unwholesome articles exposed for sale.
- 45. Power of entry for purposes of scavenging.
- 46. Precautions to be observed in entering dwelling.

Water-pipes, privies and drains.

- 47. Troughs and pipes for rain-water.
- 48. Provision of privies, etc.
- 49. Construction, repairing and closing of drains, privies and cesspools.
- 50. Unauthorised buildings over drains, etc.
- 51. Renewal of latrines, etc., near any source of water-supply.
- 52. Power to require drainage, etc., of unwholesome land, etc.

Dangerous buildings and places.

- 53. Power to require buildings, wells, tanks, etc., to be secured.
- 54. Buildings, etc., in ruinous or dangerous state.

Buildings.

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*Buildings and grounds in unsanitary condition.*

SECTIONS.

55. Power to require owner to clear away noxious vegetation.
56. Power to trim hedges and trees bordering on streets.
57. Power to have building or land cleansed.
58. Powers in respect of building unfit for habitation.
59. Power to require untenanted building becoming a nuisance to be secured or enclosed.
60. Cultivation, use of manure or irrigation injurious to health, after prohibition.

*Registration of trades.*

61. Regulation of offensive and dangerous trades.
62. Power to prohibit such trades.
63. Execution of acts required to be done by any notice.
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65. Information to be given of cholera or small-pox or plague.
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67. Prohibition by Deputy Commissioner of use of unwholesome water.
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OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

69. Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.
70. Discharging sewage.
71. Non-removal of filth, etc.
72. Making or altering drains without authority.
73. Penalty for making or keeping latrines, etc., near any source of water-supply.
74. Keeping animals so as to be injurious to health.
75. Feeding animals on deleterious substances.
76. Driving vehicles without proper lights.
77. Discharging



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77. Discharging fire-arms, fire-works, etc.
78. Control of camels.
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80. Destruction of mad dogs.
81. Altering, obstructing or encroaching upon streets, etc.
82. Picketing animals and collecting carts.
83. Carrying corpses by prohibited routes or so as to cause annoyance.
84. Destroying direction-posts, lamp-posts, etc.
85. Penalty for disobedience to orders under Chapter V.

CHAPTER VII.

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86. Control.
87. Vaccination.
88. General rules.
89. Rules with respect to disorderly persons.
90. Penalties for breaches of rules under sections 88 and 89 and commencement of such rules.
91. Brothels.
92. Penalty on officer or servant of bazar being interested in contract made with Deputy Commissioner.
93. Suits and prosecutions.
94. Acquisition of land under Act I of 1894.
95. Official not to be deemed interested in prosecution.
96. Conduct of prosecution and enforcement of fines under this Regulation.
97. Recovery of taxes, etc.
98. Irregularities not to invalidate proceedings.
99. Validation of acts done before the commencement of this Regulation.

## REGULATION No. V OF 1910.

A Regulation to make better provision for the administration of certain Bazars in British Baluchistan.

*[Received the assent of the Governor General on the 21st September 1910; and published in the Gazette of India on the 1st October 1910.]*

WHEREAS it is expedient to make better provision for the administration of certain bazars in British Baluchistan; It is hereby enacted as follows :—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Regulation may be called the British Baluchistan Bazars Regulation, 1910. Title, extent and commencement.

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

(3) It shall come into force at once, but it shall not be operative except in such local areas as may be declared to be bazars under this Regulation.

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

- (i) "bazar" means any local area declared by or under this Regulation to be a bazar :
- (ii) "Chief Commissioner" means the Chief Commissioner of British Baluchistan :
- (iii) "Commissioner" means the Revenue Commissioner in British Baluchistan :
- (iv) "Deputy Commissioner" means the Deputy Commissioner for the time being exercising jurisdiction within a bazar, and

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(Chapter I.—Preliminary.)

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and, in the absence of the Deputy Commissioner, such officer as may be appointed, by name or by virtue of his office by the Chief Commissioner to discharge the duties of the Deputy Commissioner under this Regulation:

- (v) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in a bazar:
- (vi) "notification" means a notification published by authority of the Chief Commissioner in the Gazette of India:
- (vii) "notified" means published as aforesaid:
- (viii) "owner" includes the person for the time being receiving the rent of any land or building, whether on his own account as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:
- (ix) "prescribed" means prescribed by rule made by the Chief Commissioner under this Regulation: and
- (x) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway.

Constitution  
of bazar.

3. (1) The Chief Commissioner may, by notification, declare any town or village or group of towns or villages, together with or exclusive of any railway-station, building or land in the vicinity of any such town or village or group of towns or villages, to be a bazar, and may in such notification direct that any bazar so declared shall be exempt from the operation of any section of this Regulation:

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shall be exempt  
from this Regulation:  
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Provided that no military cantonment or part of  
a military cantonment shall, without the consent of  
the Governor General in Council, be comprised in  
any such notification:

Provided also that no town or village or group of  
towns or villages shall be comprised in any such  
notification if it contains more than ten thousand  
inhabitants according to the returns of the most  
recent official census or is a purely agricultural  
village.

(2) The Chief Commissioner may at any time  
cancel or modify any notification under sub-sec-  
tion (1).

(3) When by reason of any order of cancellation  
under the last foregoing sub-section any area ceases  
to be a bazar under this Regulation, the unexpended  
proceeds of any taxes levied therein shall be applied  
for the benefit of the inhabitants of the said area as  
the Chief Commissioner may think fit.

## CHAPTER II.

### OFFICERS AND SERVANTS.

4. Subject to the other provisions of this Regula-  
tion and to the general control of the Commissioner  
and of the Chief Commissioner, the appointment of  
such officers and servants as may be necessary or  
proper for the efficient execution of the provisions  
of this Regulation shall rest with the Deputy Com-  
missioner.

Employment  
of officers and  
servants.

5. (1) In the case of an officer or servant ap-  
pointed under the preceding section or employed  
before the commencement of this Regulation who is  
not a Government official, the Deputy Commissioner  
may—

Pensions and  
other allow-  
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servants.

(a) grant him leave-allowances;

(b) if



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(Chapter II.—Officers and Servants.)

- (b) if his monthly pay does not exceed ten rupees, grant him a gratuity on resignation or retirement;
- (c) with the sanction of the Commissioner, grant him a gratuity or subscribe on his behalf for pension or gratuity under the rules contained in any general or special orders of the Governor General in Council for the time being in force, or purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under any general or special orders of the Governor General in Council for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Pensions and  
other allow-  
ances of  
Government  
servants.

(2) In the case of an officer or servant being a Government official, the Deputy Commissioner may,—

- (a) if his services are wholly lent to the Deputy Commissioner for employment in a bazar, meet any charges prescribed or authorized by any general or special orders of the Governor General in Council, for the time being in force, regarding contributions towards pension or gratuity and leave-allowances; and
- (b) if he devotes only a part of his time to the performance of duties connected with a bazar, meet any such charges as aforesaid in such proportion as may be determined by the Commissioner.

(3) Nothing in this or in any other section of this Regulation contained shall be deemed to prohibit the establishment of a Provident Fund by the officer or servants paid from a Bazar Fund under this Regulation.

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ion, gratuity, leave-allowance the sum to which, under the provisions of the Governor General's Order in force, the officer or soldier would have been entitled if the service had been continuous.

Deputy Commissioner

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Regulation.

Regulation, not being Government officials, or to debar the Deputy Commissioner, if otherwise expressly authorised by the Chief Commissioner in this behalf, from contributing from the Bazar Fund towards such Provident Fund at such rates and under such conditions as the Deputy Commissioner may, by rules to be confirmed by the Chief Commissioner, fix and apportion for such purpose.

6. (1) The Deputy Commissioner may enter into any contract for work to be performed for the benefit of a bazar.

(2) Every such contract whereof the value or amount exceeds fifty rupees shall be in writing.

(3) Every such contract shall be signed by the Deputy Commissioner.

(4) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the Deputy Commissioner.

7. The Deputy Commissioner may, by general or special order, delegate to any officer not below the rank and status of a Tahsildar all or any of his powers under Chapters V and VI:

Provided that from any order passed by an officer so empowered under these Chapters, an appeal shall lie to the Deputy Commissioner.

## TAXATION.

8. (1) Subject to any general rules or special orders which the Governor General in Council may make

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(Chapter III.—Taxation.)

[REG. V.]

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make in this behalf, the Chief Commissioner may from time to time, for the purposes of this Regulation and in the manner by this Regulation directed impose in any bazar any of the following taxes :

- (a) a tax on buildings and lands not exceeding seven-and-a-half per centum on the annual value;
- (b) a tax on persons practising any profession or art or carrying on any trade or calling in the bazar, not exceeding two-and-a-half per centum on the annual income derived from such practice, trade or calling;
- (c) a tax not exceeding four rupees a quarter on every vehicle, animal used for riding, driving, draught or burden, or dog kept within the bazar;
- (d) a toll not exceeding one anna on every vehicle and every animal used as aforesaid entering the bazar;
- (e) an octroi on animals for slaughter, or goods, or both, brought within the bazar for consumption or use therein;

and, with the previous sanction of the Governor General in Council, any other tax :

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) of this sub-section by paying the tax which would have been leviable in respect thereof under clause (c) if the same had been kept within the bazar :

Provided also that goods, which are the property of Government at the time of import, shall pass free of any octroi imposed under clause (e) if accompanied by an invoice, with an endorsement signed by the proper Government officer certifying that they are the property of the Government.

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behalf, the Chief Commissioner may  
time, for the purposes of this Regulation,  
manner by this Regulation directed  
bazar any of the following taxes:

on buildings and lands not exceeding  
one-and-a-half per centum on the  
annual value;

on persons practising any profession  
or carrying on any trade or calling  
in a bazar, not exceeding two-and-a-half  
per centum on the annual income  
derived from such practice, trade or  
calling;

on any vehicle, animal used for riding  
or draught or burden, or dog kept  
in the bazar;

on any vehicle exceeding one anna on every vehicle  
or any animal used as aforesaid  
in the bazar;

on animals for slaughter, or goods  
brought within the bazar for  
sale or use therein;

on any previous sanction of the Govern-  
ment, any other tax:

any person may compound for  
taxes leviable in respect of any  
property under clause (d) of this sub-section  
which would have been leviable in  
clause (c) if the same had been

goods, which are the property  
of import, shall pass free  
under clause (e) if accompanied  
by endorsement signed by the  
owner certifying that they are  
imported.

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(2) In this section "annual value" means the  
gross annual rent for which buildings or lands liable  
to taxation may reasonably be expected to let.

9. When the Deputy Commissioner has, with <sup>Scavenging-  
tax.</sup>  
regard to any buildings or lands, in exercise of the  
powers conferred by this Regulation, provided for  
the performance by officers or servants of the bazar  
appointed under this Regulation of the duties  
usually performed by sweepers, he may, with the  
previous sanction of the Chief Commissioner and  
in the manner by this Regulation directed, impose  
upon those buildings and lands, in addition to any  
other tax imposed upon them under this Regulation,  
a tax, to be called the scavenging-tax, at such rate  
or of such amount as he thinks fit:

Provided that in fixing the rate or amount of  
such tax regard shall be had to the principle that  
the total net proceeds of the tax should not exceed  
the cost of the performance of the said duties.

10. Besides the taxes mentioned in the foregoing <sup>Water-tax.</sup>  
sections, the Deputy Commissioner, with the previous  
sanction of the Chief Commissioner, may, for the  
purpose of constructing or maintaining works for  
the supply of water to a bazar or paying the  
principal or interest of any loan raised for the  
construction of such works, impose, in the manner  
by this Regulation directed, a tax, to be called the  
water-tax, upon buildings or lands in a bazar which  
are so situated that their occupiers can benefit by  
such works:

Provided that, in fixing the rate of such tax,  
regard shall be had to the principle that the total  
proceeds of the tax, with the estimated income  
from payments for water supplied from the works  
under special contracts, should not exceed the  
amount required for the said purpose.

11. (1) No tax shall come into force until one <sup>Notification  
of and power  
to abolish and  
reduce taxes.</sup>  
month after it has been notified.

(2) The

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(Chapter III.—Taxation.)

(2) The Chief Commissioner may, by notification, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to  
exempt from  
taxation.

12. (1) The Deputy Commissioner may, by order, exempt in whole or in part from the payment of any such tax any person who by reason of poverty may in his opinion be unable to pay the same.

(2) The Governor General in Council may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Taxes not  
invalid for  
defect of  
form.

13. No tax imposed under this Regulation shall be invalid merely for defect of form; and it shall be enough, in the case of any such tax on property, any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes when  
paid.

14. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the Deputy Commissioner may, from time to time, prescribe.

Receipts to be  
given.

15. For all sums paid on account of any tax under this Regulation a receipt, stating the amount, and the tax on account of which it is paid, shall be given on his application, to the person making the payment.

Appeals  
against taxa-  
tion.

16. (1) An appeal against the assessment or levy of any tax under this Regulation shall lie to the Commissioner.

(2) Subject to revision by the Chief Commissioner, the order of the appellate authority shall be final.

Limitation  
for appeals.

17. (1) No appeal shall lie in respect of a tax on any building or land in a bazar unless it is preferred within one month after the publication of the notice of assessment to be prescribed under section

Commissioner may, by notification,  
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Commissioner may, by order,  
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able to pay the same.

General in Council may,  
in part from the payment  
or class of persons or any  
property.

Under this Regulation shall  
of form; and it shall be  
such tax on property  
the purpose of any such  
assessed is so described  
and it shall not be neces-  
sary to pay therefor.

Under the foregoing section  
any shall be payable  
in instalments (if any) as to  
from time to time.

Amount of any tax under  
this Regulation shall be  
payable, shall be given  
in making the payment.

Assessment or levy  
shall lie to the

The Chief Commissioner  
authority shall be

Effect of a tax on  
unless it is pre-  
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(Chapter III.—Taxation.)

88, and no appeal shall lie in respect of any other  
tax levied under this Regulation unless it is pre-  
ferred within one month from the time when the  
demand for the tax is made:

Provided that an appeal may be admitted after  
the expiration of the period prescribed therefor by  
this section if the appellant satisfies the appellate  
authority that he had sufficient cause for not present-  
ing it sooner.

(2) No appeal shall be entertained unless the  
amount of the tax levied under this Regulation to  
which it relates is deposited with the Deputy Com-  
missioner before the appeal is preferred.

18. No objection shall be taken to any valuation  
or assessment made under this Regulation, nor shall  
the liability of any person to be assessed or taxed  
be questioned, in any other manner or by any other  
authority than in this Regulation provided. Taxation not  
to be ques-  
tioned except  
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lation.

19. Every person bringing or receiving within  
a bazar any article on which octroi is payable shall,  
when required by an officer authorized by the Deputy  
Commissioner in that behalf and so far as may be  
necessary for ascertaining the amount of tax charge-  
able,— Power to ex-  
amine article  
liable to  
octroi.

(a) permit that officer to inspect, examine,  
weigh or otherwise deal with the article;  
and

(b) communicate to that officer any information  
and exhibit to him any bill, invoice or  
document of a like nature that he may  
possess relating to the article.

20. If after the imposition of an octroi-tax any  
person bringing or receiving a conveyance or package  
within a bazar refuses, on the demand of an officer  
authorised by the Deputy Commissioner in this  
behalf, to permit such officer to inspect the contents  
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(Chapter III.—Taxation.)

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of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, such officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Presentation  
of bill for  
octroi.

21. Every officer demanding octroi by authority of the Deputy Commissioner shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of  
octroi.

22. (1) In case of non-payment of octroi on demand, the officer empowered to collect the same may seize any article on which it is chargeable, or any part thereof of sufficient value to satisfy the demand.

(2) The Deputy Commissioner may, after the lapse of five days from the seizure and the issue of a proclamation fixing the time and date of sale, cause the property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid :

Provided that articles of a perishable nature may be sold after the lapse of such shorter time as the Deputy Commissioner, having regard to the nature of the articles, may think necessary in order to avoid serious risk or damage.

Taxes leviable under the orders of the Chief Commissioner or the Governor General in Council, to be deemed to be taxes under this Regulation.

23. All taxes leviable in a bazar under the orders of the Chief Commissioner or of the Governor General in Council at the time when this Regulation comes into force shall, so far as their imposition and assessment are consistent with this Regulation and within the powers conferred thereby, be deemed to have been imposed and assessed under this Regulation.

CHAPTER IV

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package to be taken without unneces-  
sary delay, and a Magistrate, who shall cause the  
same to be made in his presence.

officer demanding octroi by authority of the  
Commissioner shall tender to every person  
bringing or receiving any article on which  
octroi is payable, a bill specifying the article taxed,  
the amount claimed and the rate at which the

in case of non-payment of octroi on any  
article, the Commissioner is empowered to collect the same  
on any article on which it is chargeable, or on any  
article of sufficient value to satisfy the demand.

the Commissioner may, after the seizure of any  
property from the seizure and the issue of a warrant  
fixing the time and date of sale, cause the property  
seized, or so much thereof as is necessary, to be  
sold by auction to satisfy the demand occasioned  
by the seizure, unless the demand and expenses are  
paid:

articles of a perishable nature may, at the  
discretion of the Commissioner, have a shorter  
time for sale, having regard to the nature of the  
property, and think necessary in order to avoid  
loss.

property liable in a bazar under the provisions of this  
Regulation shall, at the time when this Regulation  
comes into force, be deemed to be assessed and  
assessed under the provisions of this Regulation.

#### CHAPTER IV

#### CHAPTER IV.

##### BAZAR FUND AND PROPERTY.

24. (1) In each bazar there shall be formed a Constitution of Bazar Fund, and there shall be placed to the credit thereof—

- (a) all sums received for expenditure on a bazar under this Regulation or otherwise;
- (b) all fines realised in cases in which prosecutions are instituted under this Regulation or the rules made thereunder, or under section 34 of the Police Act, 1861, or under the Prevention of Cruelty to Animals Act, 1890, for offences committed within the bazar;
- (c) the balance (if any) standing at the credit of any Local Fund existing at the date on which this Regulation becomes operative, for the benefit of the bazar; and
- (d) the proceeds of such property, moveable and immovable, as may for the time being be administered for the benefit of the Bazar Fund;

and this fund, together with all property purchased at its expense, shall be vested in the Chief Commissioner for the time being; and, subject to the provisions of this Regulation and of the rules made thereunder, and to the control of the Chief Commissioner, the management thereof shall be entrusted to the Deputy Commissioner.

(2) The property referred to in clause (d) of sub-section (1) includes—

- (a) land or other property acquired by the Deputy Commissioner for local public purposes or under competent authority constituted the property of the Bazar Fund;

(b) dust  
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- (b) dust, dirt, sewage, refuse, filth and rubbish of any kind collected under the orders of the Deputy Commissioner from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in any place set apart by him for that purpose.

Application  
of fund.

25. (1) The Deputy Commissioner shall, subject to the provisions of this Regulation, set apart and apply annually out of the Bazar Fund—

- (a) first, such sum out of the net proceeds of the octroi receipts as the Governor General in Council may from time to time direct to be paid as a contribution to the fund of any neighbouring cantonment;
- (b) secondly, such sum as may be required for the payment of any amounts falling due on any loan legally contracted for, or on behalf of, the Bazar Fund;
- (c) thirdly, such sum as may be required to meet the charges of the Bazar Fund establishment, including such subscriptions, contributions and payments as are referred to in section 5.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Chief Commissioner make with respect to the priority to be given to several calls thereon, the Bazar Fund shall be applicable to the payment, in whole or in part, of charges and expenses incidental to the following matters within the Bazar, namely:

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, drains, latrines and water courses;
- (b) the watering and lighting of such streets and any of them;

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- (c) the construction, establishment and maintenance of rest-houses, markets, pounds and other works of public utility;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;
- (e) the supply, storage and preservation from pollution of water for the use of men or animals;
- (f) the planting and preservation of trees and gardens;
- (g) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;
- (h) the destruction of stray and ownerless dogs;
- (i) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure which may be declared by the Deputy Commissioner, with the sanction of the Commissioner, to be an appropriate charge on the Bazar Fund.

• 26. (1) In places where there is a Government treasury or sub-treasury, the Bazar Fund shall be kept in such treasury or sub-treasury. Custody of Bazar Fund.

(2) In places where there is no such treasury or sub-treasury, the Bazar Fund may be kept in such treasury or sub-treasury as may be appointed by the Commissioner.

• 27. (1) The Deputy Commissioner may, from time to time, with the previous sanction of the Chief Commissioner, invest any portion of the Bazar Fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and may vary such investments for others of a like nature Investment of same.



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nature, and may, with like sanction, realise any investments made under this sub-section.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Bazar Fund.

## CHAPTER V.

### POWERS FOR SANITARY AND OTHER PURPOSES.

#### *Streets and buildings.*

Power to  
acquire land  
for building-  
sites adjoining  
new streets.

28. When any land in a bazar is required for a new street or for the improvement of an existing street, the Deputy Commissioner may cause to be acquired, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to  
close streets.

29. The Deputy Commissioner may close temporarily any streets or parts thereof for any public purpose, and with the Chief Commissioner's permission may divert, discontinue or permanently close any street.

Power to per-  
mit tempor-  
ary occupa-  
tion of streets,  
etc.

30. The Deputy Commissioner may grant permission in writing for the temporary occupation of any street for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions and the payment of such fees as he may prescribe, and may at his discretion withdraw such permission.

Power to  
attach brack-  
ets for  
lamps.

31. The Deputy Commissioner may attach to the outside of any building brackets for lamps in such manner as not to cause injury thereto or inconvenience.

Names of  
streets and  
numbers of  
buildings.

32. (1) The Deputy Commissioner may name any street, and cause that name and likewise any number to be affixed on any building, and may from time to time cause the same to be altered.

(2) Whoever

(2) Whoever destroys, pulls down, alters or defaces any such name or number shall be punishable with fine which may extend to twenty rupees.

33. (1) Every person intending to erect, re-erect, alter or repair any upper storey or other building shall give notice in writing of his intention to the Deputy Commissioner, and shall, if required to do so, submit a plan showing the levels at which the foundations and lowest floor are proposed to be laid and specifications of the works intended to be constructed and the materials to be used, and shall obey any written directions consistent with this Regulation given by the Deputy Commissioner thereupon; and the Deputy Commissioner may prohibit such erection, re-erection, alteration or repair, if in his opinion it is likely to be injurious to the neighbourhood or in respect of free passage or roadway, free circulation of air, facilities of scavenging, ventilation, drainage level, stability, line of frontage or any other matter which the Chief Commissioner may from time to time prescribe :

Notice of new buildings.

Provided that no compensation shall be claimable on account of any direction or prohibition under this section.

(2) If the erection, re-erection, alteration or repair of any building is begun without the permission of the Deputy Commissioner, or in disobedience to any direction issued by the Deputy Commissioner under this section, or continued contrary to those directions, the Deputy Commissioner may, by notice in writing, require such building to be altered or demolished, and the person so erecting, re-erecting, altering or repairing shall be punishable with fine which may extend to five hundred rupees.

34. The Deputy Commissioner may, by notice in writing, require the owner or occupier of any building to remove or alter any projection, encroachment

Removal of obstructing projections and encroachments.

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Purposes.)

or obstruction built or placed against or in front thereof, if the same overhangs or projects into or encroaches on any street, public drain, aqueduct or sewer.

*Bathing and washing places.*

Bathing and  
washing  
places.

35. The Deputy Commissioner may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any purpose connected with the health, cleanliness and comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

*Deposit of offensive-matter and slaughter-places.*

Removal and  
deposit of  
offensive  
matter.

36. The Deputy Commissioner may fix places within, or beyond, the limits of a bazar for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or the dead bodies of animals may be removed along any street and deposited at such places.

Places for  
slaughter of  
animals.

37. (1) The Deputy Commissioner may fix and abolish places either within or beyond the limits of a bazar for the slaughter of animals or any specified description of animals for sale, and may grant and withdraw licenses for the use of such places, or, if they belong to a Bazar Fund, charge rent or fees for the use of the same.

(2) When any such place has been fixed, no person shall slaughter any such animal for sale within a bazar at any other place.

(3) Whoever

(3) Whoever slaughters any such animal at any other place for sale within a bazar shall be punishable with fine which may extend to twenty rupees.

*Burial and burning places.*

38. (1) The Deputy Commissioner may by public notice order any burial or burning ground which is, in his opinion, dangerous to the health of persons living in the neighbourhood, to be closed from a date to be specified in the notice. Powers in respect of burial and burning places.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the Deputy Commissioner may impose in this behalf.

(3) No burial or burning ground, whether public or private, shall be made or formed after the passing of this Regulation without the permission in writing of the Deputy Commissioner.

(4) Whoever buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, shall be punishable with fine which may extend to fifty rupees.

(5) The Deputy Commissioner may by public notice prescribe routes for the removal of corpses to burial or burning places.

• *Inflammable materials.*

39. The Deputy Commissioner may, where it appears to him to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, straw or other inflammable materials, or placing mats, erecting booths or thatched huts, or lighting fires, in any place or within any limits specified in the notice. Inflammable materials.

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Purposes.)

*Powers of entry and inspection.*

Inspection of  
drains, pri-  
vies and  
cesspools.

40. (1) The Deputy Commissioner, or any person authorised by him in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drain, privy or cesspool is situated, inspect any such drain, privy or cesspool at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened wherever he may think fit for the purpose of preventing or removing any nuisance arising therefrom.

(2) If on such inspection it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building or by the occupier, as the Deputy Commissioner may direct; but if it is found that no nuisance exists, or but for such opening would have existed, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be paid from the Bazar Fund.

Power to  
enter and  
inspect  
buildings,  
etc.

41. The Deputy Commissioner, or any person authorised by him in this behalf, may, after giving twenty-four hours' notice in writing to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset, enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers  
of entry on  
building or  
land.

42. The Deputy Commissioner, or any person authorised by him in this behalf, may, after giving twenty-four hours' notice in writing to the occupier, or, if there is no occupier, to the owner, of any building or land at any time between sunrise and sunset—

- (a) enter on and survey and take levels of any land;
- (b) enter

- (b) enter, inspect and measure any building for the purpose of valuation; or
- (c) enter into any building or any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work authorised by this Regulation.

43. The Deputy Commissioner, or any person authorised by him in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation, for which a license has not been duly taken out.

Power to enter for discovery of vehicles or animals liable to taxation.

44. The Deputy Commissioner, or any person authorised by him in writing in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein, and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same or may cause it to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

Power to inspect places for sale of food or drink, etc., and to seize unwholesome articles exposed for sale.

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for inquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

45. (1) The



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Purposes.)

Power of  
entry for  
purposes of  
scavenging.

45. (1) The Deputy Commissioner may provide for the performance by servants of the bazar of the duties usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land.

(2) Such provision may be made in respect of individual buildings or lands or of buildings or lands generally.

(3) Nothing in this section or section 9 shall be deemed to preclude the Deputy Commissioner from making provision of a different nature for different buildings or lands, and charging scavenging-tax at different rates therefor, or from exempting wholly or in part from such tax at his discretion any individual who has made arrangements to his satisfaction for the performance of the duties aforesaid.

(4) When the Deputy Commissioner has undertaken to provide for the performance of such duties as aforesaid, the persons employed by him to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the Deputy Commissioner, or any person authorised by him in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions  
to be observ-  
ed in enter-  
ing dwelling.

46. When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers, and before any apartment in the actual occupation of any woman, who, according to custom, does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

*Water-pipes,*



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(Chapter V.—Powers for Sanitary and other Purposes.)

*Water-pipes, privies and drains.*

47. The Deputy Commissioner may, by notice in writing, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same, so as not to inconvenience persons passing along the street.

Troughs and pipes for rain-water.

48. (1) The Deputy Commissioner may, by notice in writing, require the owner of any building to provide any privy or cesspool or additional privies or cesspools which should in his opinion be provided for the building.

Provision of privies, etc.

(2) The Deputy Commissioner may, by notice in writing, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as he directs, any door or trap-door of a privy opening on to any street or drain.

(3) The Deputy Commissioner may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as the Deputy Commissioner may think fit and to cause the same to be kept in proper order and to be daily cleaned.

49. (1) The Deputy Commissioner may by notice in writing, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool or to close any cesspool belonging thereto.

Construction, repairing and closing of drains, privies and cesspools.

(2) The Deputy Commissioner may, by notice in writing, require any person who constructs any new drain, privy or cesspool without his permission in writing or contrary to his directions or rules or to

the

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the provisions of this Regulation, or who constructs, rebuilds or opens any drain, privy or cesspool which has been ordered to be demolished or closed or not to be made, to demolish such drain, privy or cesspool or to make such alteration therein as he thinks fit.

Unauthorised  
buildings  
over drains,  
etc.

50. The Deputy Commissioner may, by notice in writing, require any person who, without his permission in writing, newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe, to pull down or otherwise deal with the same as he thinks fit.

Removal of  
latrines, etc.,  
near any  
source of  
water-sup-  
ply.

51. The Deputy Commissioner may, by notice in writing, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, reservoir or other water-source, to remove or close the same within one week.

Power to  
require  
drainage, etc.,  
of unwhole-  
some land,  
etc.

52. The Deputy Commissioner may, by notice in writing, require any owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private land, well, reservoir, pool or excavation therein which appears to him to be injurious to health or offensive to the neighbourhood.

*Dangerous buildings and places.*

Power to  
require  
buildings,  
wells, tanks,  
etc., to be  
secured.

53. If any building or any well, tank or other excavation is for want of sufficient repair, protection or enclosure dangerous to persons passing by, or dwelling or working in the neighbourhood, the Deputy Commissioner may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the same; and if it appears to him to be necessary in order to prevent imminent danger, he shall forthwith take such steps as are necessary to avert the danger.

54. If .

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54. If any building, wall or structure, or any thing affixed thereto, is deemed by the Deputy Commissioner to be in a ruinous state or in any way dangerous, he may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to it as he considers necessary for the public safety; and, if it appears to him to be necessary in order to prevent imminent danger, the Deputy Commissioner may forthwith take such steps as are necessary to avert the danger.

Buildings, etc., in ruinous or dangerous state.

*Buildings and grounds in unsanitary condition.*

55. The Deputy Commissioner may, by notice in writing, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which may appear to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

56. The Deputy Commissioner may, by notice in writing, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger therein or which so overhang any well, tank or other water-source as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets.

57. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the Deputy Commissioner may, by notice in writing, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to have building or land cleansed.

58. If any building appears to the Deputy Commissioner to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or for any other sufficient reason, the Deputy Commissioner may, by notice in writing, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be

Powers in respect of building unfit for habitation.

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Purposes.)

so used until the Deputy Commissioner is satisfied that it has been rendered fit for such use.

Power to  
require un-  
tenanted  
building be-  
coming a  
nuisance to  
be secured  
or enclosed.

59. The Deputy Commissioner may, by notice in writing, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time to be fixed in the notice.

Cultivation,  
use of man-  
ure or irri-  
gation injur-  
ious to health  
after prohibi-  
tion.

60. (1) The Deputy Commissioner may, on the report of the Chief Medical Officer of the district that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of a bazar is injurious to the health of persons dwelling in the neighbourhood, by notification, prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate such cultivation, use or irrigation by imposing such conditions thereon as may prevent injury:

Provided that, when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the Bazar Fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) Whoever cultivates, uses manure or irrigates in disregard of any prohibition or conditions notified under sub-section (1), shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the date of such conviction during which the offence is proved before a Magistrate to have been persisted in.

*Registration*

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Purposes.)

*Registration of trades.*

61. (1) The owner or occupier of every place within a bazar used for any of the following purposes, namely :

Regulation  
of offensive  
and danger-  
ous trades.

melting tallow, or boiling bones, offal or blood;  
as a soap-house, oil-boiling house, dyeing house  
or tannery;

as a brick-kiln, pottery or lime-kiln;

as any other manufactory or place of business  
from which offensive or unwholesome  
smells arise;

as a yard or depôt for trade in hay, straw,  
thatching grass, wood, coal or other  
highly inflammable material; or

as a store-house for kerosine, petroleum, naphtha  
or any inflammable oil, spirit or explosive  
substance;

shall register the same in a book to be kept by the  
Deputy Commissioner for the purpose.

(2) No place shall be newly used for any of the  
said purposes except under a license from the Deputy  
Commissioner which shall be renewable annually.

(3) The license shall not be withheld unless the  
Deputy Commissioner considers that the business  
which it is intended to establish or maintain would  
be offensive or dangerous to persons residing in or  
frequenting the immediate neighbourhood.

(4) The Deputy Commissioner may charge such  
fees for such licenses and may impose such conditions  
in respect thereof as he may deem fit.

(5) Whoever without such registration or with-  
out a license uses any place for any such purpose  
shall, on conviction, be punishable with fine which  
may extend to fifty rupees, and with further fine  
which may extend to ten rupees for every day during

which

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which the offence is proved before a Magistrate to have been persisted in after he has been convicted thereof; and the Deputy Commissioner may, after conviction, by notice in writing, direct that the use of such place for such purpose shall be discontinued.

(6) The Deputy Commissioner, or any person specially authorised by him in writing in this behalf, may at any time enter and inspect any place or building which there is reason to believe is used without license for any of the purposes enumerated in this section.

Power to  
prohibit  
such trades.

62. (1) If it is shown to the satisfaction of the Deputy Commissioner that any place licensed under section 61 is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, he may, by notice in writing, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will in the opinion of the Deputy Commissioner render it no longer a nuisance or dangerous.

(2) Whoever after such notice has been given uses the place or permits it to be used in disregard of such requisition shall, on conviction, be punishable with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every subsequent day during which the offence is proved before a Magistrate to have been persisted in.

Execution  
of acts re-  
quired to be  
done by any  
notice.

63. (1) When any notice under this Chapter requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this Chapter requiring him to do any act upon that land or building, the Deputy Commissioner may, after six hours' notice in writing, cause that act to be done, and may recover the expenses incurred in so doing from the person in default.

64. The



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64. The Deputy Commissioner may make compensation out of the Bazar Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in him, his officers and servants under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in respect of the matter in respect of which the power was exercised: where the compensation is claimable on account of injury to buildings or land, it shall be calculated with due regard to the provisions of the Land Acquisition Act, 1894.

Compensation for damage caused by exercise of powers under this Regulation.

*Restraint of infection.*

65. Whoever,—

- (a) being a medical practitioner or a person openly and constantly practising the medical profession and in the course of such practice becoming cognizant of the existence of cholera or small-pox or plague in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,
- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of cholera or small-pox or plague therein, or, in default of such owner or occupier,
- (c) being the person in charge of or in attendance on any person suffering from cholera or small-pox or plague in such dwelling, and being cognizant of the existence of the disease therein,

Information to be given of cholera or small-pox or plague.

fails to give information, or gives false information, to the Deputy Commissioner respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided



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Provided that a person not required to give information in the first instance but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been, or would be, duly given.

Removal to  
hospital of  
cholera,  
small-pox  
and plague  
patients.

66. When any person suffering from cholera or small-pox or plague is—

- (a) without proper lodging or accommodation, or
- (b) living in a sarai or other public hostel, or
- (c) living in a room or house which he neither owns nor pays rent for, or
- (d) lodged in premises occupied by members of two or more families, and any of such occupiers objects to his continuing to lodge in such premises,

the Deputy Commissioner, by any person authorised by him in this behalf, may, on the advice of any medical officer, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

Prohibition  
by Deputy  
Commissioner  
of use of  
unwhole-  
some water.

67. Should the Deputy Commissioner consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of such water for drinking.

Powers for  
certain pur-  
poses.

68. The Deputy Commissioner may, by bye-law and with the previous sanction of the Chief Commissioner,—

- (a) prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the Deputy Commissioner;
- (b) regulate the grant and withdrawal of licenses to premises for the manufacture or

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- or preparation for sale of such specified articles of food or drink;
- (c) regulate the hours and manner of transport within a bazar of any specified articles of food or drink;
  - (d) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale;
  - (e) fix the conditions on which licenses under this section are to be granted and may be revoked :

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause (d) by reason of the continuance of such manufacture, preparation or exposure for sale or sale upon any premises which are, at the time of making of such bye-law, used for such purposes, until he has received from the Deputy Commissioner six months' notice in writing to discontinue such manufacture, preparation or exposure for sale or such sale in such premises.

## CHAPTER VI.

### OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

69. Whoever, without the permission of the Deputy Commissioner or in disregard of his orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind upon any street or public place, or into any public sewer or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Depositing or  
throwing  
earth or  
materials or  
refuse, rub-  
bish or offen-  
sive matter  
on roads or  
into drains.

70. Whoever

*Bazars (British Baluchistan).* [REG. V  
(Chapter VI.—Offences affecting the Public Health,  
Safety or Convenience.)

Discharging  
sewage.

70. Whoever, without the permission of the Deputy Commissioner, causes or knowingly or negligently allows the water of any sink, sewer or cesspool or any other offensive matter to pass or be put upon any street or public place or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal  
of filth, etc.

71. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter, in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or  
altering  
drains with-  
out authority.

72. Whoever, without the permission of the Deputy Commissioner, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the management of the Deputy Commissioner, shall be punishable with fine which may extend to fifty rupees.

Penalty for  
making or  
keeping lat-  
rines, etc.,  
near any  
source of  
water-  
supply.

73. Whoever, without the permission of the Deputy Commissioner, makes or keeps for a longer time than one week after notice under section 51, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has been issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping ani-  
mals so as to  
be injurious  
to health.

74. Whoever keeps any swine in disregard of any orders which the Deputy Commissioner may give

1910.] *Bazars (British Baluchistan).*

(Chapter VI.—Offences affecting the Public Health,  
Safety or Convenience.)

give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall, on conviction, be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in.

75. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees. Feeding animals on deleterious substances.

76. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights, or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees. Driving vehicles without proper lights.

77. Whoever discharges fire-arms or air-guns or lets off fire-works or fire-balloons, or engages in any game in such a manner as to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property, shall be punishable with fine which may extend to twenty rupees. Discharging fire-arms, fire-works, etc.

78. Whoever, being a camel-driver, omits, on being requested to do so, to remove his camel so far as may be practicable to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees. Control of camels.

79. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punishable with fine which may extend to twenty rupees. Suffering dogs to be at large.

80. (1) The

*Bazars (British Baluchistan).* [REG. V  
(Chapter VI.—Offences affecting the Public Health,  
Safety or Convenience.)

Destruction  
of mad dogs.

80. (1) The Deputy Commissioner, by any person authorised by him in this behalf, may destroy or cause to be destroyed or confined, or cause to be confined, for such period as the Deputy Commissioner may direct, any ownerless dog or any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(2) No damages shall be payable in respect of any dog destroyed under this section.

Altering,  
obstructing  
or encroach-  
ing upon  
streets, etc.

81. Whoever, without the permission of the Deputy Commissioner alters, obstructs or encroaches upon any street or public drain, aqueduct or sewer, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall be punishable with fine which may extend to fifty rupees.

Picketing  
animals and  
collecting  
carts.

82. Whoever, contrary to the orders of the Deputy Commissioner, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Carrying  
corpses by  
prohibited  
routes or so  
as to cause  
annoyance.

83. Whoever carries a corpse along a prohibited route or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying  
direction-  
posts, lamp-  
posts, etc.

84. Whoever, without being authorized by the Deputy Commissioner, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place, shall be punishable with fine which may extend to twenty rupees.

Penalty for  
disobedience  
to orders  
under Chap-  
ter V.

85. Whoever disobeys any bye-law issued under section 68 or any lawful directions given by public notice or disobeys any written notice lawfully issued under .

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(Chapter VII.—Supplemental.)

under the powers conferred by Chapter V or by rules under section 38 or fails to comply with the conditions subject to which any permission was given to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable on conviction with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in :

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

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CHAPTER VII.

SUPPLEMENTAL.

86. The Deputy Commissioner shall be subject in Control. all respects to the control of the Commissioner and of the Chief Commissioner.

87. The Chief Commissioner may, by notification Vaccination: in the Gazette of India, declare that, from a date to be fixed in the notification, the Vaccination Act, of 1880. 1880, shall apply, so far as it can be made applicable, to a bazar.

88. (1) The Chief Commissioner may from time General rules: to time make rules consistent with this Regulation as to—

(a) the assessment and recovery of taxes, fees and monies claimable under this Regulation and for preventing evasion of the same;

(b) the  
33



*Bazars (British Baluchistan).* • [REG. V  
(Chapter VII.—Supplemental.)

- (b) the authority on which money may be paid from the Bazar Fund, and the management and regulation of any Provident Fund which may be established under section 5, sub-section (3);
- (c) the conditions on which property under management of the Deputy Commissioner may be transferred by lease or otherwise;
- (d) the control of traffic, public processions and music;
- (e) the registration of births and deaths, the regulation of vaccination, compulsory or otherwise, and the taking of a census;
- (f) the offences under this Regulation or under rules made thereunder which shall be cognizable by the police; and
- (g) generally for the purposes of this Regulation.

(2) The Deputy Commissioner, with the previous sanction of the Chief Commissioner, may by bye-law—

- (a) render licenses necessary for the proprietors or drivers of vehicles, drawn by animals or persons, kept or plying for hire within the limits of a bazar, and fix the fees payable for such licenses, and the conditions on which they are to be granted and may be revoked; and
- (b) limit the rates which may be demanded for the hire of any vehicle, and the loads to be carried by such vehicle when hired within a bazar for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours.

Rules with  
respect to  
disorderly  
persons.

89. The Chief Commissioner may make rules for the suppression of mendicancy and of loitering or importuning for the purpose of prostitution, and  
for

1910.] • *Bazars (British Baluchistan).*  
(Chapter VII.—Supplemental.)

XLV of 1860.  
of 1898.

for the removal and exclusion from a bazar of disorderly persons, of persons convicted under Chapter XVII of the Indian Penal Code, or ordered under the Code of Criminal Procedure, 1898, to execute a bond for their good behaviour, and of persons whom the Chief Commissioner deems it necessary to exclude from the bazar with or without assigning any reasons for excluding them therefrom.

90. (1) In making any rule or bye-law under either of the two last foregoing sections, the Chief Commissioner or the Deputy Commissioner, as the case may be, may direct that a breach of it shall be punishable on conviction with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

Penalties  
for breaches  
of rules un-  
der sections  
88 and 89  
and com-  
mencement  
of such rules.

(2) No rule or bye-law under either of the said sections shall come into force until it has been notified by the Chief Commissioner or the Deputy Commissioner, as the case may be.

91. On the complaint of three or more inhabitants of a bazar that a house, in their immediate neighbourhood and within the limits of the bazar, is used as a brothel or by disorderly persons of any description to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint; and on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he fails to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter on which it is proved that the house has continued to be so used.

Brothels.

*Bazars (British Baluchistan).* • [REG. V  
(Chapter VII.—Supplemental.)

Penalty on  
officer or  
servant of  
bazar being  
interested in  
contract  
made with  
Deputy  
Commissioner.

92. If any officer or servant of a bazar is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the Deputy Commissioner, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

XLV of 18

Suits and  
prosecutions.

93. No suit or prosecution shall be entertained by any Court against the Deputy Commissioner or any officer or person for anything in good faith done or purporting to be done in pursuance of powers conferred by or under this Regulation on the Deputy Commissioner, officer or person, whether the thing done was or was not authorised by the powers so conferred.

Acquisition  
of land un-  
der Act I of  
1894.

94. Where any land, whether within or without the limits of a bazar, is required for the purposes of this Regulation, the Chief Commissioner may proceed to acquire it under the provisions of the Land Acquisition Act, 1894; and, on payment by the Deputy Commissioner of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Chief Commissioner for the time being for the purposes of this Regulation.

of 1894.

Official not  
to be deemed  
interested in  
prosecution.

95. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Regulation or any rule thereunder or any other enactment within the meaning of section 556 of the Code of Criminal Procedure, 1898, because as Deputy Commissioner he merely approved the prosecution.

V of 1898.

Conduct of  
prosecution  
and enforce-  
ment of fines  
under this  
Regulation.

96. (1) Subject to such rules as the Chief Commissioner may make under section 88 prescribing the offences which shall be cognizable by the police, no Court shall take cognizance of an offence punishable under this Regulation or rule made thereunder except on the complaint of the Deputy Commissioner or of some person authorised by him in this behalf.

(2) In

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(*Chapter VII.—Supplemental.*)

(2) In default of payment of any fine imposed under this Regulation or rule made thereunder, the defaulter shall be liable to simple imprisonment for a term not exceeding eight days.

97. Any arrear of any tax or any fee or other money claimable by or on behalf of the Deputy Commissioner may, in addition to any manner provided under section 88, be recovered on application to a Magistrate having jurisdiction within the limits of the bazar by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable; and if payable by the owner in respect of any property, moveable or immoveable, such arrear shall be a charge on the property. Recovery of taxes, etc.

98. No act done nor any proceeding taken under this Regulation shall be questioned on account of any defect or irregularity not affecting the merits of the case. Irregularities not to invalidate proceedings.

99. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in any bazar before this Regulation comes into force by any officer of the Government or by any person acting under his authority, or otherwise in pursuance of an order of the Government and which have been or may hereafter be ratified by the Chief Commissioner, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law. Validation of acts done before the commencement of this Regulation.



## REGULATION No. VI OF 1910.

A Regulation to provide for the control of the petroleum-mining industry in Upper Burma.

*[Received the assent of the Governor General on the 28th October 1910; published in the Gazette of India on the 29th October 1910; and in the Burma Gazette on the 26th November 1910.]*

WHEREAS it is expedient to control and regulate the petroleum-mining industry in Upper Burma; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Upper Burma Oil-Fields Regulation, 1910. Title, extent and commencement.

(2) It extends to the whole of Upper Burma; and

(3) It shall come into force on such date as the Local Government may, by notification in the Burma Gazette, prescribe.

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

(a) "oil-field" means an area which the Local Government has, by notification as aforesaid, declared to be an oil-field for the purposes of this Regulation:

(b) "company" means a company registered under the Indian Companies Act, 1882, or under the Companies (Consolidation) Act, 1908, or any Act thereby repealed, or incorporated by an Act of Parliament or of the Governor General in Council or by Royal Charter or Letters Patent, and carrying on oil-winning operations in an oil-field:

(c) "oil" means petroleum oil, and includes crude oil, refined oil, oil partially refined and any of the products of petroleum:

(d) "well"

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(d) "well" means an excavation made in the ground for the purpose of extracting oil : and

(e) "flowing well" means a well which flows continuously or intermittently from the well mouth, and includes a pumped well which occasionally flows and a well which only gives gas.

Power to define and alter limits of oil-field.

3. (1) The Local Government may, by notification as aforesaid, declare any area to be an oil-field for the purposes of this Regulation, and may define the limits of such area and from time to time alter such limits.

(2) Such limits may extend to any place where oil is stored or pipe-line stations are erected, and to any portion of a foreshore where oil is loaded into flats or boats.

Appointment of officer to carry out the purposes of this Regulation.

4. (1) The Local Government may appoint an officer of the Government, to be called the Warden, to exercise such powers and perform such duties within any oil-field as may be assigned to him under this Regulation.

(2) The Warden shall be deemed to be a Revenue-officer within the meaning of the Upper Burma Land and Revenue Regulation, 1889.

III of 1889

Power to make rules for control of oil-winning operations.

5. (1) The control of all oil-winning operations in an oil-field is vested in the Local Government, which may make rules to regulate all matters connected with such operations.

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

(a) define the powers of the Warden;

(b) provide for the appointment by Companies working in an oil-field of responsible local officers, and the duties to be carried out by such officers;

(c) provide for the upkeep of registers, and the submission of records, reports and statistics by persons holding grants or leases from

1910.]

*Upper Burma Oil-Fields.*

from the Government of oil-sites or working in an oil-field, and for the inspection of such records by the public or by any persons;

- (d) prescribe the manner in which persons owning wells or well-sites shall demarcate such wells or sites, and provide for the preservation of the demarcation marks prescribed;
- (e) prescribe the manner in which hand-dug wells shall be protected;
- (f) regulate or prohibit the access of any person not employed on any work in the oil-field, or who appears to be present for any vexatious or unlawful object or purpose;
- (g) prescribe methods for securing the proper weighing or measurement of the oil produced;
- (h) provide for the reporting of fires and accidents which may occur in an oil-field;
- (i) prescribe the precautions which persons working on adjacent sites shall take, so as not to interfere with the safety or convenience of persons carrying on oil-winning operations in the neighbourhood or with the lines of communication across the oil-field;
- (j) regulate the rights of ingress or egress to and from any site in the oil-field, and the right to transport materials, tools or machinery across any such site or to lay pipes or wires above or below ground across any site belonging to any other person engaged in the oil-industry;
- (k) prescribe the measures to be taken to shut off water from wells, whether in use or abandoned;

(l) provide

- (l) provide for the prohibition or limitation of the drilling of any well where such drilling might cause danger of flooding to any part of the oil-field; and
- (m) provide for the precautions to be taken to detect and prevent the influx of water into the oil-sands.

(3) The Local Government may, by rule, attach to the breach of any rule under this section any punishment not exceeding a fine of five hundred rupees, and if fraudulent intention is proved or actual injury or damage to person or property in the oil-field ensues, any punishment not exceeding imprisonment for a term of six months, or a fine of one thousand rupees, or both.

The Local Government may also, by rule, attach to the breach of any rule made under sub-clause (m) of sub-section (2) the penalty of forfeiture of the grant or lease held by the offender or his employer from Government.

Power to  
make special  
fire rules.

6. (1) The Local Government may make rules for the prevention and extinction of fires in an oil-field or in any specified portion thereof.

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

- (a) regulate or prohibit the use of naked lights and of lamps other than those of a prescribed description or pattern;
- (b) regulate or prohibit smoking and the use or possession of matches;
- (c) regulate or prohibit the use of forges and open fires;
- (d) regulate or prohibit all or any kind of work by night;
- (e) regulate or prohibit the use of steam-boilers;
- (f) regulate the use of engines and machinery;
- (g) provide for the prohibition within or removal from any area of any construction which might in the opinion of the Warden prove a source of danger to the oil-field;

(h) provide

- (h) provide for the disposal of inflammable gases;
- (i) regulate or prohibit the use of oil-tanks;
- (j) provide for the institution and regulation of fire-brigades, voluntary or otherwise;
- (k) prescribe and regulate the use of lightning conductors;
- (l) prescribe the use of fire-extinguishers and of fire-extinguishing apparatus;
- (m) regulate the position of pipes for the conveyance of oil and for the laying of such pipes underground where necessary;
- (n) prescribe the method of dealing with flowing wells;
- (o) prescribe the procedure to be adopted when a fire breaks out;
- (p) provide for the compulsory cessation or limitation of operations of any kind in order to prevent or limit the spread of fire;
- (q) provide for the bringing to the surface of all well-diggers immediately on an alarm of fire;
- (r) provide for the construction of gate-valves or stop-cocks on flowing wells and their closure on an alarm of fire being given; and
- (s) provide for the maintenance of fire-lines.

(3) The Local Government may, by rule, attach to the breach of any rule under this section any punishment not exceeding a fine of five hundred rupees, and if fraudulent intention is proved or actual injury or damage to person or property in the oil-field ensues, any punishment not exceeding imprisonment for a term of six months, or a fine of one thousand rupees, or both.

(4) The Local Government may also, by rule, attach to the breach of any rule made under clauses (a), (b), (h), (i) and (n) of sub-section (2) the penalty of



of forfeiture of the grant or lease held by the offender or his employer from Government.

(5) The Warden may from time to time define the limits within which all or any of the rules made under this section shall apply.

Tax on steam-boilers consuming crude oil-fuel.

7. The Local Government may, by notification as aforesaid, declare that all steam-boilers consuming crude oil-fuel in any oil-field shall be subject to the payment of a tax at such rate as may be specified in such notification.

Inquiry into accidents.

8. Whenever, in the opinion of the Commissioner, the Deputy Commissioner or the Warden, an inquiry ought to be held into the cause of any accident by flooding, explosion or fire, which has been attended with loss of human life or serious injury to person or property, or which was of a description usually attended with such loss or injury, or of any occurrence in connection with the working of any well likely to affect injuriously any part of an oil-field, the Warden may hold an inquiry, and shall for the purposes of conducting such inquiry have all the powers which a Magistrate would have in holding an inquiry into an offence under the Code of Criminal Procedure, 1898.

V of 18

Inapplicability of section 556 of Act V of 1898 to trials of offences against this Regulation.

9. The Warden shall not be deemed, within the meaning of section 556 of the Code of Criminal Procedure, 1898, to be a party to or personally interested in any prosecution for an offence under this Regulation or any rule made thereunder.

Indemnity for acts done in good faith.

10. No suit or criminal prosecution shall lie against any public servant for anything done under this Regulation or in good faith intended to be done under this Regulation.

Government not liable for loss or damage.

11. The Government shall not be responsible for any loss or damage which may occur owing to any action taken in good faith by any public servant under this Regulation.

Persons empowered by rules under section 6 (2)

12. Every person empowered by any rules made under section 6, sub-section (2), clause (j), to do any act shall in that behalf for the purposes of Chapter

X

1860. X of the Indian Penal Code be deemed to be a public servant within the meaning of section 21 of the said Code. (j) to be deemed public servants

13. (1) An order made by the Warden under this Regulation shall be subject to review and revision in the same manner and to the same extent as an order of a Revenue-officer under sections 10 and 11 of the Upper Burma Land and Revenue Regulation, 1889. Revision of orders of Warden.

of 1889.

(2) Save as provided by this section, no appeal shall lie from any order made under this Regulation, but such order shall be final and shall not be liable to be contested by suit or otherwise.

14. The Local Government may revoke any grant or lease and take possession of any well or site in respect of which there has been committed a breach of any rule made under this Regulation to which this penalty may be attached by the Local Government. Power of Local Government to revoke grants or leases.

15. (1) The power to make rules conferred on the Local Government by sections 5 and 6 shall be subject to the condition of the rules being made after previous publication. Previous publication, etc., of rules.

(2) All rules made under this Regulation shall be published in the Burma Gazette, and on such publication shall have effect as if enacted in this Regulation.

16. Notwithstanding anything contained in section 53 of the Upper Burma Land and Revenue Regulation, 1889, a Revenue-officer shall not exercise jurisdiction over any of the following matters, which shall be cognisable exclusively by a Civil Court, namely :— Exclusion of jurisdiction of Revenue-officers in certain cases.

1889.

Any claim as between private persons to the ownership or possession of any well or well-site, whether situate on State or other land, or to establish any lien upon or other interest in any such well or well-site, or the rents, profits or produce thereof.



## REGULATION No. I OF 1911.

A Regulation to provide for the substitution of references to the North-West Frontier Gazette for references to the Gazette of India in certain enactments.

*[Received the assent of the Governor General on the 12th April 1911; and published in the Gazette of India on the 29th April 1911.]*

**W**HEREAS it is expedient to provide that references to the North-West Frontier Gazette shall be substituted for references to the Gazette of India in certain enactments; It is hereby enacted as follows :—

1. This Regulation may be called the North-West Frontier Gazette Regulation, 1911. Short title.

2. In clause (g), sub-section (1), section 6 of the North-West Frontier Province Law and Justice Regulation, 1901, and in clause (c) of the proviso to section 2 of the North-West Frontier Province Court of Wards Regulation, 1904, for the words "Gazette of India" the words "North-West Frontier Gazette" shall be substituted. Amendment of clause (g), section 6 (1), Regulation VII of 1901, and of clause (c) of the proviso to section 2 of Regulation V of 1904.

*[Price one anna.]*

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## REGULATION No. II OF 1911.

A Regulation to provide for the grant of loans  
to indebted Talukdars in Ajmer.

*(Received the assent of the Governor General on the 25th May  
1911 ; and published in the Gazette of India on the 27th  
idem.)*

**W**HEREAS it is expedient to provide for the  
grant of loans to indebted talukdars in Ajmer ;  
It is hereby enacted as follows :—

1. (1) This Regulation may be called the Ajmer Talukdars Loan Regulation, 1911. Title, extent  
and com-  
mencement.

(2) It extends to the territories for the time being  
administered by the Chief Commissioner of Ajmer.

• 2. In this Regulation, unless there is anything  
repugnant in the subject or context, "talukdar"  
includes istimrardar, jagirdar, and bhumia. Definition.

3. Any talukdar may apply in writing to the  
Commissioner stating that he is subject to, or that  
his immoveable property is charged with, debts of  
liabilities other than debts due or liabilities incurred  
to Government, and requesting that he may be  
granted a loan in accordance with the provisions  
of this Regulation. Application  
for loan.

4. The application shall contain a declaration  
that the applicant has made himself acquainted with  
the provisions of this Regulation and agrees to abide  
by them and by the rules made thereunder, and such  
other particulars as the Chief Commissioner may by  
rule prescribe, and shall be verified by the applicant  
in manner required by law for the verification of  
plaints. Contents of  
application.

5. The

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Procedure on  
application.

5. The Commissioner, on receipt of an application under section 3, shall forward the same to the Chief Commissioner. The Chief Commissioner may—

- (a) summarily reject such an application, or
- (b) direct that the Commissioner proceed to take further action under this Regulation.

Notice to  
submit  
claims.

6. (1) The Commissioner, on receipt of an order from the Chief Commissioner under section 5, clause (b), shall cause to be published in the Gazette of India, and in such other manner as the Chief Commissioner may by general or special order direct, a notice in English and also in the vernacular, declaring that the applicant has applied for a loan under this Regulation, reciting the provisions of this section and sections 7, 8, 16, 17 and 18, and calling upon all persons having claims against the applicant or his immoveable property to submit a statement of the same in writing within six months from the date of the publication of the notice aforesaid.

(2) Every claim against the applicant or his immoveable property (other than a claim on the part of the Government) not submitted to the Commissioner in compliance with the provisions of sub-section (1) shall, save in the cases provided for by sections 6 and 13 of the Indian Limitation Act, 1908, be deemed for all purposes and on all occasions to have been duly discharged, unless in any suit or proceeding instituted by the claimant or by any person claiming under him in respect of any such claim, it is proved to the satisfaction of the Court that he was unable to comply with the notice published under sub-section (1).

(3) Every claim admitted by the Court under the provisions of sub-section (2) shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest after the expiry of six months from the date of the publication of the notice under sub-section (1).

7. With

1911.]

*Ajmer Talukdars Loan.*

7. With effect from the date of the publication of a notice under section 6, sub-section (1), the following consequences shall ensue, namely :—

Effect of publication of notice to submit claims.

- (a) the applicant shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof, or to enter into a contract which may involve him in any pecuniary liability ; and
- (b) all suits and proceedings in any Civil Court in respect of any claim against the applicant shall be stayed, and no fresh suit or proceeding shall be instituted in respect of any such claim in any Civil Court.

8. Nothing in section 7, clause (a), shall—

Saving of certain debts.

- (a) apply to debts due or liabilities incurred to the Government,
- (b) apply to debts or liabilities which are incurred for necessities for the maintenance of the applicant or his family, or for the due observance of funeral and other ceremonies to the extent approved by the Commissioner, or
- (c) affect the capacity of the applicant to enter into a contract of marriage :

Provided that he shall not incur in connection with such contract of marriage any pecuniary liability except such as the Commissioner, having regard to the personal law to which he is subject, and his rank and circumstances, may in writing declare to be reasonable.

9. Every claimant submitting his claim in compliance with the provisions of section 6, shall furnish, together with his written statement of claim, full particulars thereof, and shall produce all documents on which he relies to support his claim.

Particulars of claim to be furnished.

10. When the period for the submission of statements of claims under section 6 has expired, the Commissioner shall prepare—

Statement of claims and assets.

- (a) a schedule of such claims, and

(b) a  
3

- (b) a statement showing the assets of the applicant, exclusive of the property mentioned in the proviso to section 60 of the Code of Civil Procedure, 1908.

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Composition  
of claims.

11. The Commissioner may make to any claimant a proposal in writing for the reduction of his claims; and if such proposal, or any modification thereof, is accepted by the claimant, and his acceptance is recorded or attested by the Commissioner, such acceptance shall, in the event of a loan being granted under this Regulation, be conclusively binding upon the claimant.

Report by  
Commis-  
sioner.

12. When the Commissioner has completed the consideration of all claims submitted to him, he shall submit to the Chief Commissioner the schedule and statement referred to in section 10, and a report setting out in detail the claims against the applicant which he considers should be met from any loan sanctioned under this Regulation, together with a statement of any composition which has been agreed to by the claimants or by any of them.

Final  
disposal  
of the  
application.

13. (1) The Chief Commissioner, on receipt of a report under section 12, shall either—

- (a) pass an order rejecting the application, or
- (b) grant a loan to the applicant on such conditions regarding repayment and rate of interest as he may prescribe.

(2) If an order is passed under sub-section (1) granting a loan, such order shall specify the liabilities to be discharged by means of the loan.

Effect of  
stay of  
proceedings.

14. When an order has been passed under section 13 rejecting an application or when an application is withdrawn under section 19 before orders are passed under section 13, the following consequences shall ensue, namely :—

- (a) all rights and remedies shall revive to any claimants who have accepted a proposal for the reduction of their claims under the provisions



provisions of section 11 as if such agreement had not been entered into; and

- (b) in computing the period of limitation applicable to any suit or other proceeding for the recovery of claims due from the applicant, the period from the date of the publication of the notice under section 6, sub-section (1), to the date of the order rejecting the application, shall be excluded.

15 (1) When a loan is granted under section 13, the Commissioner shall forthwith discharge therefrom the liabilities specified under section 13, sub-section (2), and shall notify the date of such discharge in the Gazette of India. Procedure on grant of loan.

(2) All the rights and remedies of claimants in respect of claims duly submitted under section 6, sub-section (1), which are not discharged by the Commissioner under sub-section (1), shall revive as if no action had been taken under this Regulation; and in computing the period of limitation applicable to any suit or other proceeding for the recovery of such claims, the period from the date of publication of the notice under section 6, sub-section (1), to the date of publication of the notification under sub-section (1), shall be excluded.

16. (1) No suit shall be brought in any Civil Court against any talukdar upon any promise made after he has repaid a loan under this Regulation, to pay any debt contracted during the period between the grant and the repayment of such loan, or upon any ratification made after such loan has been repaid of any promise or contract made during such period, whether there is or is not any new consideration for such promise or ratification. No suit to be brought on subsequent promise.

(2) Nothing in sub-section (1) shall apply to the debts or liabilities specified in section 8.

17. (1) If any talukdar to whom a loan has been granted under this Regulation—

- (a) infringes any condition imposed under section 13, sub-section (1), clause (b), or

(b) attempts

Procedure on breach of conditions or of section 7 (a).

- (b) attempts to do any act which, under section 7, clause (a), he is incompetent to do,

the Chief Commissioner may by order in writing declare such talukdar to be disqualified from managing his own property, and such talukdar shall be deemed to be a landholder who is disqualified to manage his own property within the meaning of the Ajmer Government Wards Regulation, 1888, and the Court of Wards shall thereupon assume the superintendence of the property of such talukdar. I of

(2) The Court of Wards shall withdraw its superintendence from any property of which it has assumed superintendence under sub-section (1) as soon as all loans granted to such talukdar under the provisions of this Regulation have been repaid to Government with the interest thereon.

Termination  
of disability.

18. In each of the following cases, namely :—

- (a) when a loan made under section 13 has been repaid to Government with the interest thereon, or
- (b) when the amount so lent with interest has been recovered by the management of the property under section 17, or
- (c) when an order rejecting an application has been passed under section 13,

the Commissioner shall notify, in the Gazette of India and in such other manner as the Chief Commissioner may, by special or general order, direct, that the talukdar has ceased to be subject to the disabilities mentioned in section 7, with effect from the date of the publication of such notification.

Death of  
applicant.

19. If an applicant, with regard to whom a notice has been published under section 6, dies before a notification under section 18 has been published—

- (a) the proceedings under this Regulation shall be continued as nearly as possible in all respects as if he were still living,
- (b) any person succeeding to the whole or any portion of his rights in land shall become subject

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subject in respect of those rights to the disabilities imposed by section 7, and shall continue so subject as if he had been the applicant.

20. (1) The Chief Commissioner, subject to the control of the Governor General in Council, may make rules for the purpose of carrying into effect the provisions of this Regulation. Power to make rules.

(2) All rules made under this Regulation shall be published in the Gazette of India, and on such publication shall have effect as if they were enacted in this Regulation.

21. No suit, prosecution or other proceeding shall be entertained in any Court against any public servant for anything done by him in pursuance or execution of this Regulation or done in good faith and in intended execution of this Regulation. Protection of public servants.

THE HAZARA FOREST REGULATION, 1911  
(No. III of 1911).

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CHAPTER VII.

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SCHEDULE I.—LIST OF PROTECTED TREES.

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## REGULATION No. III of 1911.

A Regulation to consolidate and amend the law relating to reserved forests and waste-lands in the Hazara District.

*[Received the assent of the Governor General on the 26th August 1911; published in the Gazette of India on the 2nd September 1911; and in the North-West Frontier Province Gazette on the 6th October 1911.]*

WHEREAS it is expedient to consolidate and amend the law relating to reserved forests and waste-lands in the Hazara District; It is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Regulation may be called the Short title  
Hazara Forest Regulation, 1911. and extent.

(2) It applies to the whole of the Hazara District with the exception of Upper Tanawal as defined in Regulation II of 1900 :

Provided that the Local Government may, by notification in the official Gazette, exempt any specified area from the operation of its provisions.

(3) A notification under the proviso to sub-section (2) exempting an area from the operation of this Regulation shall not protect any person committing within the exempted area an act in regard to forest-produce of unexempted areas which, if committed within an area not so exempted, would be an offence.

2. In

*Hazara Forests.* [REG. III  
(Chapter I.—Preliminary.)

Definitions.

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

- (1) "brushwood" includes all woody plants with the exception of trees as defined below and of the following fruit trees when cultivated :

pears, apples, plums, apricots, peaches and vines :

- (2) "cattle" includes, besides horned cattle, camels, horses, asses, mules, sheep, goats and the young of such animals :

- (3) "Deputy Commissioner" means the Deputy Commissioner of the Hazara District or any other officer who may be invested by the Local Government with all or any of the powers of a Deputy Commissioner under or for the purposes of this Regulation :

- (4) "estate," "village-officer," "landowner" and "tenant" shall be deemed to have the meanings respectively attributed to them by the Punjab Tenancy Act, 1887, and the Punjab Land-revenue Act, 1887 :

- (5) "forest-offence" means an offence punishable under this Regulation or under any rule made under this Regulation :

- (6) "Forest-officer" means any person whom the Local Government or any officer empowered by the Local Government in this behalf may appoint to carry out all or any of the purposes of this Regulation or to do anything required by this Regulation or any rule made under this Regulation to be done by a Forest-officer :

- (7) "forest-produce" includes the following when found in or brought from a reserved forest or from waste-land, namely,



## (Chapter II.—Reserved Forests.)

7. Whenever the limits of any reserved forest <sup>Demarcation.</sup> are not sufficiently indicated by natural marks or other existing boundaries, they shall be demarcated by permanent and conspicuous marks; and the limits of the tracts assigned for the exercise of recorded rights (where such exist) within the reserved forest and also of the portion of the forest attaching to each village for seigniorage purposes shall, where necessary, be similarly demarcated.

8. Any Forest-officer may, with the previous <sup>Power to</sup> sanction of the Local Government or of any officer <sup>stop ways</sup> duly authorized in that behalf, stop any public or <sup>and water-</sup> private way or water-course in a reserved forest: <sup>courses.</sup> Provided that a substitute for the way or water-course so stopped, which the Local Government deems to be reasonably convenient, already exists or has been provided or constructed by the Forest-officer in lieu thereof.

9. (1) Whoever—

Acts prohibited.

(a) sets fire to a reserved forest or kindles any fire or leaves any fire burning in such way as to endanger such a forest; or who, in a reserved forest,—

(b) kindles, keeps or carries any fire;

(c) grazes or drives cattle, or permits cattle to trespass;

(d) cuts, lops, taps or burns any tree or brush-wood, or strips-off the bark or leaves from or otherwise damages the same;

(e) causes any damage by negligence in felling any tree or cutting or removing any forest-produce;

(f) quarries stone, burns lime or charcoal, or collects or removes any forest-produce;

(g) cultivates any land or clears or breaks up any land for cultivation or any other purpose;

(h) erects



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*(Chapter I.—Preliminary.)*

namely, minerals, surface-soil, trees, timber, brushwood, grass, peat, canes, creepers, reeds, leaves, flowers, fruits, roots, bark, honey, wax, lac, gum and resin :

- (8) "Kaghan Ilaqa" means the lands of the estates in the Mansehra Tahsil of the Hazara District specified in Schedule II :
- (9) "protected waste-land" means waste-land in respect of which an order has been passed under section 14 :
- (10) "reserved forest" means land which was demarcated as such at settlement or land constituted as such under section 11 :
- (11) "Revenue Commissioner" means the Revenue Commissioner of the North-West Frontier Province or any other officer who may be invested with the powers of the Revenue Commissioner for the purposes of this Regulation :
- (12) "settlement" means the first and second regular settlements of the Hazara District including the Agror Valley :

Provided that in any case where the records of the two settlements do not agree the term shall be understood to refer to the second regular settlement :

- (13) "timber" includes trees when they have fallen or have been felled and all wood of such trees whether cut up or fashioned or hollowed out for any purpose or not :
- (14) "tree" means any tree of a kind specified in Schedule I or any other kind that the Local Government may add to that schedule :
- (15) "Village-forest-officer" means any person entrusted by the Deputy Commissioner

*(Chapter II.—Reserved Forests.)*

sioner with any function or charge in the waste-land of villages : and

- (16) "waste-land" includes all uncultivated land except reserved forests, graveyards, sacred places, land recorded at settlement as part of the village-site and land shown as fallow ("khali" or "banjar jadid") in annual records.

CHAPTER II.

RESERVED FORESTS.

Management  
of reserved  
forests.

3. The management of reserved forests is vested in the Forest-officers.

Reserved  
forests to be  
property of  
Government.

4. Subject only to the rights defined and recorded at settlement and to the payment to the village-landowners of seigniorage-fees as provided in section 29, the reserved forests shall be deemed to be the property of Government and the forest-income accruing from them shall be credited to Government as forest-revenue.

Alienation  
of right in  
or over re-  
served forest.

5. No right or privilege in a reserved forest and no produce obtained by its exercise shall be alienated by sale, lease or otherwise except to Government, unless such alienation is expressly permitted in the order defining and recording such right or privilege :

Provided that when any such right or privilege attaches to any land it may be sold or otherwise alienated along with such land.

Acquisition  
of right in  
or over re-  
served forest.

6. No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of Government or by or on behalf of some person in whom such right was vested under Regulation II of 1873 or Regulation VI of 1893.

7. Whenever

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*Hazara Forests.*

*(Chapter II.—Reserved Forests.)*

7. Whenever the limits of any reserved forest <sup>Demarcation.</sup> are not sufficiently indicated by natural marks or other existing boundaries, they shall be demarcated by permanent and conspicuous marks; and the limits of the tracts assigned for the exercise of recorded rights (where such exist) within the reserved forest and also of the portion of the forest attaching to each village for seigniorage purposes shall, where necessary, be similarly demarcated.

8. Any Forest-officer may, with the previous <sup>Power to</sup> sanction of the Local Government or of any officer <sup>stop ways</sup> duly authorized in that behalf, stop any public or <sup>and water-</sup> private way or water-course in a reserved forest: <sup>courses.</sup> Provided that a substitute for the way or water-course so stopped, which the Local Government deems to be reasonably convenient, already exists or has been provided or constructed by the Forest-officer in lieu thereof.

9. (1) Whoever—

<sup>Acts pro-</sup>  
<sup>hibited.</sup>

(a) sets fire to a reserved forest or kindles any fire or leaves any fire burning in such way as to endanger such a forest;  
or who, in a reserved forest,—

(b) kindles, keeps or carries any fire;

(c) grazes or drives cattle, or permits cattle to trespass;

(d) cuts, lops, taps or burns any tree or brush-wood, or strips-off the bark or leaves from or otherwise damages the same;

(e) causes any damage by negligence in felling any tree or cutting or removing any forest-produce;

(f) quarries stone, burns lime or charcoal, or collects or removes any forest-produce;

(g) cultivates any land or clears or breaks up any land for cultivation or any other purpose;

(h) erects

*(Chapter II.—Reserved Forests.)*

- (h) erects any building or makes any enclosure;
- (i) enters into a fenced enclosure;
- (j) in contravention of any rules which the Local Government may prescribe, shoots or fishes;
- (k) sets snares or traps, or poisons water;

shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both, and shall, in addition thereto, be liable to pay such compensation for damage done to the forest as the convicting Magistrate may direct.

(2) When the person who is in charge of cattle which have been permitted to trespass in contravention of clause (c) of sub-section (1) is a child under the age of sixteen years, the owner of the cattle shall be deemed to be a person who is guilty of an offence within the meaning of that clause.

(3) Nothing in this section shall be deemed to prohibit—

- (a) any act done by permission in writing of the Forest-officer or under any rule made by the Local Government, or
- (b) the exercise of any right recorded at settlement or created by grant or contract made by or on behalf of the Local Government.

Forfeiture of implements, cattle and conveyances.

10. The penalty provided in section 9 may, in the discretion of the adjudicating Magistrate, be accompanied by the forfeiture of all implements, cattle or conveyances used in the commission or furtherance of the offence adjudicated; and all forest-produce illicitly obtained shall be restored to the Government Forest Department.

Power to constitute new areas as reserved forests.

11. If the Local Government considers it advisable to constitute any area as reserved forest beyond that demarcated at settlement, the provisions of the Indian

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*Hazara Forests.*

(Chapter II.—Reserved Forests. Chapter III.—  
Waste-lands.)

VII of 1878. Indian Forest Act, 1878, Chapter II, sections 3 to 21, shall apply.

12. (1) The Local Government may, with previous sanction of the Governor General in Council, by notification in the official Gazette, direct that, from a date to be fixed by such notification, any reserved forest or portion thereof shall cease to be a reserved forest.

Power to declare forest no longer reserved.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

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CHAPTER III.

WASTE-LANDS.

13. (1) Subject to the rights and powers of the Government in respect to seigniorage and forest conservancy as defined in this Regulation or in rules made thereunder, and subject also to the claims of right-holders not being owners of the soil, all waste-lands are the property, held jointly or severally, as the case may be, of the land-owners of the village in whose boundaries they are included; and such land-owners are entitled to use free of charge for their own domestic and agricultural requirements any trees and forest-produce found in those waste-lands. But they shall have no right or power to sell any trees or brushwood growing in such lands except with the permission of the Deputy Commissioner or other officer authorised by the Government and under such conditions as the Deputy Commissioner or other officer aforesaid may impose; and all such sales shall be subject to payment to the Government of seigniorage-fees as provided by section 29.

Rights in waste-lands.

(2) The



*(Chapter III.—Waste-lands.)*

(2) The claims of right-holders other than land-owners of the village shall be recognised to the extent defined and recorded at settlement, or, in case of doubt or dispute, to the extent which may hereafter be defined by the Deputy Commissioner with the sanction of the Local Government, and the exercise of such rights shall be subject to the provisions of this Regulation and the rules made thereunder.

(3) All deodar trees in the Kaghan Ilaqa shall be deemed to be the property of the Government, and nothing in this section shall be held to affect the right of the Government thereto.

Power to  
protect  
waste-lands.

14. (1) Whenever it appears to be necessary to prohibit the breaking up for cultivation of waste-land or its occupation as sites for sheds, buildings or enclosures in order to the better protection of—

- (a) the crests and slopes immediately below the crests of hills within the limits of tree vegetation,
- (b) catchment-basins of streams, torrents or ravines,
- (c) the banks and beds of rivers, streams, torrents and ravines,
- (d) steep slopes,
- (e) waste-lands which, though not situated in any of the above positions, are nevertheless of such value or utility for the supply of forest-produce or otherwise that their breaking up or occupation would in the judgment of the Deputy Commissioner be inadvisable,

the Deputy Commissioner may issue orders prohibiting the breaking up or occupation of such waste-land, and defining the area to which such prohibition shall extend, and may cause the limits of such area to be shown on the village-map and to be demarcated

marked on the ground with boundary-marks so far as may be necessary.

VI of 1893.

(2) All orders passed by the Settlement-officer under section 11 of the Hazara Forest Regulation, 1893, at the second regular settlement of the Hazara District shall be deemed to be orders passed under this section.

(3) No such order as is referred to in sub-section (1) or sub-section (2) shall be cancelled by the Deputy Commissioner without the sanction of the Revenue Commissioner, but the Deputy Commissioner may from time to time revise such orders by altering the boundary of the protected land so as to exclude any particular plot the protection of which may appear to be unnecessary.

**15.** (1) If the Deputy Commissioner is of opinion that in any estate the supply of grass, trees or brushwood is not adequate for the present and prospective wants of the residents, he may direct that an area of waste-land not exceeding one-fifth of the total uncultivated area of the estate shall be set apart in a convenient and suitable position, and may record a proceeding providing—

Power to set apart waste-land for growth of grass, trees or brushwood.

- (a) for the prohibition within this area of all or any of the acts detailed in sub-section (1) of section 9;
- (b) for the enjoyment of its produce by the residents of the estate and any other right-holders and for the due regulation of that enjoyment;
- (c) for the recovery of costs of management of the area from the said residents and right-holders.

(2) No compensation shall be claimable by the owners or other right-holders of such land in respect of any orders passed under this section.

**16.** If in any case such proportion of the land-owners of the estate as pay not less than two-thirds

Power to set apart waste-land

of

*(Chapter III.—Waste-lands.)*

for growth  
of trees,  
brushwood  
or grass on  
application of  
land-owners.

of the land-revenue due thereon, make an application to the Deputy Commissioner requesting that a stated area of waste-land owned in common by them be set apart for the growth of trees, brushwood or grass, the Deputy Commissioner shall have power to proceed in respect of that area as provided in section 15.

Power to  
protect  
waste-lands  
from erosion,  
etc.

17. (1) If the Deputy Commissioner is of opinion that it is necessary to guard more securely against erosion or the formation or extension of ravines or landslips, he may issue special orders prohibiting within the area likely to be affected or that adjacent thereto all or any of the acts detailed in sub-section (1) of section 9, or permitting them only on such conditions as he may see fit to impose.

(2) No compensation shall be claimable by the owners or other right-holders of such land in respect of any orders passed under this section.

Appointment  
of village-  
forest-officers  
and issue of  
management  
orders.

18. (1) The Deputy Commissioner may appoint village-forest-officers to manage the forestry of waste-lands and may issue general or special management orders to such officers for the prohibition of the barking, boring, girdling or otherwise injuring of trees or brushwood and for the regulation of the felling or lopping of trees or brushwood in such waste-lands for village requirements.

(2) In case of any contravention of orders issued under sub-section (1), the Deputy Commissioner may direct that no trees be felled in the waste without the previous permission in writing of himself or of such officials as may be authorized by him in this behalf; and if permission to sell brushwood has been accorded he may cancel such permission.

Firing of  
village  
waste-lands.

19. The Deputy Commissioner may issue special orders in writing permitting the firing of any waste-lands within such limits and subject to such conditions as he may think fit.

20. Every

20. Every Village-officer and Village-forest-officer shall be bound to report any breaking up of waste-land protected under section 14 and any breach of any order passed under the provisions of this Chapter as soon as the fact comes to his knowledge.

Village-officers and Village-forest-officers bound to report acts contrary to the above prohibitions.

21. The Deputy Commissioner may cause to be summarily ejected any person cultivating land or committing any other act in contravention of an order passed under section 14, section 15, section 16 or section 17, and may direct that any building or enclosures erected or crop grown on such land in contravention of such order shall be confiscated.

Treatment of illicit cultivation, etc.

22. Where waste-land which has been recorded at settlement as shamilat or common land or which has been specially reserved as a grazing ground or as a fuel or timber preserve of the village is broken into by cultivation, the Deputy Commissioner, on the application of any right-holder in the village or of his own motion, may eject the author of the encroachment and forbid its repetition by a proclamation published in like manner as a proclamation under section 22 of the Punjab Land-revenue Act, 1887.

Treatment of encroachments on common land.

23. Where the Deputy Commissioner permits the breaking up and cultivation of land in protected waste or where land has been broken up without his permission, and he does not think it necessary or expedient to stop the cultivation thereof, he may impose on the land newly brought under cultivation an assessment at rates which shall not exceed double the rates on land of similar quality in the same or adjacent villages and, in cases where application has been made for his sanction previous to the breaking up of the land, shall ordinarily not be higher than those rates. Such assessment shall not be a bar to a prosecution under section 28 in cases of unauthorised cultivation.

Assessment of cultivation in protected waste.

24. The

*(Chapter III.—Waste-lands.)*

Protection  
of groves.

24. The Deputy Commissioner may issue general or special orders forbidding the felling of or injury to any kinds of trees growing in groves near villages, along roads, at burying places or shrines or near springs and streams.

Protection  
of cultivation  
by retaining  
walls.

25. (1) In the case of existing cultivation in dangerous positions on hill-sides the Deputy Commissioner may require the owner or tenant of the land so cultivated to protect it by a retaining wall or to take such other precaution to ensure the stability of the soil as he may deem necessary.

(2) Should the owner or tenant fail to comply with the requisition within a reasonable time and also persist in cultivating the land, the Deputy Commissioner may summarily eject him from so much of the land as may be in danger and deal with it in accordance with the provisions of section 17.

(3) Similarly, the Deputy Commissioner may direct that any extension of cultivation after the date of the introduction of the second regular settlement in dangerous positions on a hillside shall be protected by retaining walls, and may summarily eject the cultivator of such land if he fails to comply with the order.

(4) No compensation shall be claimable by the owner or tenant of such land in respect of any order passed under this section.

Treatment  
of cultivation  
in dangerous  
positions on  
hillsides.

26. (1) Where after the date of the introduction of the second regular settlement land is brought into cultivation in dangerous positions on hillsides and the slope is too steep to admit of the construction of retaining walls, the Deputy Commissioner may, if he is of opinion that the prohibition of such cultivation is in the general interests of the village, eject the person cultivating and direct that the land remain uncultivated in future.

(2) No compensation shall be claimable by the person ejected in respect of any order passed under this section.

27. The



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*Hazara Forests.*

(Chapter III.—Waste-lands. Chapter IV.—  
Duties and Fees.)

27. The cost of management of any waste-land, <sup>Cost of management.</sup> and of the demarcation of any waste-land directed by the Deputy Commissioner to be demarcated in accordance with the provisions of this Chapter, may be recovered from all land-owners, or from all land-owners and right-holders, concerned as an arrear of land-revenue.

28. Whoever commits or abets the commission of <sup>Offences in waste-lands.</sup> any of the following offences, namely :—

- (1) breaks up or occupies or, being the owner of the land or a joint owner thereof, permits the breaking up or occupation of any waste-land protected under section 14;
- (2) contravenes any order passed under section 15, section 16, section 17, section 22, section 24, section 25 or section 26;
- (3) without permission knowingly sells or conveys for sale any tree, timber or brushwood produced on waste-land, or fells, lops, barks, bores, girdles or otherwise injures any such tree or brushwood contrary to any general or special management orders issued under section 18;
- (4) sets fire to any waste-land otherwise than as permitted by an order passed under section 19, or negligently permits any fire to extend thereto;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER IV.

DUTIES AND FEES.

29. (1) In the case of—

- (a) trees felled in reserved forests,
- (b) firewood supplied for kilns from the same, and

<sup>Seigniorage-fees.</sup>

(c) deodar

*(Chapter IV.—Duties and Fees.)*

(c) deodar trees felled in the waste-lands of villages in the Kaghan Ilāqa,

the Forest-officer shall credit to the Government as forest-revenue the price realised by the sale of such trees or firewood, and on the other hand debit to the Government and pay to the right-holders entitled thereto in such manner as the Deputy Commissioner may direct the seigniorage-fees due according to the list of such fees that is in force for the time being.

(2) Similarly, in the case of trees which are sold from waste-lands, the Deputy Commissioner shall credit to the Government as forest-revenue the seigniorage-fees, and the balance of the price realised shall be paid to the right-holders entitled thereto: Provided that the trees referred to in this subsection are of one or other of the kinds entered in the seigniorage-list which is in force for the time being.

(3) The list of the seigniorage-fees in force at the commencement of this Regulation is hereby maintained.

(4) With the previous sanction of the Government General in Council, the Local Government may, with due reference to the average actual prices realisable for timber or fuel, revise the rates of fees in such list and may add trees to it or exclude trees from it.

(5) The fees may be uniform throughout the district or varied in different parts thereof, but shall not exceed in any case a fair estimate of half the average net profits realisable on the sales.

(6) Whenever the list of seigniorage-fees has been revised, the Local Government shall publish a notification in the official Gazette which shall set forth the rates of seigniorage-fees payable, the circumstances under which any trees have been exempted from charge, and such other matters connected with seigniorage-payments as the Local Government may see fit to regulate.

Power to  
impose duty  
on timber.

30. The Local Government may direct the levy of a duty in such manner, at such places and at such rates,

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*Hazara Forests.*

(Chapter V.—Control of Forest-produce in Transit.  
Chapter VI.—Drift and Stranded Timber.)

rates, *ad valorem* or otherwise, as it may prescribe by notification in the official Gazette, on all timber produced in the Hazara District or brought into that district from beyond the frontier or elsewhere.

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CHAPTER V.

CONTROL OF FOREST-PRODUCE IN TRANSIT.

31. The Local Government may make rules to regulate—

- (a) the import of timber or of any forest-produce into the Hazara District;
- (b) the transport of timber or of any forest-produce by land or by rivers and streams within the district, the custody thereof during transit, and the levy of fees in respect of timber or of any forest-produce transported;
- (c) the collection and disposal of waif and un-owned timber or of any forest-produce; and
- (d) the use of property-marks for timber and the registration of such marks;

and may prescribe as penalty for the infringement of such rules imprisonment which may extend to six months, or fine which may extend to five hundred rupees, or both.

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CHAPTER VI.

DRIFT AND STRANDED TIMBER.

32. (1) All timber found adrift, beached, stranded or sunk, all timber bearing marks which have not been registered in accordance with any rules which

Certain kinds of timber to be deemed the property of Govern-

*(Chapter VI.—Drift and Stranded Timber.)*

ment until  
title thereto  
proved.

the Local Government may have issued, all timber on which the marks have been altered, defaced or obliterated, and, in such areas as the Local Government may, by notification in the official Gazette, direct, all unmarked timber, shall be deemed to be the property of the Government unless and until some person establishes his right and title thereto.

(2) Such timber may be collected by any Forest-officer and be brought to any dépôt appointed for its reception.

(3) Due public notice shall be given from time to time of such collection, and any person claiming such timber shall be required to present a written statement of his claim within two months from the date of such notice.

Procedure  
on claim  
preferred to  
such timber.

33. (1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reason for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

34. If



(Chapter VI.—Drift and Stranded Timber.  
Chapter VII.—Penalties and Procedure.)

34. If no such statement is presented as afore-Disposal of  
said, or if the claimant omits to prefer his claim in unclaimed  
the manner and within the period prescribed by the timber.  
notice issued under section 32, or, on such claim hav-  
ing been so preferred by him and having been reject-  
ed, omits to institute a suit to recover possession of  
such timber within the further period limited by  
section 33, the ownership of such timber shall vest in  
the Government, or, when such timber has been deli-  
vered to another person under section 33, in such  
other person, free from all incumbrances not created  
by him.

35. The Government shall not be responsible for Government  
any loss or damage which may occur in respect of and its  
any forest-produce while at a depôt or while detain- officers not  
ed elsewhere for the purposes of this Regulation; liable for  
and no Forest-officer shall be responsible for any such damage to  
loss or damage unless he has caused such loss or such timber.  
damage negligently, maliciously or fraudulently.

## CHAPTER VII.

### PENALTIES AND PROCEDURE.

36. (1) Every person having rights in a reserved Liability to  
forest or owning, occupying or having rights in waste- assist in  
land or land adjacent to a reserved forest or to waste- preventing  
land, and every person employed in a reserved forest forest-offen-  
by Government or in waste adjacent to reserved forest ces and fires,  
by any owner of the waste, shall be bound to furnish etc.  
without unnecessary delay to the nearest Revenue-  
officer, Forest-officer, Village-forest-officer or Police-  
officer any information he may possess respecting  
the commission of, or intention to commit, any forest-  
offence; and shall further be bound to use his best en-  
deavours—

(a) to extinguish any fire occurring in any such  
reserved forest or in any such waste-land,

(b) to prevent fire from spreading thereto,

(c) to



*(Chapter VII.—Penalties and Procedure.)*

(c) to prevent the commission of any forest-offence therein,

(d) when there is reason to believe that a forest-offence has been committed therein, to discover and arrest the offender.

(2) All contractors and all persons employed by contractors in any reserved forest or waste-land, and all persons holding any permit or lease therein, shall be bound in the same way as regards the lands in which their employment or permit or lease subsists.

(3) Every person who neglects any duty imposed on him by this section shall, on conviction before a Magistrate, be punishable with fine which may amount to one hundred rupees, and in default of payment may be sentenced to simple imprisonment for a term not exceeding six months. In a case of second conviction, simple imprisonment not exceeding six months may be awarded in addition to the above penalty.

Burning of forests; joint liability of villagers.

37. (1) In cases of illicit firing of reserved forests or waste-lands, or in any case in which it may appear that any community of villagers, land-owners or occupants of land, or any section of such community, has neglected to render reasonable assistance in the prevention or prosecution of any forest-offence, it shall be lawful for the Deputy Commissioner to impose a fine on such community or section, in whose vicinity the firing has occurred or by whom such default has been made.

(2) Such fine shall not exceed double the land-revenue for one year payable by the community or section convicted, but in addition thereto or in lieu thereof the Deputy Commissioner may order the forfeiture to the Government of the whole or any part of the seigniorage-fees due at the time to the convicted persons under section 29.

(3) The Deputy Commissioner may in his discretion summon only the representatives of such community or section to answer to the offence or the

*(Chapter VII.—Penalties and Procedure.)*

the neglect charged, and in imposing such fine the Deputy Commissioner may direct in what manner it shall be levied from the community or section as a whole.

38. In cases of illicit firing of any reserved forest or of repeated or serious damage thereto in contravention of any of the provisions of this Regulation or rules made thereunder, the Deputy Commissioner (whether or not any punishment has been inflicted under section 9, section 36 or section 37) may direct that the area so burnt or damaged and also the whole or any part of the area of the forest attaching to the village to which the offender or offenders are proved or believed to belong shall be closed against all or any of the following acts, namely, cattle-grazing, grass-cutting, the felling and lopping of trees and the cutting and gathering of dead wood, for a period not exceeding two years or, with the sanction of the Local Government, for any longer period that may be thought fit.

Power to close forests that have been burnt or otherwise damaged.

39. In cases of a flagrant or habitual violation of any of the provisions of this Regulation or rules made thereunder, the Deputy Commissioner (whether or not any punishment has been inflicted under section 28, section 36 or section 37) may, with the previous sanction of the Revenue Commissioner, direct that within the limits of the whole of the waste-land affected or of a specified portion thereof all or any of the following acts, namely, cattle-grazing, grass-cutting, tree-felling and the cutting and gathering of brushwood or any other kind of wood shall be totally prohibited or allowed only with his special permission, for a period not exceeding two years or, with the sanction of the Local Government, for any longer period that may be thought fit.

Power to close waste-lands in cases of violation of the provisions of the Regulation.

40. Whoever contravenes an order passed under section 39 shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Punishment for act in contravention of order passed under section 39.

*(Chapter VII.—Penalties and Procedure.)*

Power to  
close land  
illicitly  
cultivated.

41. In all cases of illicit cultivation in any reserved forest or protected waste-land (whether or not any punishment has been inflicted under section 9 or section 28), the Deputy Commissioner may demarcate the land so cultivated, and may suspend the exercise in such land of all rights therein for two years, or for such longer time as may be necessary for the reproduction of any trees, brushwood or turf that may have been destroyed in order to its cultivation.

Power of  
seizure of  
forest-pro-  
duce unlaw-  
fully  
removed.

42. (1) Any Revenue, Police or Forest officer may seize—

(a) any forest-produce which he has reason to believe has been obtained or is being transported contrary to any provision of this Regulation or of any rules or orders made thereunder; and

(b) any tools or carriage, wagon, cart, truck or other vehicle used in the commission of any offence against such Regulation, rules or orders.

(2) Such seizure shall be reported forthwith to the nearest Magistrate having jurisdiction in respect of such offence.

(3) All forest-produce in respect of which an offence under this Regulation or any rule made thereunder has been committed, and any tools, or carriage, wagon, cart or other vehicle used in committing any such offence, shall be liable to confiscation.

(4) When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, direct that any thing seized under sub-section (1) shall be confiscated.

Punishment  
for wrongful  
seizure.

43. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Regulation shall be punishable with imprisonment

## (Chapter VII.—Penalties and Procedure.)

prisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

44. Whoever, with intent to cause damage or injury to the public or to any person or to cause wrongful gain as defined in the Indian Penal Code,—

Penalty for counterfeiting or defacing marks on trees and timber or altering boundary-marks.

- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers or other person to indicate that such timber or tree is the property of the Government or of such other person, or that it may lawfully be cut or removed by some person; or
- (b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or
- (c) alters, moves, destroys or defaces any boundary-mark of any forest or wasteland to which the provisions of this Regulation are applied;

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

45. (1) Any Revenue, Police, Forest or Village-forest officer may arrest without a warrant any person committing within his sight an offence punishable under this Regulation.

Power of arrest.

(2) Every officer making an arrest under this section shall without unnecessary delay take or send the person so arrested to the nearest Magistrate or police-station, there to be released on bail or personal recognizance pending the trial of the case.

46. (1) The Local Government may, by notification in the official Gazette, empower any Forest-officer—

Power to compound offences.

- (a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 43 or section

tion



*(Chapter VII.—Penalties and Procedure.)*

tion 44, a sum of money by way of compensation for the offence which such person is suspected to have committed; and,

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) No Forest-officer shall be empowered under this section unless he is of a rank not inferior to that of Ranger, and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under sub-section (1), clause (a), shall in no case exceed the sum of fifty rupees.

Procedure.

47. All proceedings relating to offences and criminal liabilities under this Regulation shall (except as herein otherwise provided by section 37) be governed by the Code of Criminal Procedure, 1898. v. 1

Jurisdiction.

48. (1) No Civil Court shall exercise jurisdiction over any of the following matters, namely :—

(a) any matter provided for in sections 3 to 27 (both inclusive);

(b) any matter provided for in sections 38, 39 and 41.

(2) In the matters referred to in sub-section (1) jurisdiction shall rest with the Revenue-officers only, and all proceedings shall be governed by the procedure prescribed by law for the time being in force for the regulation of such proceedings.

(3) Every order passed by a Revenue-officer in exercise of the above jurisdiction shall be subject to such rights of appeal and powers of review and revision as are provided in sections 80 to 84 of the XVI of Punjab Tenancy Act, 1887. 1887.

CHAPTER VIII.



## CHAPTER VIII.

## CATTLE-TRESPASS.

49. (1) Cattle trespassing in a reserved forest or in any waste-land set apart or protected under section 15, section 16 or section 17, or in any area which has been closed to grazing under section 38, shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest or Village-forest or Police officer.

(2) The Local Government may, by notification in the official Gazette, direct that in lieu of the fines fixed by section 12 of the said Act there shall be levied for each head of cattle impounded under subsection (1) such fines as it may think fit, not exceeding the following, that is to say :—

	Rs.	A.	P.
For each buffalo or camel	2	0	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer.	1	0	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid.	0	8	0

Provided that—

(a) when cultivation closely adjoins the boundary of a forest, no cattle straying from such cultivation or its neighbourhood shall be liable to seizure under this section unless the forest in that part adjoining the said cultivation has been clearly demarcated; and

(b) no cattle shall be liable to seizure which are being lawfully driven along a road or track on which a right of way exists even though they stray from such road or track;

so long as the driver has used reasonable care and diligence to prevent his cattle from so straying and to drive back such as stray.

## CHAPTER IX.

CHAPTER IX.  
FOREST-OFFICERS.

Conferment  
on Forest-  
officers of  
powers of  
Deputy Com-  
missioner or  
Assistant  
Collector.

50. The Local Government may invest any gazetted Forest-officer with all or any of the powers of a Deputy Commissioner under this Regulation and with all or any of the powers with which an Assistant Collector may be invested under the provisions of the Punjab Land-revenue Act, 1887: XVII of 1887.

Provided that any Forest-officer invested with any powers under this section shall exercise such powers subject to the control of the Deputy Commissioner of the Hazara District.

Conferment  
on Forest-  
officers of  
certain other  
powers.

51. (1) The Local Government may invest any Forest-officer with all or any of the following powers, that is to say:—

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) powers of a Civil Court to compel the attendance of witnesses and the production of documents;
- (c) power to issue a search-warrant under the Code of Criminal Procedure, 1898;
- (d) power to hold inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate: Provided that it has been taken in the presence of the accused person and that he has had an opportunity of cross-examining the witness.

Forest-  
officers  
deemed pub-  
lic servants.  
Forest-  
officers not  
to trade.

52. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code. XLV of 1860.

53. Except with the permission in writing of the Local Government, no Forest-officer shall, as principal or agent, trade in timber or any forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in British or foreign territory.

CHAPTER X.

## CHAPTER X.

## SUPPLEMENTAL PROVISIONS.

54. (1) The Local Government may make rules Additional power to make rules. to carry out the objects and purposes of this Regulation.

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

- (a) prescribe and limit the powers and duties of any Forest-officer under this Regulation;
- (b) provide for the disposal of the proceeds of fines, confiscations and other sums received under this Regulation and the regulation of rewards to be paid therefrom to officers, informers and others;
- (c) provide for the preservation, reproduction and disposal of trees, brushwood and timber produced on waste-lands.

55. All rules made under this Regulation shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Regulation. Publication of rules in official Gazette.

56. No suit, prosecution or other proceeding shall be entertained in any Court against any public servant for anything done in pursuance or execution of this Regulation or done in good faith and in intended execution of this Regulation. Indemnity for acts done in good faith.

57. All money payable to the Government under this Regulation, or any rule made thereunder, or on account of the price of any forest-produce or of expenses connected with any act done in accordance with the provisions of this Regulation or the rules made under it in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue. Recovery of money due to the Government.

VI of 1893.

58. The Hazara Forest Regulation, 1893, is repealed. Repeal of Hazara Forest Regulation, 1893.

SCHEDULE I.

SCHEDULE I.

LIST OF PROTECTED TREES.

[See section 2 (14).]

Scientific name.	Local name.	English name.	REMARKS.
Tamarisk articulata .	Rukh .	Tamarisk .	...
Pombax malabaricum .	Simbal .	Silk cotton tree .	...
Grewia oppositifolia .	Dhaman .	.....	...
Melia Azedarach .	Dhrek .	Persian lilac or bastard cedar.	...
Cedrela Toona .	Drawa .	Toon .	...
Cedrela serrata .	Drawa .	Hill toon .	...
Acer cacsium .	{ Trikan .	} Maple .	...
Acer cultratum .	{ Tarkan .		
	{ Tarkana .		
Aesculus Indica .	Bankhor .	Indian horse chestnut.	...
Pistacia integerrima .	Kangar .	Pistachio .	...
Dalbergia Sissoo .	Tali .	Shisham .	...
Cassia Fistula .	Amaltas .	Indian laburnum	...
Bauhinia variegata .	Kachnar .	.....	...
Acacia Catechu .	Khair .	Cutch .	...
Acacia modesta .	{ Phula .	} Acacia .	...
	{ Phulahi .		
Albizzia Lebbeck .	Sirin .	Siris .	...
Prunus Padus .	Kala kat .	Bird Cherry .	...
Eugenia Jambolana .	Jaman .	Black plum .	...
Cornus macrophylla .	Kandar .	.....	...
Pieris ovalifolia .	Rattankath .	.....	...
Rhododendron arbo- reum.	{ Rantol .	} Rhododendron .	...
	{ Chhan .		



1911.]

*Hazara Forests.*  
(Schedule I.)

Scientific name.	Local name.	English name.	REMARKS.
<i>Diospyros Lotus</i>	Amlok	European date-plum.	...
<i>Pyrus pashia</i>	Batangi	Wild pear	...
<i>Fraxinus floribunda</i>	Sum	Ash	...
<i>Fraxinus Xanthoxyloides</i>	Hanzuz	.....	...
<i>Olea ferruginea</i>	Kao	Indian olive	...
<i>Olea glandulifera</i>	Bankao	.....	...
<i>Ehretia acuminata</i>	Punah	.....	...
<i>Phoebe lanceolata</i>	Chan	.....	...
<i>Phyllanthus Emblica</i>	Amla	.....	...
<i>Ulmus Wallichiana</i>	Kain	Large leaved elm	...
<i>Ulmus Villosa</i>	Mannu	Small leaved elm	...
<i>Celtis australis</i>	{ Batkar Baktara }	{ Nettle tree	...
<i>Morus alba</i>	Tut, Tuli	White mulberry	...
<i>Ficus bengalensis</i>	Bor	Banyan	...
<i>Ficus religiosa</i>	Pipal	Pipal	...
<i>Ficus Roxburghii</i>	Barh or Hurmal	.....	...
<i>Platanus orientalis</i>	Chenar	Plane	...
<i>Juglans regia</i>	Arkhot, Akhor	Walnut	...
<i>Betula utilis</i>	Bhurj	Birch	...
<i>Alnus nitida</i>	Sharol	Alder	...
<i>Quercus semicarpifolia</i>	Banchar	Brown oak	...
<i>Quercus dilatata</i>	Barungi	White oak	...
<i>Quercus Ilex</i>	Rhin	Holm oak	...
<i>Quercus incana</i>	Rhin	White oak	...
<i>Quercus glauca</i>	Barin	Oak	...



*Hazara Forests.* [REG. III, 1911.]  
(Schedule I.—Schedule II.)

Scientific name.	Local name.	English name.	REMARKS.
<i>Salix tetrasperma</i>	Bis, bins	Willow	...
<i>Populus ciliata</i>	Palach	Himalayan poplar.	...
<i>Populus alba</i>	Sofeda	White poplar	...
<i>Taxus baccata</i>	Barmi, thuni	Yew	...
<i>Pinus excelsa</i>	Biar	Blue pine	...
<i>Pinus longifolia</i>	Chir	Long leaved pine.	...
<i>Cedrus Libani</i>	Diar*	Deodar	* Called Paludar in Kaghani Ilaga.
<i>Picea Morinda</i>	Kachal	Himalayan spruce.	...
<i>Abies Webbiana</i>	†Paludar, acha	Himalayan silver fir.	†Called Rewar in Kaghani Ilaga.
<i>Eucalyptus sp.</i>	Gand	...	...

SCHEDULE II.

LANDS COMPRISING KAGHAN ILAQA.

[See section 2 (8).]

Kaghan, Jared, Bhunia, Manur, Phagal Bhutandes, Kamal-ban, Kawai Suhan, Bela Sacha, Chushal, Paras, Sangar, Ghanul, Hingrai, Balakot Khos, Banbigar, Bibhara Patlang, Jiggan, Mitti Kot, Ghanela, Khet Sarash, Satbanni, Kanshian, Kumbi, Khangiri, Bhangia Josach.

## REGULATION NO. IV OF 1911.

*[Received the assent of the Governor General on the 28th December, 1911; published in the Gazette of India on the 6th January, 1912; and in the Coorg District Gazette Extraordinary on the 18th idem.]*

A Regulation further to amend the Coorg Land and Revenue Regulation, 1899.

WHEREAS it is expedient further to amend the Coorg Land and Revenue Regulation, 1899; It is hereby enacted as follows:—

1. This Regulation may be called the Coorg Land and Revenue (Amendment) Regulation, 1911. Short title.

2. In section 3, clause (10), of the Coorg Land and Revenue Regulation, 1899, for the words "land-revenue, cesses and mohatarfa", the words "land-revenue and cesses" shall be substituted. Amendment of section 3, clause (10), Regulation I, 1899.

3. The proviso to sub-section (3) of section 53 of the said Regulation is hereby repealed. Repeal of proviso to section 53, sub-section (3), Regulation I, 1899.

• [Price one anna.]

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## REGULATION NO. V OF 1911.

*[Received the assent of the Governor General on the 28th December, 1911; published in the Gazette of India on the 6th January, 1912; and in the Coorg District Gazette Extraordinary on the 18th idem.]*

### A Regulation to amend the Coorg District Fund Regulation, 1900.

VI of 1900.

**W**HEREAS it is expedient to amend the Coorg District Fund Regulation, 1900; It is hereby enacted as follows:—

1. This Regulation may be called the Coorg District Fund (Amendment) Regulation, 1911. Short title.

of 1900.

2. After section 3 of the Coorg District Fund Regulation, 1900, the following section shall be inserted, namely:—

Insertion of section 3A, Regulation VI, 1900.

“3A. (1) The Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the Coorg District Gazette, impose upon non-agriculturists in rural areas in Coorg a house-tax, levied with reference to the estimated annual income of the occupant at such rates as may be fixed from time to time.

Imposition of house-tax upon non-agriculturists in rural areas.

(2) The Chief Commissioner, with the like sanction, may, by a like notification, exempt any non-agriculturists or class of non-agriculturists from the payment of the whole or any part of such house-tax.”

3. In section 5 of the said Regulation, after the word and figure “section 3”, the words and figure “and by each non-agriculturist on account of the house-tax imposed under section 3A” shall be inserted.

Amendment of section 5, Regulation VI, 1900.

4. In section 6 of the said Regulation, after the word and figure “section 3”, the words and figure “or of the house-tax imposed under section 3A” shall be inserted.

Amendment of section 6, Regulation VI, 1900.

*[Price one anna.]*

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## REGULATION No. I OF 1912.

*[Received the assent of the Governor General on the 22nd January 1912 ; published in the Gazette of India on the 3rd February 1912 ; and in the Fort Saint George Gazette Extraordinary on the 1st. idem.]*

A Regulation to declare the Law applicable to the Laccadive Islands and Minicoy.

WHEREAS it is expedient to declare the law applicable to the Laccadive Islands and Minicoy ; It is hereby enacted as follows :—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Regulation may be called the Laccadive Islands and Minicoy Regulation, 1912 ; and  
(2) It extends to the Laccadive Islands and Minicoy. Short title and extent.
2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.
  - (i) “ the islands ” mean the Laccadive Islands and Minicoy :
  - (ii) “ the inspecting officer ” means any officer directed by the Local Government or Collector to inspect the islands or any of them : and
  - (iii) words and expressions used herein and defined in the Indian Penal Code have the same meaning respectively attributed to them in that Code.

XLV of  
860.

### CHAPTER II.

*[Pice three annas.]*



*Laccadive Islands and Minicoy.* [REG. I  
(Chapter II.—Law applicable. Chapter III.—Criminal Justice.)

CHAPTER II.

LAW APPLICABLE.

Law applicable.

3. Notwithstanding anything in any enactment now in force, this Regulation, the Madras State Prisoners Regulation, 1819, the State Prisoners Act, 1858, and the Scheduled Districts Act, 1874, shall be the only enactments in force in the islands.

II of 1819.  
III of 1858.  
XIV of 1874.

CHAPTER III.

CRIMINAL JUSTICE.

Offences triable by inspecting officer or Collector.

4. (1) Whoever commits any of the following offences shall be liable to the punishment mentioned below in respect of such offence :—

Rioting . . . . .	Imprisonment which may extend to two years, or fine, or both.
Giving false evidence . . . . .	Imprisonment which may extend to seven years, and fine.
Murder . . . . .	Death or transportation for life.
Culpable homicide not amounting to murder.	Transportation for life or imprisonment which may extend to ten years.
Causing death by rash or negligent act.	Imprisonment which may extend to two years, or fine.
Grievous hurt . . . . .	Imprisonment which may extend to seven years, and fine.
Wrongful confinement . . . . .	Imprisonment which may extend to one year, or fine.
Kidnapping . . . . .	Imprisonment which may extend to seven years, and fine.
Rape . . . . .	Transportation for life or imprisonment which may extend to ten years, and fine.
Extortion . . . . .	Imprisonment which may extend to three years, or fine, or both.
Robbery . . . . .	Rigorous imprisonment which may extend to ten years, and fine.
Dacoity . . . . .	Transportation for life, or rigorous imprisonment which may extend to ten years, and fine.

Criminal



(Chapter III.—Criminal Justice.)

Criminal misappropriation	Imprisonment which may extend to two years, or fine, or both.
Criminal breach of trust	Imprisonment which may extend to three years, or fine, or both.
Dishonestly receiving stolen property.	Imprisonment which may extend to three years, or fine, or both.
Cheating	Imprisonment which may extend to one year, or fine, or both.
Mischief by fire	Imprisonment which may extend to seven years, and fine.
Forgery	Imprisonment which may extend to two years, or fine.

✓(2) When any offence specified in sub-section (1) has been committed, the local amin shall hold an investigation, and if a *prima facie* case is made out against any person, such person shall be charged before and tried by the Inspecting officer or the Collector or any of the Collector's assistants empowered by him by general or special order in this behalf.

(3) The Inspecting officer or the Collector or any assistant of the Collector empowered under sub-section (2), when trying a case in accordance with sub-section (2), shall, when the trial is held in the islands, sit with two or more island assessors.

5. Whoever—

(a) commits any of the following offences, namely :—

theft, criminal force, assault, hurt, criminal trespass,

(b) uses abusive language to another,

(c) obstructs any person in seizing stray cattle,

(d) without reasonable cause fails to attend the kachahri when ordered to do so,

(e) causes mischief to property otherwise than by fire,

(g) makes any imputation concerning any person knowing that such imputation is liable to harm the reputation of the person,

(g) being

Minor offences and punishment.

*Laccadive Islands and Minicoy.* [REG. I  
(Chapter III.--Criminal Justice.)

(g) being convicted or charged with an offence and being in lawful custody escapes from such custody,

on conviction by the amin shall be punishable with imprisonment for a term which may extend to fifteen days, or with fine which may extend to fifteen rupees, or with both.

Addition to  
list of  
offences.

6. Subject to the control of the Governor General in Council, the Governor in Council may, by notification in the Fort St. George Gazette, add to the list of offences specified in section 4, sub-section (1), and section 5, and prescribe the punishments for the offences so added.

Failure to  
give inform-  
ation of  
birth or  
death.  
Failure to  
obey reason-  
able order of  
amin.

7. Whoever fails to give information of a birth or death in his house shall be punishable with fine which may extend to five rupees.

8. (1) Whoever, when ordered to do so by the amin,—

(a) fails to assist in launching or drawing up a boat,

~~✓ xxx) (b) fails to attend when called upon to assist in protecting coconut plantations from ravages of rats,~~

shall be punishable with fine which may extend to two rupees.

~~✓ xxx) Provided that a fine imposed under clause (b) may be refunded if the offender within forty-eight hours makes reparation to the satisfaction of the amin and assessors.~~

(2) Whoever, in a case not provided for by sub-section (1), disobeys any reasonable order of an amin or other public servant, shall be punishable with imprisonment which may extend to fifteen days, or fine which may extend to fifteen rupees, or with both.

Jurisdiction  
and consti-  
tution of

✓ 9. (1) The local amin of each island shall have jurisdiction to try persons accused of offences speci-  
fied

✓ Omitted by Reg. 5 of 1869, S. 17.

fied in sections 5 to 8 in the island and may inflict on persons found guilty of any such offence the punishment prescribed therefor. the Court of the amin.

(2) The local amin in the exercise of such jurisdiction shall sit with four or more assessors called karnavars in the islands. Such assessors shall be specially appointed by the Collector or Inspecting officer for life, subject to good behaviour.

(3) Whenever an amin is of opinion that an accused person tried before him is guilty of an offence specified in section 5 or in section 8, sub-section (2), and ought to receive a more severe punishment than he is empowered to inflict, he shall submit his proceedings, and forward the accused, to the Inspecting officer or the Collector, and such officer may pass such order as he thinks fit: Provided that he shall not pass any sentence of imprisonment exceeding one year.

10. (1) The amin may take cognizance of cases on complaint or on his own initiative.

*Procedure of amin in criminal cases.*

(2) In every case the amin shall make a memorandum of the evidence of the prosecution witnesses, the plea of the accused, and the evidence of the defence witnesses.

(3) The evidence shall be taken in the presence of the accused, and the accused and the complainant shall be allowed to cross-examine the witnesses for the other side.

(4) The amin shall deliver a written judgment, recording therein the opinions of the assessors sitting with him and the reasons for his own decision.

11. (1) The Collector may withdraw to his own file any case pending before the Inspecting officer or an amin.

*Withdrawal or transfer by Collector.*

(2) The Collector may transfer any case pending before himself or before the Inspecting officer to any of his Divisional officers for trial.

(3) The Inspecting officer may withdraw to his own file any case pending before an amin.

12. From

*Laccadive Islands and Minicoy.* [REG. I  
(Chapter III.—Criminal Justice.)

Appeals  
from deci-  
sions of  
amin.

12. From any sentence or order passed by an amin an appeal shall lie either to the Collector or the Inspecting officer in cases in which the Collector or the Inspecting officer grants special leave to appeal.

Appeals  
from  
decision of  
the Island-  
inspecting  
officer or  
Divisional  
officer.

13. Any person convicted by the Inspecting officer or by a Divisional officer may appeal (a) to the High Court if the sentence is one of death or of imprisonment for five years or upwards, and (b) to the Collector in other cases if the sentence exceeds three months' imprisonment or one hundred rupees fine.

Appeals  
from the  
Collector.

14. From any sentence or order passed by the Collector as a Court of original criminal jurisdiction an appeal shall lie to the High Court.

No second  
appeals.

15. No second appeal shall lie in any case whatever.

Provision  
as to stamps.

16. Every appeal shall be stamped with an eight-anna stamp, and shall be accompanied by a copy on stamped copy paper of the judgment or order appealed against :

Provided that nothing in this section shall apply to an appeal by a prisoner.

Limitation  
of appeal.

17. Every appeal shall be filed within six months from the date of the judgment or order appealed against :

Provided that the months of June, July, August and September shall be excluded in reckoning such period.

Represent-  
ation of  
parties.

18. No pleader shall be allowed in any Court except with the special permission of the Collector. Parties may, however, be represented by their island mukhtyars.

Powers-of-  
attorney.

19. Every mukhtyar, appearing before a Court on the mainland on behalf of a party in the islands, must produce a stamped mukhtyarnama or power-of-attorney bearing a court-fee stamp of eight annas.

Detention  
of convicts  
in common

20. Any person convicted of a criminal offence and sentenced to a term of imprisonment exceeding

two



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*(Chapter IV.—Civil Justice.)*

two months by a Court on the islands, or to any term of imprisonment by a Court on the mainland, may be sent for imprisonment to the Cannanore Central Jail. jail in certain cases.

CHAPTER IV.

CIVIL JUSTICE.

21. All questions relating to any rights claimed or set up in the Civil Courts of the islands shall be determined in accordance with any custom not manifestly unjust or immoral governing the parties or property concerned, and, in the absence of any such custom, according to justice, equity and good conscience. Law to be administered in Civil Courts.

22. The local amin of each island sitting with four or more assessors shall be the Civil Court for the island, and shall have jurisdiction over all civil claims arising therein. Constitution of Civil Courts.

23. Every suit shall be commenced by presenting a plaint to the amin having jurisdiction over the suit. Commencement of suit.

24. The Collector or the Inspecting officer may transfer any civil suit to his own file and shall then proceed to try it sitting with two or more of the island assessors. The Collector may transfer any such suit from his own file to that of any of his Divisional officers, who shall proceed to try the case with two or more such assessors. Transferred suits.

25. (1) The Collector or the Inspecting officer may refer any case for disposal or report to two or more of the island assessors. When it is referred for disposal, the assessors shall report their decision to the Court referring the case. Reference to assessors.

(2) The parties may challenge any assessor, and on sufficient reason being given another assessor shall be selected in his place.

(3) The parties shall be allowed to attend the hearing of the suit in person or by a mukhtyar, and the evidence shall be taken in open Court.

(4) The



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(Chapter IV. — Civil Justice.)

REG. I

(4) The officer trying the suit shall make a memorandum of the evidence of each witness as it is given, and shall, after the conclusion of the hearing, pronounce judgment in open Court either in the presence of the parties or after notice to them. The judgment shall be in writing and shall contain the points for determination and the decision thereon.

Appeals.

26. (1) An appeal shall lie from the decision of the amin to the Inspecting officer or to the Collector. The Collector may transfer any such appeal to the Inspecting officer or any other of his Divisional officers for disposal.

(2) No appeal shall ordinarily lie from a decision of the Inspecting officer in the exercise of his original jurisdiction, but an appeal may be admitted by the Collector if sufficient grounds are shown. From a decision of a Divisional officer in the exercise of his original jurisdiction an appeal shall lie to the Collector.

(3) Save as otherwise provided in section 31, an appeal shall lie to the High Court from any decision of the Collector in the exercise of his original jurisdiction.

Application  
of certain  
sections to  
civil cases.  
Execution  
of decrees.

27. The provisions of sections 15, 16, 17, 18 and 19 shall also apply to civil cases.

28. All decrees shall ordinarily be executed by the amin of the island where the suit was instituted. But the Collector or the Inspecting officer may execute his own decrees if convenient.

Resistance to  
execution.

29. If a judgment-debtor wilfully refuses to obey the decree of the Court, he shall be liable to punishment under section 8, sub-section (2), and where the amin is of opinion that such punishment is inadequate the procedure prescribed in section 9, sub-section (3), shall be followed.

Attachment  
and sale.

30. Cases in which attachment and sale of property is found necessary shall be reserved for the Inspecting officer, who shall attach the property of  
the

the judgment-debtor and sell it in execution of the decree.

31. Decrees or processes issued by a mainland Court against an islander, or by one island Court against a person residing in another island, shall be forwarded to the Collector for execution; and he shall cause it to be executed unless for reasons to be recorded in writing he may consider execution inadvisable, in which case he may refuse to execute it. In the case of any such refusal an appeal shall lie to the Governor in Council.

Service of process.

32. Nothing in this Regulation shall be deemed to limit or otherwise affect the inherent power of a Civil Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the powers of the Court.

Saving of inherent power of Civil Court.

## CHAPTER V.

### MISCELLANEOUS.

33. The Governor in Council may by order prohibit persons residing on the mainland from visiting or taking up their residence in the islands, and may require persons ordinarily residing on the mainland who have taken up their residence in the islands to leave the islands; and he may make such rules as he may think fit in pursuance of the above.

Power of Governor in Council to exclude inhabitants of mainland from islands.

## REGULATION No. II OF 1912.

*received the assent of the Governor General on the 19th March, 1912; published in the Gazette of India on the 23rd March, 1912; and in the North-West Frontier Province Gazette on the 29th idem.]*

A Regulation further to amend the North-West Frontier Province Law and Justice Regulation, 1901.

WHEREAS it is expedient further to amend the North-West Frontier Province Law and Justice Regulation, 1901; It is hereby enacted as follows :—

1. This Regulation may be called the North-West Frontier Province Law and Justice (Amendment) Regulation, 1912. Short title.

2. In section 9 of the North-West Frontier Province Law and Justice Regulation, 1901, the following amendments shall be made, namely :— Amendment of section 9 of Regulation VII of 1901.

(1) To sub-section (1) the following proviso shall be added, namely :—

“Provided further that any order by the Judicial Commissioner conceding or refusing to concede authority so to appear and practise shall be subject to revision by the Local Government.”

(2) In sub-section (2), for the words “The Judicial Commissioner with the previous sanction of the Local Government” the words “The Local Government” shall be substituted.

3. (1) In section 26, sub-section (1), of the said Regulation, after the words “the Local Government may” the words “subject to the control of the Governor General in Council” shall be inserted. Amendment of section 26 of Regulation VII of 1901.

(2) In the same section, clause (c) of sub-section (2) and the words in sub-section (3) “with the previous sanction of the Governor General in Council” are hereby repealed.

[Price one anna.]

## REGULATION No. III OF 1912.

### A Regulation to amend the Assam Forest Regulation, 1891.

*[Received the assent of the Governor General on the 20th March, 1912; published in the Gazette of India on the 30th idem; and in the Assam Gazette on the 24th April, 1912.]*

WHEREAS it is expedient to amend the Assam Forest Regulation, 1891; It is hereby enacted as follows:—

1. This Regulation may be called the Assam Short title. Forest (Amendment) Regulation, 1912.

2. In section 28 of the Assam Forest Regulation, 1891, for the words "with the previous sanction" the words "subject to the control" shall be substituted. Amendment of section 28 of Regulation VII of 1891.

*[Price one anna.]*

CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8 HASTINGS STREET.



## REGULATION No. IV OF 1912.

A Regulation further to amend the Sonthal Parganas Justice Regulation, 1893.

*[Received the assent of the Governor General on the 27th March, 1912; published in the Gazette of India on the 30th March, 1912; and in the Government Gazette, Bihar and Orissa, on the 3rd April 1912.]*

V of 1893.

WHEREAS it is expedient further to amend the Sonthal Parganas Justice Regulation, 1893; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Sonthal Parganas Justice (Amendment) Regulation, 1912.

Short title  
and com-  
mencement.

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

V of 1893.

2. For clause II of section 4 of the Sonthal Parganas Justice Regulation, 1893, the following shall be substituted, namely:—

Amendment  
of section 4,  
Regulation  
V of 1893.

“II.—The Sonthal Parganas shall be a sessions division, the Court of Session and the Sessions Judge for that division shall be such Court of Session and Sessions Judge as the Local Government may from time to time appoint by notification in the official Gazette, and the Court so appointed shall sit within the Sonthal Parganas.”

*[Price one anna.]*



## REGULATION No. V OF 1912.

*[Received the assent of the Governor General on the 7th June, 1912; and published in the Gazette of India on the 8th June, 1912.]*

A Regulation further to amend the British Baluchistan Forest Regulation, 1890.

V of 1890.

**W**HEREAS it is expedient further to amend the British Baluchistan Forest Regulation, 1890; It is hereby enacted as follows:—

1. This Regulation may be called the British Baluchistan Forest (Amendment) Regulation, 1912. Short title.

V of 1890.

2. In section 9, sub-sections (1) clause (c) and (6), and in section 10, sub-section (1), of the British Baluchistan Forest Regulation, 1890, for the words "with the previous sanction" the words "subject to the control" shall be substituted. Amendment of sections 9 and 10, Regulation V, 1890.

•[Price one anna.]

CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET.

# REGULATION No. I OF 1913.

A Regulation further to amend the Coorg District Fund Regulation, 1900.

*[Received the assent of the Governor General on the 25th February, 1913 ; published in the Gazette of India on the 1st March, 1913 ; and in the Coorg District Gazette Extraordinary on the 12th March, 1913.]*

of 1900. **W**HEREAS it is expedient further to amend the Coorg District Fund Regulation, 1900 ; It is hereby enacted as follows :—

1. This Regulation may be called the Coorg District Fund (Amendment) Regulation, 1913. Short title.

2. To section 9 of the Coorg District Fund Regulation, 1900, the following clauses shall be added, namely :— Amendment of section 9, Regulation VI of 1900.

“(d) the control of markets, slaughter-houses, cart-stands, burial and burning grounds and offensive trades and all matters connected with conservancy ; and

(e) the use of all public roads (whether maintained by the Coorg District Board or not) and the traffic thereon, and all matters connected with cleanliness, safety and order in respect of the same.”

And the word “and” between clauses (b) and (c) of the said section shall be omitted.

3. After section 9 of the said Regulation, the following sections shall be added, namely :— Addition of new sections 10 and 11 after section 9, Regulation VI of 1900.

“10. In making any rule under clauses (d) and (e) of section 9, the Chief Commissioner may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, in the case of Penalty for infringement of rules.

*[Price one anna and three pies.]*

a continuing breach, with a further fine, which may extend to ten rupees for every day during which the breach continues after notice from the Coorg District Board.

Rules to have  
the force of  
law.

11. All rules duly made under the Regulation shall have the force of law."

## REGULATION No. II OF 1913.

A Regulation to consolidate and amend the Regulations declaring the Law in force in British Baluchistan.

*[Received the assent of the Governor General on the 18th August 1913 : and published in the Gazette of India on the 23rd August, 1913.]*

WHEREAS it is expedient to consolidate and amend the Regulations declaring the Law in force in British Baluchistan; It is hereby enacted as follows:—

1. (1) This Regulation may be called the British Baluchistan Laws Regulation, 1913, and  
Short title and commencement.

(2) It shall come into force at once.

2. The Local Government, with the previous sanction of the Governor General in Council, may for administrative purposes, divide British Baluchistan into districts, and each of those districts into tahsils, and vary the limits of those districts and tahsils.  
Division of British Baluchistan into districts and tahsils.

3. (1) So much of each of the enactments specified in Schedule I as is in force in the territories to which the enactment generally applies shall be deemed to be in force in British Baluchistan or in the part thereof specified in the Schedule, subject to the modifications therein stated, and to any amendments to which the enactments are for the time being subject in the territories to which they generally apply.  
Laws in force in British Baluchistan.

*Price Annas five.*



*British Baluchistan Laws Regu-* [REG. II, 1913.]  
*lation.*

XIV of 1874.

(2) An enactment not comprised in Schedule I shall not be deemed to be, or to have been, in force in British Baluchistan or in any part of British Baluchistan unless it is expressed, by special mention of British Baluchistan, or a part of British Baluchistan, to extend thereto, or, after the commencement of this Regulation, is extended thereto in exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force.

II of 1899.

(3) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the Gazette of India, declare that any enactment which is comprised in Schedule I, or which may, after the commencement of this Regulation, be extended in exercise of any such powers as aforesaid, shall no longer be in force in British Baluchistan or in any part of British Baluchistan specified in the notification.

4. The provisions of the Indian Stamp Act, 1899, with respect to the consequences of instruments not being duly stamped, shall be read as not applying to any instrument which may have been executed in British Baluchistan before the 19th April, 1890.

5. (1) For the purpose of facilitating the application of any enactment for the time being in force in British Baluchistan, a Court may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

(2) All references in enactments in force in British Baluchistan to the Gazette or to the local official Gazette shall be construed as referring to the Gazette of India.

6. The enactments mentioned in Schedule II are repealed to the extent specified in the fourth column thereof.

Repeals.



[ REG. II, 1913. ] *British Baluchistan Laws Regulation.*

SCHEDULE I.

(SEE SECTION 3.)

*Enactments to be deemed in force in British Baluchistan.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
		<i>Bengal Regulations.</i>	
1812	XI	The Bengal Foreign Immigrants Regulation, 1812.	
1818	III	The Bengal State Prisoners Regulation, 1818.	
		<i>Acts of the Governor General in Council.</i>	
1843	V	The Indian Slavery Act, 1843	
1850	XVIII	The Judicial Officers' Protection Act, 1850.	
"	XXXIV	The State Prisoners Act, 1850.	
1852	XXX	The Indian Naturalization Act, 1852.	
1855	XXIV	The Penal Servitude Act, 1855.	
1857	XI	The State Offences Act, 1857.	
1858	III	The State Prisoners Act, 1858.	
1859	IX	The Forfeiture Act, 1859.	Section 5 only.
1860	IX	The Employers and Workmen (Disputes) Act, 1860.	The last paragraph of section 18 as to pardoned persons shall be omitted.
"	XXI	The Societies Registration Act, 1860.	
"	XLV	The Indian Penal Code, 1860.	
1861	V	The Police Act, 1861.	
"	XVI	The Stage-Carriages Act, 1861.	
1864	III	The Foreigners Act, 1864.	
1865	X	The Indian Succession Act, 1835	
"	XV	The Parsi Marriage and Divorce Act, 1865.	

*British Baluchistan Laws Regu-* [ REG. II, 1913. ]  
*lation.*

SCHEDULE I—*contd.* •

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
	=	<i>Acts of the Governor General in Council—contd.</i>	
1835	XXI	The Parsi Intestate Succession Act, 1865.	
1837	III	The Public Gambling Act, 1867.	
1869	IV	The Indian Divorce Act.	
1869	XX	The Indian Volunteers Act; 1869	
1870	VII	The Court-fees Act, 1870 .	In section 7 (v) (b) for the word 'five' the word 'ten' shall be substituted.
1871	I	The Cattle Trespass Act, 1871 .	
"	V	The Prisoners Act, 1871 .	
"	XXIII	The Pensions Act, 1871 .	
1872	I	The Indian Evidence Act, 1872 .	In section 25 after the words "Police Officer" the words "who is Magistrate" shall be inserted.
"	III	The Special Marriage Act, 1872 ..	
"	IX	The Indian Contract Act, 1872 .	
"	XV	The Indian Christian Marriage Act, 1872.	
1873	X	The Indian Oaths Act, 1873 .	
1874	II	The Administrator General's Act, 1874.	
"	IV	The Foreign Recruiting Act, 1874.	
"	IX	The European Vagrancy Act, 1874.	
"	XIV	The Scheduled Districts Act, 1874	
1875	IX	The Indian Majority Act, 1875 .	
1877	I	The Specific Relief Act, 1877 .	Section 9 only.

[ REG. II, 1913. ] *British Baluchistan Laws Regulation.*

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
		<i>Acts of the Governor General in Council—contd.</i>	
1878	I	The Opium Act, 1878	
"	VI	The Indian Treasure Trove Act, 1878.	
1879	XI	The Local Authorities Loans Act, 1879.	
1880	XIII	The Vaccination Act, 1880	
1881	V	The Probate and Administration Act, 1881.	
"	XXVI	The Negotiable Instruments Act, 1881.	
1882	VI	The Indian Companies Act, 1882	
"	XII	The Indian Salt Act, 1882	
1883	XIX	The Land Improvement Loans Act, 1883.	
1884	XII	The Agriculturists' Loans Act, 1884.	Section 2 only.
1885	XIII	The Indian Telegraph Act, 1885	
1886	VI	The Births, Deaths and Marriages Registration Act, 1886.	
1887	VII	The Suits Valuation Act, 1887	
"	IX	The Provincial Small Cause Courts Act, 1887.	
"	XI	The Sind-Pishin Railway Act, 1887.	
"	XVII	The Punjab Land Revenue Act, 1887.	Application restricted to the tahsil of Pishin, and modified as follows:— (1) The expressions 'Financial Commissioner' and 'Commissioner' shall in each case be construed to mean the Revenue Commissioner in Baluchistan.

*British Baluchistan Laws Regu-* [ REG. II, 1913. ]  
*lation.*

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
1887	XVII	<i>Acts of the Governor General in Council—contd.</i> The Punjab Land Revenue Act, 1887— <i>contd.</i>	(2) The following provisions shall not be deemed to be in force, namely:— Sub-sections (2) and (3) of section 1; Sub-sections (1) and (3) of section 2. Clauses (b) and (c) of sub-section (9) of section 3; Sub-section (5) of section 6; Section 7; Sub-section (3) of section 11; Clause (e) of section 13; Clause (e) of section 14; Section 42; In section 58 from the words "and from the appellate order" to the end of the section; Clause (b) of sub-section (2) of section 73; Proviso (a) in section 75; Clause (e) of section 98; Clause (e) of sub-section (2) of section 117; Sub-section (1) of section 137.



SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
1887	XVII	<i>Acts of the Governor General in Council—contd.</i> The Punjab Land Revenue Act, 1887— <i>contd.</i>	<p>(3) In sub-section (2) of section 2, for the words "under any of the repealed enactments" the words "prior to the extension of this Act" shall be substituted.</p> <p>(4) In sub-section (13) of section 3, for the words "the Legal Practitioners Act, 1879, except a Mukhtar," the words "section 12 of the British Baluchistan Civil Justice Regulation, 1896," shall be substituted.</p> <p>(5) For section 5, the following section shall be substituted, namely:— "5. The Local Government may, by order in writing and with the previous sanction of the Governor General in Council, vary the limits of the tahsil of Pishin."</p> <p>(6) For sub-section (2) of section 6, the following sub-section shall be substituted, namely:— "(2) The Deputy Commissioner for Pishin shall be the Collector of the tahsil of Pishin."</p> <p>(7) From section 8 the words "Commissioners, Deputy Commissioners, Assistant Commissioners and" shall be omitted.</p>



British Baluchistan Laws Regulation. [ REG. II, 1913. ]

SCHEDULE I—contd.

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
		<i>Acts of the Governor General in Council—contd.</i>	
1887	XV I	The Punjab Land Revenue Act, 1887—contd.	<p>(8) From sub section (4) of section 11, the words "as aforesaid and " shall be omitted.</p> <p>(9) From clause (a) of sub-section (1) of section 27, the words " Financial Commissioner, Commissioner or " shall be omitted.</p> <p>(10) From sub-section (2) of section 27, the words " Financial Commissioner, Commissioner " shall be omitted.</p> <p>(11) In sub-section (1) of section 43, for the words " either of the two last foregoing sections," the words " section 41 " shall be substituted.</p> <p>(12) In clause (d) of sub-section (2) of section 117 for the words " Divisional Court or Chief Court, as the case may be," the words " Court of the Judicial Commissioner " shall be substituted.</p> <p>(13) In section 136 and in sub-section (2) of section 137, for the words and figures " Punjab Courts Act, 1884," the words and figures " British Baluchistan Civil Justice Regulation, 1896," shall be substituted, and in sub-section (2) of section 137 the words " In the absence of any such notification" shall be omitted.</p>

[ REG. II, 1913. ] *British Baluchistan Laws Regulation.*

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
		<i>Acts of the Governor General in Council—contd.</i>	
1888	III	The Police Act, 1888	
"	IV	The Indian Reserve Forces Act, 1888.	
1889	VII	The Succession Certificate Act, 1889.	
"	XV	The Indian Official Secrets Act, 1889.	
1890	XI	The Prevention of Cruelty to Animals Act, 1890.	
1891	XVIII	The Bankers' Books Evidence Act, 1891.	
1892	II	The Marriage Validation Act, 1892.	
1894	I	The Land Acquisition Act, 1894.	
1895	XII	The Indian Companies (Memorandum of Association) Act, 1895.	
"	XV	The Crown Grants Act, 1895	
1896	XII	The Excise Act, 1896	
1897	IV	The Indian Fisheries Act, 1897	
"	VIII	The Reformatory Schools Act, 1897.	
"	X	The General Clauses Act, 1897	
"	XIV	The Indian Short Titles Act, 1897.	
1898	V	The Code of Criminal Procedure, 1898.	All references in the British Baluchistan Criminal Justice Regulation, 1896 (VIII of 1896), to the Code of Criminal Procedure, 1882 (Act X of 1882), shall be construed as referring to the

*British Baluchistan Laws Regulation.* [ REG. II, 1913. ]

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
		<i>Acts of the Governor General in Council—contd.</i>	
1898	V	The Code of Criminal Procedure, 1898— <i>contd.</i>	corresponding provisions of the Code of Criminal Procedure, 1898 (Act V of 1893), and the said Code as now extended shall be subject to the provisions of the said Regulation so construed.
1899	IV	The Government Buildings Act, 1899.	
"	VIII	The Indian Petroleum Act, 1899	
"	XIII	The Glanders and Farey Act, 1899.	
1900	IV	The Indian Companies (Branch Registers) Act, 1900.	
1901	VII	The Native Christian Administration of Estates Act, 1901.	
1904	I	The Poisons Act, 1904	
1905	IV	The Indian Railway Board Act, 1905.	
1907	III	The Provincial Insolvency Act, 1907.	
1908	V	The Code of Civil Procedure, 1908.	All except the following portions shall be omitted, namely :—  • <i>Sections.</i> (1) 15 to 23 both inclusive and 25 (Place of suing); (2) 38 to 46 both inclusive (Courts by which decrees may be executed);

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
		<i>Acts of the Governor General in Council—contd.</i>	
1908	V	The Code of Civil Procedure, 1908— <i>contd.</i>	<p>(3) 47 (Questions to be determined by Court executing decree);</p> <p>(4) 48 (Limit of time for execution);</p> <p>(5) 54 (Procedure in execution regarding partition of estate or separation of share);</p> <p>(6) 55 to 59 both inclusive (Arrest and detention);</p> <p>(7) 60 to 64 both inclusive (Attachment);</p> <p>(8) 68 to 72 both inclusive (Sale);</p> <p>(9) 74 (Resistance to execution);</p> <p>(10) 75 to 78 both inclusive (Commissions);</p> <p>(11) 79 (1) and 80 to 82 both inclusive (Suits by or against the Government or public officers in their official capacity);</p> <p>(12) 90 (Special case—Power to state case for opinion of Court);</p> <p>(13) 94 and 95 (Supplemental proceedings);</p> <p>(14) 135 (Exemption from arrest under civil process);</p>



SCHEDULE I—contd.

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
1908	V	<p><i>Acts of the Governor General in Council—contd.</i></p> <p>The Code of Civil Procedure, 1908—contd.</p>	<p>(15) 136 (Procedure where person to be arrested or property to be attached is outside district);</p> <p><i>The First Schedule.</i></p> <p>(16) Order V—Rules 24 and 27 to 29 both inclusive (Service of summons);</p> <p>(17) Order XXI—Rules 4 to 9 both inclusive (Courts executing decrees); Rules 11 to 14 both inclusive, and Rules 17, 22, 23 (Application for execution); Rule 24 (Process for execution); Rules 37, 39, 40 (Arrest and detention in the civil prison) and Rule 48 (Attachment of salaries and allowances of Public officer or servant of Railway Company, or local authority);</p> <p>(18) Order XXV—the whole (Security for costs);</p> <p>(19) Order XXVI—the whole (Commissions);</p> <p>(20) Order XXVII—the whole (Suits by or against the Government or Public officers in their official capacity);</p>



[ REG. II, 1913. ] *British Baluchistan Laws Regulation.*

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
1908	V	<p><i>Acts of the Governor General in Council—contd.</i></p> <p>The Code of Civil Procedure, 1908—<i>contd.</i></p>	<p>(21) Order XXVIII—the whole (Suits by or against Military men);</p> <p>(22) Order XXXII—the whole (Suits by or against minors and persons of unsound mind);</p> <p>(23) Order XXXIII—the whole (Suits by paupers);</p> <p>(24) Order XXXVI—the whole (Special case);</p> <p>(25) Order XXXVIII—Rules 1 to 6 both inclusive and 9 to 12 both inclusive (Arrest and attachment before judgment);</p> <p>(26) Order XXXIX—Rules 6 to 10 both inclusive (Interlocutory orders);</p> <p>(27) Order XLV—the whole (Pauper appeals);</p> <p><i>The Second Schedule.</i></p> <p>(28) Paragraphs 17 and 18 (Order of reference on agreements to refer to arbitration);</p> <p>(29) Paragraphs 20 and 21 (Arbitration without the intervention of a court);</p>

*British Baluchistan Laws Regulation.* [ REG. II, 1913. ]

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
1908	V	<i>Acts of the Governor General in Council—concl'd.</i> The Code of Civil Procedure, 1908— <i>concl'd.</i>	<i>The Third Schedule.</i> (30) The whole (Execution of decrees by Collectors).
"	IX	The Indian Limitation Act, 1908	The Act shall be read as if the words "or the British Baluchistan Civil Justice Regulation, 1896, as the case may be" were added at the end of sub-section (8) of section 42.
"	XVI	The Indian Registration Act, 1908	
1911	VIII	The Indian Army Act, 1911	
1912	II	The Co-operative Societies Act, 1912.	
1913	V	The White Phosphorus Matches Prohibition Act, 1913.  <i>Regulations under 33 Vict., C. 3.</i>	The expression "Lieutenant-Governor," wherever it occurs in the said Regulation, shall be construed to mean the "Chief Commissioner of British Baluchistan."
1874	VII	The Punjab Frontier Jagir Revenue Collection Regulation, 1874.	
1901	III	The Frontier Crimes Regulation, 1901.	
			(1) All references to the Commissioner or to the Court of the Commissioner, shall be read as referring to the Chief Commissioner of British Baluchistan.  (2) From section 8, sub-section (1), the words "and if a suit is not pending in respect of the dispute" and the words "the Members of the Council of Elders shall, in each case, be nominated and appointed by the

*British Baluchistan Laws Regulation.* [ REG. II, 1913. ]

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
1907	I	<p><i>Regulations under 33 Vict., C. 3 conclud.</i></p> <p>The Upper Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulation, 1907.</p>	<p>(1) The expressions "or the Hill District of Arakan," "and the Hill District of Arakan," "or Shan or Karenni States," "or of the Hill District of Arakan," "and Arakan Hills" and "and to the Hill District of Arakan" shall be omitted, and the references to "Upper Burma" and "Commissioner of the Division" shall be read as references to "British Baluchistan" and "Chief Commissioner of British Baluchistan," respectively.</p> <p>(2) For section 2, clause (a), the following shall be substituted:—</p> <p>"(a) pass across the frontier of British Baluchistan into any foreign territory."</p>

REG. II, 1913.] *British Baluchistan Laws Regulation.*

SCHEDULE I—*contd.*

1	2	3	4
Year.	Number.	Short title.	Modifications and restrictions.
1901	III	<i>Regulations under 33 Vict., C. 3—contd.</i> The Frontier Crimes Regulation, 1901— <i>contd.</i>	Deputy Commissioner" shall be omitted.  (3) In section 11, subsection (1), the words "the Members of the Council of Elders shall, in each case, be nominated and appointed by the Deputy Commissioner" shall be omitted.  (4) For section 11, subsection (2), the following shall be substituted, namely:—  "(2) Where a reference to a Council of Elders is made under subsection (1), the names of the members shall, as soon as may be, be communicated to the accused person and any objection which he may then make to any such member shall be recorded. The Deputy Commissioner shall consider every objection made by an accused person under this subsection and may, in his discretion, either accept or reject the objection: provided that, in the latter case, he shall record his reasons for so doing."



*British Baluchistan Laws Regu-* [REG. II, 1913.]  
*lation.*

SCHEDULE II.

(SEE SECTION 6.)

*Enactments repealed.*

1	2	3	4
Year.	Number.	Short title.	Extent of repeal.
1890	I	The British Baluchistan Laws Regulation, 1890.	So much as is unrepealed.
"	V	The British Baluchistan Forest Regulation, 1890.	Sections 45 and 46.



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# THE ANGUL LAWS REGULATION, 1913. (III OF 1913).

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[*Price Annas eight.*]

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THE SCHEDULE—ENACTMENTS DECLARED IN FORCE IN THE  
DISTRICT OF ANGUL OR PART THEREOF.



## REGULATION No. III OF 1913.

A Regulation to provide for the peace and good government of the Angul District.

*[Received the assent of the Governor General on the 10th October, 1913 ; and published in the Gazette of India on the 18th idem and in the Bihar and Orissa Gazette on the 29th idem.]*

WHEREAS it is expedient to consolidate and amend the law providing for the peace and good government of the Angul District in the Orissa Division ; It is hereby enacted as follows :—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Regulation may be called the Angul Laws Regulation, 1913 ; and  
Short title and com-  
mencement.

(2) It shall come into force on such day as the Local Government may, by notification in the Bihar and Orissa Gazette, direct.

2. In this Regulation and in every enactment in force in the district, unless  
Definitions.  
there is anything repugnant in the subject or context,—

(a) "accountant" means any person charged with the duty of keeping the account of any demand due to the Government and accruing within the district ;

(b) "Deputy Collector and Deputy Magistrate" includes any Sub-Deputy Collector and Sub-Deputy Magistrate who is specially empowered by the Commissioner to discharge the functions of a Deputy Collector and Deputy Magistrate ;

(Chapter I.—Preliminary—Section 2. Chapter II.—Law applicable in the District—Section 3.)

- (c) "Deputy Commissioner" means the officer in chief executive charge of the district, by whatever other title he may be designated;
- (d) "district" means the district comprising Angul and the area known as the Khondmals;
- (e) "District Court" and "District Judge" means the Court of the Deputy Commissioner and the Deputy Commissioner, respectively;
- (f) "High Court" means, with reference to criminal proceedings against European British subjects or persons jointly charged with such subjects, the High Court of Judicature at Fort William in Bengal; and, in any other case, the Court of the Commissioner;
- (g) "Sub-divisional Officer" means the Officer in charge of a Sub-division of the district; and
- (h) "Superintendent of Police" means the chief officer in charge of the Angul District Police, by whatever other title he may be designated.

## CHAPTER II.

### LAW APPLICABLE IN THE DISTRICT.

3. (1) So much of each of the enactments specified in the Schedule as is at the commencement of this Regulation in force in the territories to which the enactment generally applies shall, in the form in which it is for the time being so in force, be deemed to be in force in the district, or in such part thereof as is mentioned in the 3rd column of the said Schedule, subject to any modifications made by this Regulation.

(Chapter II.—Law applicable in the District—  
Sections 3–6.)

(2) An enactment not comprised in the Schedule shall not be deemed to be in force in any part of the district, unless it is expressed by special mention of the district of Angul or any part of that district to extend thereto or is, after the commencement of this Regulation, declared in force therein or extended thereto in exercise of the powers conferred by section 5 of this Regulation or by any other enactment for the time being in force in the district.

*Explanation.*—Enactments not comprised in the Schedule, and not declared in force or extended as aforesaid, shall not be deemed to be in force in the district or any part thereof merely on the ground that they are referred to in some enactment which is so in force.

4. Subject to the control of the Governor General in Council, the Local Government may, by notification in the Bihar and Orissa Gazette, declare that any enactment which is comprised in the Schedule shall no longer be in force in the district; and, on the publication of such notification, such enactment shall be repealed in the said district.

5. Subject to the control of the Governor General in Council, the Local Government may, by notification in the Bihar and Orissa Gazette, declare that any enactment not comprised in the Schedule shall be in force in the district or any part thereof, and, on the publication of such notification, such enactment shall be deemed to be comprised in the Schedule.

6. For the purpose of facilitating the application of any enactment for the time being in force in the district, any Court may construe such enactment with such alterations, not affecting the substance thereof, as may be necessary or proper to adapt it to the matter before the Court.

(Chapter II.—Law applicable in the District—Sections 7—8. Chapter III.—Constitution and Jurisdiction of Courts—Sections 9—10.)

7. Notwithstanding anything in this Regulation or Proceedings when not in the enactments comprised in the Schedule, no finding, sentence, judgment, decree or order of any Court shall be reversed, set aside or modified on appeal, revision or otherwise, by reason of any irregularity in procedure, unless such irregularity has, in the opinion of the Court, caused a failure of justice.

8. Any person liable to be imprisoned in any prison in the district or to be transported, under any order or sentence passed by any officer or Court duly empowered under this Regulation, may be confined in any prison in British India, or may be transported to any place which the Local Government may select.

### CHAPTER III.

#### CONSTITUTION AND JURISDICTION OF COURTS.

9. The district shall be divided, for Civil, Criminal and Revenue purposes, into the Sub-divisions of the district, the Sadar or Angul sub-division and the Khondmals sub-division.

10. There shall be the following Courts in or for the district, and they shall be subject to the general superintendence and control of the Local Government:—

- (1) the Court of the Honorary Magistrate or Bench of Magistrates;
- (2) the Court of the Sub-Deputy Collector and Sub-Deputy Magistrate;
- (3) the Court of the Deputy Collector and Deputy Magistrate;
- (4) the Courts of the Sub-divisional Officers of Angul and of the Khondmals;
- (5) the Court of the Deputy Commissioner; and



(Chapter III.—Constitution and Jurisdiction of Courts—Sections 11–14.)

(6) the Court of the Commissioner.

11. The Local Government may establish any Establishment of other Courts and may invest it with such powers as it may prescribe to be exercised in the district.

12. (1) The immediate control and supervision of the Court of the Deputy Commissioner and of any other Court of equal or similar powers that may hereafter be established in accordance with the provisions of section 11 shall be vested in, and every such Court shall be subordinate to, the Court of the Commissioner.

(2) The immediate control and supervision of the Courts mentioned in clauses (1) to (4) of section 10, and of any other similar Court that may hereafter be established under section 11, shall be vested in, and all such Courts shall be subordinate to, the Court of the Deputy Commissioner.

13. The Local Government may, by notification in the Bihar and Orissa Gazette, define the local limits of the jurisdiction and the powers of any Court constituted under this Regulation, or of any officer of the Government employed in the district.

14. (1) The Courts mentioned in section 10 shall ordinarily have the powers specified in the following table:—

Name of Court.	Revenue powers.	Criminal powers.	Civil powers.
1	2	3	4
I.—The Court of the Honorary Magistrate or Bench of Magistrates.	...	The ordinary powers of a Magistrate of the third class, as defined in the Code of Criminal Procedure, 1898.	...

V of 1898.



## (Chapter III.—Constitution and Jurisdiction of Courts—Section 14.)

Name of Court.	Revenue powers.	Criminal powers.	Civil powers.
1	2	3	4
<p>V of 1908.</p> <p>II.—The Court of the Sub-Deputy Collector and Sub-Deputy Magistrate.</p>	<p>Powers corresponding to those of a Deputy Collector under any law for the time being in force in the district.</p>	<p>The ordinary powers of a Magistrate of the second class, as defined in the Code of Criminal Procedure, 1898.</p>	<p>...</p>
<p>III.—The Court of the Deputy Collector and Deputy Magistrate.</p>	<p>Ditto.</p>	<p>Ditto</p>	<p>Powers corresponding to those of a Civil Court, under the Code of Civil Procedure, 1908, to try original civil suits of which the value does not exceed one hundred rupees.</p> <p>V of 1908.</p>
<p>V of 1898.</p> <p>IV.—The Court of the Sub-divisional Officers of Angul and of the Khondmals.</p>	<p>Powers corresponding to those of a Deputy Collector under any law for the time being in force in the district.</p>	<p>The ordinary powers of a Sub-divisional Magistrate of the first class, as defined in the Code of Criminal Procedure, 1898.</p>	<p>Powers corresponding to those of a Civil Court, under the Code of Civil Procedure, 1908, to try original civil suits of which the value does not exceed five hundred rupees.</p> <p>V of 1908.</p>
<p>V of 1898.</p> <p>V.—The Court of the Deputy Commissioner.</p>	<p>Powers corresponding to those of a Collector under any law for the time being in force in the district.</p>	<p>The ordinary powers of a District Magistrate and of a Sessions Judge, under the Code of Criminal Procedure, 1898.</p>	<p>Powers of a Court of Small Causes under the Provincial Small Cause Courts Act, 1837; the limit of powers in each case to be fixed by the Local Government.</p> <p>IX of 1887.</p> <p>Powers corresponding to those of a District Judge, under the Code of Civil Procedure, 1908, to try original civil suits and appeals without limit as respects the value.</p> <p>V of 1908.</p>

(Chapter III.—Constitution and Jurisdiction of Courts—Section 14.) (Chapter IV.—Administration of Criminal Justice—Sections 15—16.)

Name of Court	Revenue powers.	Criminal powers.	Civil powers.
1	2	3	4
VI.—The Court of the Commissioner. V of 1898.	Powers corresponding to those of a Commissioner and of the Board of Revenue under any law for the time being in force in the district.	The ordinary powers of a High Court, under the Code of Criminal Procedure, 1898, except in regard to criminal proceedings against European British subjects or persons jointly charged with European British subjects.	Powers corresponding to those of a High Court under the Code of Civil Procedure, 1908. V of 1908.

(2) The Local Government may, by notification in the Bihar and Orissa Gazette,—

- (a) confer upon any Court mentioned in column 1 of the foregoing table any further powers in addition to those specified in respect of such Court in that table, or
- (b) authorize the Board of Revenue to exercise supervision and control over any such Court in all or any matters relating to revenue.

#### CHAPTER IV.

##### ADMINISTRATION OF CRIMINAL JUSTICE.

15. The district shall be a sessions division, the Court of the Deputy Commissioner shall be the Court of Session, and the Deputy Commissioner shall be the Judge of that Court.

16. As Sessions Judge the Deputy Commissioner may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him

\* Power of Court of Session to take cognizance of offences as a Court of original jurisdiction.

(Chapter IV.—Administration of Criminal Justice—  
Sections 17—20.)

for trial by a Magistrate, and, when so taking cognizance of an offence, shall, subject to the provisions of this Regulation, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.

V of 1898.

17. A trial before a Court of Session may be without a jury or the aid of assessors.

Sessions trials without jury or assessors.

18. (1) The police-officer of highest rank present at a police-station shall be deemed to be the officer in charge of such police-station.

Officer in charge of a police-station.

(2) Any police-officer may exercise the powers conferred, by section 55 of the Code of Criminal Procedure, 1898, on an officer in charge of a police-station.

V of 1898.

19. (1) Notwithstanding anything contained in section 57 or section 61 of the Code of Criminal Procedure, 1898, an officer in charge of a police-station may detain a person arrested without warrant for such time as in all the circumstances of the case is reasonable.

Detention by police.

V of 1898.

(2) When such officer of his own authority detains any such person in custody for a longer period than twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the nearest Magistrate's Court, he shall, in the report prescribed by section 62 of the Code of Criminal Procedure, 1898, state his reasons for prolonging the detention of such person, and, where the detention extends beyond three days, shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 was submitted may, by general or special order, direct.

V of 1898.

20. Nothing in the first paragraph of sub-section (1) of section 162 of the Code of Criminal Procedure, 1898, shall be construed to apply to a statement made to a police-officer who is also a Magistrate.

Statement made to police-officer.

V of 1898.

(Chapter IV.—Administration of Criminal Justice—  
Sections 21—26:)

21. Notwithstanding anything in any law for the time being in force, a prosecution for an offence against the State, or for the offence of giving false evidence in respect of a statement made by a person who has accepted a tender of pardon, may be entertained upon complaint made by order of, or under authority from, the Deputy Commissioner.

Prosecution for State offences or for false evidence by person to whom pardon has been tendered.

22. Any Magistrate tendering a pardon to an accomplice under section 337 of the Code of Criminal Procedure, 1898, may, notwithstanding anything contained in that section, try the case himself.

Tender of pardon.

23. Notwithstanding anything contained in the Indian Limitation Act, 1908, the period of limitation for an appeal from any sentence or order in any criminal case shall be thirty days from the date of such sentence or order.

Limitation of appeal.

24. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no appeal shall lie in any case in which the Deputy Commissioner, exercising the powers of a District Magistrate or of a Court of Session, passes a sentence of imprisonment for a term not exceeding three months, or of fine not exceeding one hundred rupees, or of whipping only.

Restrictions on appeal.

25. Where an offence referred to in section 195 of the Code of Criminal Procedure, 1898, is committed before the presiding officer of a Criminal Court, or in contempt of his authority, or is brought to his notice in the course of a judicial proceeding, he may himself try for such offence the person accused thereof.

Contempt and offences against public justice or relating to documents.

26. Notwithstanding anything contained in section 495 of the Code of Criminal Procedure, 1898, any Court may allow any police-officer to conduct a prosecution.

Conduct of prosecutions.



(Chapter IV.—Administration of Criminal Justice—  
• Section 27—29.)

**27.** Any Court may, for reasons stated in writing, refuse to exercise, in the manner mentioned in sub-section (8) of section 526 of the Code of Criminal Procedure, 1898, the power of postponement or adjournment given by section 344 of that Code.

Adjournment, on application, for transfer of case.

V of 1898.

**28.** In the case of any proceeding the record of which has been called for and examined by himself, or which has been reported for orders under section 435 of the Code of Criminal Procedure, 1898, or which otherwise comes to his knowledge, the Deputy Commissioner or the Commissioner may, in his discretion, exercise any of the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428 of that Code, and may, for sufficient reasons to be recorded, enhance the sentence :

Commissioner's and Deputy Commissioner's power of revision.

V of 1898.

Provided that—

- (1) no order under this section shall be made to the prejudice of the accused, unless he has had an opportunity of being heard in his defence;
- (2) nothing in this section shall apply to an entry made under section 273 of that Code, or shall be deemed to authorize the conversion of a finding of acquittal into one of conviction.

**29.** Nothing in this Chapter with respect to procedure in inquiries or trials, or with respect to sentences or appeals therefrom, or the period of limitation for such appeals or to the enhancement or execution of sentences, shall be construed to affect the Code of Criminal Procedure, 1898, or the Indian Limitation Act, 1908, in its application to European British subjects or to persons jointly charged with such subjects.

Saving of provisions relating to European British subjects.

V of 1898.

IX of 1908.



Chapter V.—Administration of Civil Justice—  
Sections 30—31.)

CHAPTER V.

ADMINISTRATION OF CIVIL JUSTICE.

30. (1) When in any civil proceeding it is necessary to decide any question regarding succession, inheritance, pre-emption, caste, special property of females, betrothal, marriage, adoption, guardianship, minority, bastardy, family relationship, wills, legacies, gifts, partitions or any other religious or social usage or institution,

the Buddhist law, in cases where the parties are Buddhists, the Muhammadan law, in cases where the parties are Muhammadans, and the Hindu law, in cases where the parties are Hindus, shall form the rule of decision,

except in so far as such law has, by any enactment in force in the district, been amended or abolished, or is opposed to any custom having the force of law in the district.

(2) In cases not provided for by sub-section (1), or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

31. In any suit instituted after the commencement of this Regulation,—

Interest.

(a) interest on any debt or liability for a period exceeding one year shall not be decreed at a higher rate than two per cent per mensem, notwithstanding any agreement to the contrary; and no compound interest arising from any adjustment of account which is not final, or from any claim by bond, decree or otherwise, which has been increased on renewal without the passing of fresh consideration, shall be decreed; and,

(b) the total interest decreed on any loan or debt shall not exceed one-fourth of the principal

(Chapter V.—Administration of Civil Justice—Sections 32—35.)

sum, if the period be not more than one year, and shall not in any other case exceed the principal of the original loan or debt.

**32.** The Court may at any time, of its own motion, for reasons to be recorded in writing, refer any matter arising in any suit to the arbitration of any village panchayat which has been vested by the Deputy Commissioner with powers in this behalf.

**33.** Where any suit involves—

- (a) the examination or adjustment of accounts, or
- (b) questions of pedigree or local caste or of local or family custom, or
- (c) any other question of family law,

the Court may, of its own motion or on the application of any of the parties, and after recording its reasons in writing, refer to arbitration any matter of difference between the parties.

**34.** Notwithstanding anything contained in Schedule II of the Code of Civil Procedure, 1908,—

V of 1908.

Bar to arbitration in certain cases, and limitation of awards.

- (a) no matter in which any settlement proceeding or any interest of the Government is involved shall be referred to arbitration;
- (b) no award which is contrary to any of the provisions of this Regulation shall have any effect.

**35. (1)** Whenever any matter is referred to arbitration, under section 33 or under the Second Schedule to the Code of Civil Procedure, 1908, three arbitrators shall be appointed: namely, one by the plaintiff, one by the defendant, and one by the Court.

V of 1908.

Number and appointment of arbitrators.

(Chapter V.—Administration of Civil Justice—Sections 36—38.).

(2) The Court shall consider any objection that may be made by the plaintiff or the defendant to any appointment within seven days from the date of such appointment, and may, if it thinks fit, direct that a fresh appointment be made.

36. Subject to the modifications contained in sections 32 to 35, the provisions of the Second Schedule of the Code of Civil Procedure, 1908, shall, so far as may be, apply to all references to arbitration made in accordance with the provisions of this Regulation.

Application of Second Schedule of Code of Civil Procedure, 1908.

V of 1908.

37. The Crown shall be presumed, until the contrary is proved, to be entitled to the exclusive use and control of—

Use and control of rivers, etc.

- (a) the water of all rivers and streams flowing in natural channels,
- (b) all natural collections of water, and
- (c) all tanks and irrigation-embankments belonging to, or constructed wholly or in part by or at the expense of, the Government,

within the district.

38. (1) An original decree or order made by the Court of a Sub-divisional Officer in any civil or revenue suit, the value of which does not exceed fifty rupees, shall, subject to the provisions of this Regulation with respect to revision, be final.

Appeal.

(2) From every other decree or order made by the Court of a Sub-divisional Officer, and from every decree or order made in any civil or revenue suit by any other Court subordinate to the Court of the Deputy Commissioner, an appeal shall lie to the Court of the Deputy Commissioner.

(3) An original decree or order made by the Court of the Deputy Commissioner in any civil or revenue suit, the value of which does not exceed five hundred

(Chapter V.—Administration of Civil Justice—Section 39. Chapter VI.—Recovery of Public Demands—Section 40.)

rupees, shall, subject to the provisions of this Regulation with respect to revision, be final.

(4) From every other original decree or order made by the Court of a Deputy Commissioner in any civil or revenue suit, an appeal shall lie to the Court of the Commissioner.

(5) Save as provided by sub-section (6), and subject to the provisions of this Regulation with respect to revision, every appellate decree or order of the Court of the Deputy Commissioner in any civil or revenue suit shall be final.

(6) An appeal from an appellate decree or order of the Court of the Deputy Commissioner in a civil or revenue suit, the value of which exceeds one thousand rupees, and in which the Deputy Commissioner has reversed or modified the orders of the Lower Court, shall lie to the Court of the Commissioner.

39. The Commissioner or the Deputy Commissioner may, of his own motion or otherwise, call for the record of any civil or revenue case decided by any Court under his control and supervision, and may pass such order thereon as he may think fit.

## CHAPTER VI.

### RECOVERY OF PUBLIC DEMANDS.

Certificate that public demand is in arrear. 40. Whenever —

- (a) any sum due to the Government, or
- (b) any rent due to a sarbarakar who, under the terms of the settlement made with him, has previously paid the amount thereof to the Government, or
- (c) any plough-contribution due to a sardar or mutha malik who has previously paid the amount thereof to the Government,



(Chapter VI.—Recovery of Public Demands—Sections 41—44.)

remains unpaid on the date next following that on which payment is due, the accountant shall certify in writing to the Sub-divisional Officer the fact of the arrear and the amount due.

41. (1) On receipt of any such certificate the Sub-divisional Officer may, after making such inquiry as he thinks fit and if he be satisfied that the demand specified in the certificate or any part thereof is justly due, issue a notice to the defaulter ordering him within a given time,—

(a) to pay the amount specified in the notice, or

(b) to appear before him and state any objection he may have to paying such amount or any part thereof.

(2) When any objection is made under clause (b) of sub-section (1), the Sub-divisional Officer shall, after making such inquiry as may be necessary, determine the same.

42. The Sub-divisional Officer may recover any amount ascertained to be due in accordance with the provisions of section 41, together with all cost of realizing the same, by attachment and sale of any property belonging to the defaulter.

43. (1) The Sub-divisional Officer shall not proceed against any immoveable property of a raiyat, unless and until he has satisfied himself that the raiyat has no moveable property by the sale of which the sum due from him can be realized.

(2) Before any immoveable property of a raiyat is sold under the provisions of this Chapter, the case shall be reported for the orders of the Deputy Commissioner. On receipt of such report, the Deputy Commissioner may,

(a) order the sale of such property, or



(Chapter VI.—Recovery of Public Demands—Sections 44—45. . Chapter VII.—Police—Sections 46—47.

(b) attach such property and make such arrangements as he thinks fit to liquidate the debt.

44. All the proceedings of a Sub-divisional Officer <sup>Deputy Commissioner's and Commissioner's power of revision.</sup> under this Chapter shall be subject to revision by the Deputy Commissioner and by the Commissioner who may set aside or modify the orders of the said Sub-divisional Officer in any way he thinks fit; but there shall be no appeal, as a matter of right, to either of the said officers.

45. Every Sub-divisional Officer shall keep, in such form as may from time to time be prescribed by the Commissioner, a register of his proceedings under this Chapter; and every payment made by any defaulter shall be duly entered in such register.

## CHAPTER VII.

### POLICE.

46. Subject to the approval of the Deputy Commissioner, the Superintendent of Police may, after consulting the house-holders of any village, appoint any person to be a village-chaukidar, and may, for any misconduct or neglect of duty, dismiss any village-chaukidar.

<sup>Power to appoint and dismiss village chaukidars.</sup> 47. (1) The Deputy Commissioner may, from time to time, by written order,—

- (a) declare any local area or group of dwelling to be a village for the purposes of this Chapter, and
- (b) direct each house-holder of the village to make a monthly or annual payment, in money or in grain, or in both, of such amount as may be fixed by the Deputy Commissioner, after consulting such house-

(Chapter VII.—Police—Sections 48—49.

holders, to defray the cost of the salary and uniform of the village-chaukidar.

(2) The said payments shall be made to the headman, sarbarakar or other person appointed by the Deputy Commissioner in this behalf.

(3) It shall be the duty of the person so appointed to see that the said payments are punctually made, and duly to account for the same; and the Deputy Commissioner may impose a fine not exceeding ten rupees on any person who neglects to perform such duty.

(4) All arrears of the said payments may be realized from the said house-holders, under the written order of the Deputy Commissioner in each case, by sale of the defaulter's moveable property.

(5) The Deputy Commissioner may authorize the Sub-divisional Officer to exercise all or any of his powers under this section.

Penalty for village-chaukidar withdrawing from his duties, etc.

48. Every village-chaukidar who—

- (a) withdraws from the duties of his office without the express permission of the Superintendent of Police or of some officer duly authorized by him to grant such permission, or
- (b) resigns his office without the permission of the Superintendent of Police, unless he has given at least two months' notice of his intention to resign, or
- (c) is guilty of cowardice,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten rupees :

Provided that no prosecution shall be instituted against any village-chaukidar under this section without the previous sanction of the Deputy Commissioner.

49. Any village-chaukidar who is guilty of any wilful misconduct in his office or neglect of his duty,

Power to fine village-chaukidars departmentally.

## (Chapter VII.--Police--Section 50.)

such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, or of section 48, and not being of so grave a character as, in the opinion of the Superintendent of Police, to require his dismissal from his office,

XLV of 1860

shall be liable, under the orders of such Superintendent, to a fine not exceeding three rupees.

**50.** Every village-chaukidar appointed under this

Duties of village-chaukidar.

Regulation shall perform the following duties, namely:—

(i) he shall give immediate information to the officer in charge of the police-station within the limits of which the village of which he is a chaukidar is situated, of all the matters specified in section 45 of the Code of Criminal Procedure, 1898, which may occur within such village or which may come to his notice otherwise;

V of 1898.

(ii) he shall keep the police informed of all disputes which are likely to lead to any riot or serious affray;

(iii) he shall arrest—

all proclaimed offenders and escaped convicts, all persons whom he may find in the act of committing any of the offences specified in section 45 of the Code of Criminal Procedure, 1898, and

V of 1898.

any person against whom a reasonable suspicion exists of his having been concerned in any offence so specified, whether such offence has been or is being committed within or outside his village;

(iv) he shall observe, and, from time to time, report to the officer in charge of the police-station within the limits of which such village is situated,—

the movements of all bad characters in such village,

(Chapter VII.—Police—Sections 51—52.)

the movements of any other person who may be lurking in such village without any ostensible means of subsistence, or who cannot give a satisfactory account of himself ;

- (v) he shall report to the officer in charge of the said police-station the arrival of any suspicious characters or vagrants or wandering gangs in the neighbourhood ;
- (vi) he shall present himself at the said police-station at such intervals as the Deputy Commissioner may direct ;
- (vii) he shall supply any local information which the Deputy Commissioner or the Superintendent of Police may require ; and
- (viii) he shall obey the orders of the Deputy Commissioner and of the Superintendent of Police with respect to—

the place where he is to reside, keeping watch in the village, and other matters connected with his duties as village-chaukidar.

**51.** Whenever a village-chaukidar arrests any person, he shall forthwith take the person so arrested to the police-station within the limits of which the village of which he is a chaukidar is situated :

Provided that, if the arrest is made at night, such person may be so taken as soon as convenient on the following morning.

**52.** An appeal shall lie to the Deputy Commissioner from every order of the Superintendent of Police punishing a village-chaukidar with fine or dismissal ; and, subject to the general power of revision of the Commissioner, the order which the Deputy Commissioner may pass on such appeal shall be final.



(Chapter VII.—Police—Sections 53–54. Chapter VII.—Registration of Documents—Section 55.)

53. The district shall be deemed to be a general police-district within the meaning of the Police Act, 1861, as modified by the Bengal Police Act, 1869; and, except in so far as the Local Government otherwise directs, the Commissioner shall exercise in it all powers and authorities conferred on an Inspector-General of Police.

V of 1861.  
Ben. Act VII  
of 1869.

Application of the Police Act, 1861.

Power to make rules.

54. (1) The Local Government may make rules—

- (a) to regulate the appointment, and to prescribe additional duties, of village-chaukidars;
- (b) to regulate the grant of rewards to village-chaukidars, village officers and panchayats,
- (c) to prescribe the duties and powers of sarbarakars, sardars, mutha maliks and other village head-men, and members of panchayats, as officers of police,
- (d) to prescribe the manner in which village-officers shall watch and inspect bad characters, and
- (e) to prescribe penalties for the breach of rules made under clause (c) or clause (d) of this section.

(2) The penalties prescribed under clause (e) may be fine extending to fifty rupees, or imprisonment extending to three months, or both.

## CHAPTER VIII.

### REGISTRATION OF DOCUMENTS.

55. (1) The Sub-divisional Officer of Angul and the Sub-divisional Officer of the Khondmals shall be *ex officio*.

Sub-Registrars.

Sub-Registrars of their respective sub-divisions:



(Chapter VIII.—Registration of Documents—Sections 56--57.)

Provided that the Deputy Commissioner may, with the approval of the Commissioner, direct any other gazetted officer to perform the duties of Sub-Registrar of either sub-division instead of the Sub-divisional Officer; and any officer to whom such a direction is given shall thereupon be a Sub-Registrar *ex officio*.

(2) The Local Government may appoint such other persons as it thinks proper to be Sub-Registrars for the sub-divisions of the district, or for any part of them.

(3) Every Sub-Registrar shall be deemed to be a public servant within the meaning of the Indian Penal Code. <sup>XLV of 1860.</sup>

56. (1) The Deputy Commissioner shall be *ex officio* Registrar of the district; and all Sub-Registrars appointed by or under section 55 shall be subject to his general control and superintendence.

(2) The Deputy Commissioner may, by order in writing, delegate his powers as Registrar during his absence from head-quarters to any Sub-Registrar.

57. All documents may be registered at the option of the parties by or in whose favour such documents are executed; but the Local Government may, by notification in the Bihar and Orissa Gazette, declare, with respect to documents of any class described in such notification,—

Power to direct compulsory registration in certain cases.

(a) that documents of that class executed on or after a date to be prescribed by the said notification, and purporting or operating to create, declare, assign or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent to or in immoveable property situate in any part of the district specified in the notification, shall be registered in accordance with the provisions of this Regulation, and

(Chapter VIII.—Registration of Documents—Section 58. Chapter IX.—Landlord and Tenant—Section 59.)

- (b) that no such document shall affect any property comprised or referred to therein, or shall be received in evidence of any transaction affecting such property unless it has been so registered.

58. (1) The Local Government may make rules to regulate the registration of documents under this Regulation.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the Local Government may make rules—

- (a) to define the time, place and mode of presenting documents for registration;
- (b) to regulate the duties and powers of registering officers and of the Deputy Commissioner as *ex officio* Registrar, and to specify the cases in which those officers may enforce the appearance of executants and witnesses; and
- (c) to fix the fees payable for registration, searches and copies, and the time when fees shall be payable.

(3) All such rules shall be published in the Bihar and Orissa Gazette.

XVI of 1908.

(4) The provisions of sections 81 and 82 of the Indian Registration Act, 1908, regarding offences by registering officers and other persons, shall, so far as they can be made applicable, apply to like offences when committed with respect to the registration of documents under this regulation.

## CHAPTER IX.

### LANDLORD AND TENANT.

59. In this Chapter, the word "raiyat," as used with reference to any land, includes a village sarbarakar as regards land possessed and cultivated by him.

Meaning of "raiyat,"

(Chapter .IX.--Landlord and Tenant--Sections 60--61.)

60. No Court shall enforce or recognize any contract which affects the rent payable by a raiyat for his holding—

Raising of rent of raiyati land.

(a) where there has been a settlement, by enhancing the rent recorded at such settlement or by making such rent payable in a manner different from that recorded at the settlement, or

(b) where there has been no settlement, by enhancing the rent to an amount exceeding that which the Court considers fair and equitable,

unless the contract or agreement has been made with the written permission of the Deputy Commissioner.

61. (1) No transfer or change (whether permanent or temporary) by a tenure-holder or raiyat of his right in his tenure or holding or any portion thereof, whether by mortgage, lease, sale, gift, exchange or otherwise, shall be valid unless it is made with the written consent of the Deputy Commissioner.

Restrictions on transfer of their rights by tenure-holders of raiyats.

(2) No transfer or change in contravention of sub-section (1) shall be registered, or shall be in any way recognized as valid by any Court, in the exercise of civil or revenue jurisdiction.

(3) If any tenure-holder or raiyat transfers his right in his tenure or holding or any portion thereof in contravention of sub-section (1), the Deputy Commissioner may, in his discretion, eject the person in possession of the land in respect of which such transfer was made, and may either—

(a) restore the land to the tenant who transferred it, or to any of his heirs, or

(b) re-settle the land with another tenant.

*Explanation.*—For the purpose of this sub-section a mortgage with possession shall be deemed to be a transfer.

## (Chapter IX.—Landlord and Tenant—Sections 62—64.)

(4) No suit shall be maintainable in any Court in respect of such ejectment; but an appeal shall lie to the Commissioner if presented within three months from the date of the order of ejectment, and his decision shall be final:

Provided that nothing in this section shall affect the validity of any transfer of a raiyat's right in his holding or any portion thereof made in the Khondmals sub-division before the first day of January, 1897.

**62.** No decree or order shall be passed by any Court for the sale of the right of a raiyat in his holding, nor shall any such right be sold in execution of any decree or order:

*Restrictions on sale of raiyat's rights under order of Court.*

Provided that:—

- (a) any holding may, subject to the restrictions imposed by section 43, be sold, in execution of a decree of a competent Court, to recover an arrear of rent which has accrued in respect of the holding;
- (b) nothing in this section shall prevent the sale of a holding under Chapter VI, and
- (c) in the Khondmals sub-division, nothing in this section shall affect the right to execute a decree for sale of a holding passed, or the terms or conditions of any contract registered, before the first day of January, 1905.

**63.** If a raiyat surrenders or abandons his holding, the Deputy Commissioner may, in his discretion, settle the holding with any heir or relation of such raiyat, or with any other raiyat.

*Procedure on surrender or abandonment of holding.*

**64.** A tenant shall not be ejected from his tenure or holding without an order of the Deputy Commissioner.

*Ejectment.*



(Chapter IX.—Landlord and Tenant—Section—  
65—67. Chapter X.—Sanitation Section 68.)

65. With the previous sanction of the Commissioner, the Deputy Commissioner may delegate all or any of his powers under this Chapter to the Sub-divisional Officer.

Delegation of powers of  
Deputy Commissioner.

66. All proceedings of the Deputy Commissioner or Sub-divisional Officer under this Chapter shall be subject to revision by the Commissioner.

Control by Commissioner,

Power to make rules.

67. The Local Government may make rules—

- (a) to provide for the recording of changes occurring in tenancies in the Angul Sub-division, and the conduct of inquiries respecting such changes ;
- (b) to regulate the conduct of inquiries respecting changes in tenancies in the Khondmals Sub-division ;
- (c) to prescribe the duties of sardars, mutha maliks and heads of villages as to reporting changes in tenancies ;
- (d) to regulate the maintenance of survey and settlement records ;
- (e) to prescribe the duties of village sarbarakars, kanungos and revising officers ;
- (f) to guide the Deputy Commissioner or Sub-divisional Officer in the exercise of any of his powers under this Chapter ; and
- (g) to prescribe a penalty which may extend to a fine of one hundred rupees for the breach of any rule made under clauses (a), (b), (c), (d) and (e) of this section.

## CHAPTER X.

### SANITATION.

68. (1) The Local Government may, by notification in the Bihar and Orissa Gazette, declare that any area specified in such notification

Power to make rules as  
to sanitation.



Chapter X.—Sanitation—Section 68. (Chapter XI.—  
Miscellaneous—Section 69.

shall be subject to Sanitary and Municipal control, and may make rules to provide for such control.

(2) Such rules may provide for—

- (i) preventing nuisances affecting the public health, safety or convenience ;
- (ii) regulating the disposal of night-soil, the contents of privies, drains and cesspools, offensive matter, carcasses of animals and rubbish and the management of privies, drains and cesspools ;
- (iii) regulating cremations and burials and the disposal of corpses ;
- (iv) regulating the use of, and preventing nuisances in regard to, public water-supply, bathing and washing places, rivers, streams, reservoirs, tanks and wells ;
- (v) regulating traffic on roads, and preventing obstructions, encroachments and nuisances on or near roads ;
- (vi) preventing damage to, or encroachment on public lands or grounds ;

and may provide that the breach of any such rule shall be punishable with fine which may extend to twenty rupees.

## CHAPTER XI.

### MISCELLANEOUS.

69. (1) The Deputy Commissioner may require, or authorize any Sub-divisional Officer to require, any proprietor, farmer, rent collector, sarbarakar, sardar, mutha malik or occupier of land,

Power of Deputy Commissioner to summon landholders, etc.

- (a) to furnish such information, accounts and documents as he may be capable of furnishing, and
- (b) to supply provisions and labour at market rates for the use of troops and officers of

(Chapter XI.—Miscellaneous—Sections 70—71.)

the Government marching in or through the district on the public service.

(2) Any such person failing to comply with any such requisition shall be punishable with fine which may extend to one hundred rupees.

(3) Any person aggrieved by any order of the Deputy Commissioner under this section may appeal to the Commissioner, whose orders shall be final.

**70.** (1) Whenever any property is sold by public auction by or under the orders of a public servant competent to cause the sale of such property, the auction-purchaser of such property shall be bound to pay the amount for which such property is sold, at such time and at such place as may be notified at the time of sale, and shall be bound to conform to all the conditions under which the sale is made.

(2) If the auction-purchaser fails to pay the amount for which the property is sold, at such time or place as is notified at the time of sale, or fails to comply with any of the conditions under which the sale is made, the officer by or under whose orders the property is sold may direct the re-sale of such property.

(3) Such re-sale shall be made at the risk of the auction-purchaser at the first sale; and the difference between any bid made by him and the proceeds of the second sale rendered necessary in consequence of his default shall be recoverable from him, together with all costs incurred, as a sum due to the Government.

*Explanation.*—The expression “ public servant,” as used in this section, has the same meaning as in XLV of 1830. the Indian Penal Code.

**71.** The Deputy Commissioner may, with the sanction of the Commissioner, make rules to regulate the writing of petitions and the conduct

Control of agents and  
petition-writers.

(Chapter XI. Miscellaneous—Sections 72—75.

of cases in his Court and in the Courts subordinate to him.

72. The Local Government may make rules to prohibit, restrict or regulate the appearance of legal practitioners in cases arising in the district.

VII of 1870.

73. Notwithstanding anything contained in the Court-fees Act, 1870, the presiding officer of any Court may, in special cases, by an order in writing and for reasons to be recorded therein, exempt any document from the payment of such fees.

Power of Court to grant exemption from payment of court-fees.

X of 1873.

74. Notwithstanding anything contained in the Indian Oaths Act, 1873, any form of oath or solemn affirmation which is common amongst, or is held binding by, the persons of the race or persuasion to which any witness in, or party to, any judicial proceeding (not being the accused in any criminal proceeding) belongs, and is not repugnant to justice or decency, and does not purport to affect any third person, may be administered to such witness or party.

Oath or solemn affirmation.

I of 1894.

IV of 1904.

75. The Angul District Regulation, 1894, and the Angul District (Amendment) Regulation, 1904, are hereby repealed.

Repeal.

(*The Schedule.*)

THE SCHEDULE.

(*See Section 3.*)

ENACTMENTS DECLARED IN FORCE IN THE DISTRICT OF  
ANGUL OR PART THEREOF.

1	2	3
Number and year.	Short title.	Places in which in force.

PART I.—*Bengal Regulations.*

II of 1793 (section 7 and clause ten of section 8).	The Bengal Land-revenue Regulation, 1793.	The whole district.
X of 1804 . . .	The Bengal State-offences, Regulation, 1804.	Ditto
XI of 1806 . . .	The Bengal Troops Transport and Travellers' Assistance Regulation, 1806.	Ditto.
X of 1812 . . .	The Bengal Foreign Immigrants Regulation, 1812.	Ditto.
III of 1818 . . .	The Bengal State Prisoners Regulation, 1818.	Ditto.
XI of 1822 (section 38.)	The Bengal Government Indemnity Regulation, 1822.	Ditto.
VI of 1825 . . .	The Bengal Troops Transport Regulation, 1825.	Ditto.
XVII of 1829 . . .	The Bengal Sati Regulation, 1829 .	Ditto.

PART II.—*Acts of the Governor General of India in Council.*

XVIII of 1850 . . .	The Judicial Officers' Protection Act, 1850.	The whole district.
XXXIV of 1850 . . .	The State Prisoners Act, 1850 .	Ditto,
XII of 1855 . . .	The Legal Representatives' Suits Act, 1855.	Ditto.
XIII of 1855 . . .	The Indian Fatal Accidents Act, 1855.	Ditto.
XV of 1856 . . .	The Hindu Widows' Re-marriage Act, 1856.	Ditto.



THE SCHEDULE—*contd.*

1	2	3
Number and year.	Short title.	Places in which in force.

PART II.—*Acts of the Governor General of India in Council—*  
*contd.*

XI of 185	The State Offences Act, 1857	The whole district.
III of 1858	The State Prisoners Act, 1858	Ditto.
XLV of 1860	The Indian Penal Code	Ditto.
V of 1861	The Police Act, 1861	Ditto.
III of 1864	The Foreigners Act, 1864	Ditto.
IV of 1869	The Indian Divorce Act	Ditto.
VII of 1870	The Court-fees Act, 1870	The Angul Sub-division.
I of 1871	The Cattle-trespass Act, 1871	The whole district.
V of 1871 (section 15).	The Prisoners Act, 1871	Ditto.
I of 1872	The Indian Evidence Act, 1872	Ditto.
III of 1872	The Special Marriage Act, 1872	Ditto.
X of 1873	The Indian Oaths Act, 1873	Ditto.
II of 1874	The Administrator General's Act, 1874.	Ditto.
IX of 1874	The European Vagrancy Act, 1874	Ditto.
XIV of 1874	The Scheduled Districts Act, 1874	Ditto.
I of 1878	The Opium Act, 1878	Ditto.
VI of 1878	The Indian Treasure-trove Act, 1878.	Ditto.
VII of 1878	The Indian Forest Act, 1878	Ditto.
VIII of 1878 (sections 144 to 154).	The Sea Customs Act, 1878	Ditto.
XI of 1878 (except section 15).	The Indian Arms Act, 1878	Ditto.
V of 1881	The Probate and Administration Act, 1881.	Ditto.

(The Schedule.)

THE SCHEDULE—*contd.*

1	2	3
Number and year.	Short title.	Places in which in force.

PART II.—*Acts of the Governor General of India in Council—contd.*

XIX of 1883	The Land Improvement Loans Act, 1883.	The whole distet.
XIII of 1885	The Indian Telegraph Act, 1885	Ditto.
XVIII of 1885	The Land Acquisition (Mines) Act, 1885.	Ditto.
IX of 1887	The Provincial Small Cause Court Act, 1887.	Ditto.
VII of 1889	The Succession Certificate Act, 1889.	Ditto.
I of 1890	The Revenue Recovery Act, 1890	Ditto.
VIII of 1890	The Guardians and Wards Act, 1890.	Ditto.
XI of 1890, section 2, except sub-section (2), section 5, so much of section 8 as relates to section 5, and sections 9 and 11.)	The Prevention of Cruelty to Animals Act, 1890.	Ditto.
XIII of 1890 (section 9).	The Excise (Malt Liquors) Act, 1890.	Ditto.
I of 1894	The Land Acquisition Act, 1894	Ditto.
IX of 1894	The Prisons Act, 1894	Ditto.
III of 1897	The Epidemic Diseases Act, 1897	Ditto.
VIII of 1897	The Reformatory Schools Act, 1897	Ditto.
X of 1897	The General Clauses Act, 1897	Ditto.
XIV of 1897	The Indian Short Titles Act, 1897	Ditto.
V of 1898	The Code of Criminal Procedure, 1898.	Ditto.
VI of 1898	The Indian Post Office Act, 1898	Ditto.
II of 1899	The Indian Stamp Act, 1899	The Angul Sub-division.
XIII of 1899	The Glanders and Farcy Act, 1899	The whole district.

(The Schedule.)

## THE SCHEDULE—concl'd.

1	2	3
Number and year.	Short title.	Places in which in force.

PART II.—*Acts of the Governor General of India in Council—contd.*

III of 1900 . . .	The Prisoners Act, 1900 . . .	The whole district.
I of 1903 . . .	The Repealing and Amending Act, 1903.	Ditto.
VII of 1903 . . .	The Indian Works of Defence Act, 1903.	Ditto.
XV of 1903 . . .	The Indian Extradition Act, 1903 . . .	Ditto.
I of 1904 . . .	The Poisons Act, 1904 . . .	Ditto.
III of 1906 . . .	The Indian Coinage Act, 1906 . . .	Ditto.
V of 1908 . . .	The Code of Civil Procedure, 1908 . . .	Ditto.
VI of 1908 . . .	The Explosives Substances Act, 1908.	Ditto.
IX of 1908 . . .	The Indian Limitation Act, 1908 . . .	The Angul Sub-division.
XVI of 1908 (sections 81 and 82.)	The Indian Registration Act, 1908 . . .	The whole district.
IV of 1909 . . .	The Whipping Act, 1909 . . .	Ditto.
II of 1910 . . .	The Indian Paper Currency Act, 1910.	Ditto.
V of 1910 . . .	The Dourine Act, 1910 . . .	Ditto.
VII of 1911 . . .	The Indian Army Act, 1911 . . .	Ditto.
IV of 1912 (except Chapter IV).	The Indian Lunacy Act, 1912 . . .	Ditto.

PART III.—*Acts of the Lieutenant-Governor of Bengal in Council.*

IV of 1865 . . .	The Bengal Prevention of Inoculation Act, 1865.	The Angul Sub-division.
V of 1875 . . .	The Bengal Survey Act, 1875 . . .	The whole district.
III of 1876 . . .	The Bengal Irrigation Act, 1876 . . .	Ditto.
I of 1899 . . .	The Bengal General Clauses Act, 1899.	Ditto.
III of 1906 . . .	The Bengal Disorderly Houses Act, 1906.	Ditto.
V of 1909 . . .	The Bengal Excise Act, 1909 . . .	Ditto.

## REGULATION No. IV OF 1913.

A Regulation to repeal Regulation No. II of 1897 and to declare the law applicable to the Registration of Documents in Upper Burma.

[Received the assent of the Governor General on the 10th November, 1913; published in the Gazette of India on the 22nd November, 1913, and in the Burma Gazette on the 20th December, 1913.]

WHEREAS it is expedient to apply to Upper Burma the law relating to the Registration of Documents as contained in the Indian Registration Act, 1908, XVI of 1908, and for such purpose to repeal the Upper Burma II of 1897, Registration Regulation, 1897, subject to certain provisos; It is hereby enacted as follows:—

1. (1) This Regulation may be called the  
Short title, extent and commencement. Upper Burma Registration  
Amendment Regulation,  
1913;

(2) It extends to the whole of Upper Burma;  
and

(3) It shall come into force on the 1st day of  
January, 1914.

2. The Upper Burma Registration Regulation,  
Repeal. 1897, is hereby repealed: II of 1897.

Provided that documents executed before the 1st day of January, 1914, and registered on or after that date in accordance with the provisions of the said Regulation and the rules and notifications thereunder shall be deemed to have been registered under the said Regulation:

Provided further that no document, the registration of which was required by or under any law

[Price one anna and three pice.]



REG. IV, 1913. ] *Upper Burma Registration Regulation.*

for the time being in force prior to the commencement of this Regulation, shall—

- (a) affect any immovable property comprised therein, or
  - (b) be received as evidence of any transaction affecting such property,
- unless it has been so registered.

3. Documents registered in accordance with the provisions of any law or notification issued thereunder for the time being in force prior to the commencement of this Regulation shall not be "unregistered" within the meaning of section 50 of the Indian Registration Act, 1908.

Saving of documents registered before commencement of Act.

(5) *Recd*