

ACT NO. V OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th
February, 1897.)

An Act to repeal certain obsolete enactments
and to amend and facilitate the citation of
certain other enactments.

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and specifically repealed;

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

And whereas it is also expedient to facilitate the
citation of the enactments specified in the third
schedule to this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Repealing and
Amending Act, 1897; and

(2) It shall come into force at once.

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schedule are hereby repealed to the extent mentioned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

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

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

and

Title and
commence-
ment.

Enactments
in schedules
repealed
and amended
respectively.

Savings.

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

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the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

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

4. Each of the enactments described in the first three columns of the third schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof.

Citation of
certain enact-
ments.

THE FIRST SCHEDULE.

A description or citation of a portion of an enactment includes the words section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
<i>Part I.—Acts of the Governor General in Council.</i>			
1854	XXVI	Court of Wards	The whole Act, so far as it applies to Assam.
1855	XXXII	Embankments	The whole Act, so far as it applies to Assam.
1857	XIII	Opium	The whole Act, so far as it applies to Assam.
1882	I	Assam Labour and Emigration Act, 1882.	In the title, <i>the words</i> Bengal and. In the preamble, <i>the words</i> Chittagong the Chittagong Hill Tracts and <i>the words</i> Khasi Hills. In section 116, <i>the words from</i> Every labourer <i>to the same</i> .
1892	IV	Court of Wards (amending Bengal Act IX of 1879).	Section 9.
1893	VII	Inland Emigration Act, 1893.	Section 3, <i>from</i> in the definition of the expression <i>to repealed</i> . Sections 11 and 38.
<i>Part II.—Acts of the Lieutenant-Governor of Bengal in Council.</i>			
1862	VIII	Zamindari Daks	The whole Act, so far as it applies to Assam.
1864	V	The Canals Act, 1864 . .	The whole Act, so far as it applies to Assam.
"	VII	The Salt Act, 1864 . . .	The whole Act, so far as it applies to Assam.
1865	VII	Slaughter-houses	The whole Act, so far as it applies to Assam.
"	VIII	Sale of Under-tenures . .	Sections 4 to 17 and the Schedule, so far as they apply to Assam.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
<i>Part II.—Acts of the Lieutenant-Governor of Bengal in Council—contd.</i>			
1867	V	General Clauses . . .	Section 5.
1871	I	Amending the Village Chaukidari Act, 1870.	Section 6.
"	X	District Road Cess Act, 1871.	The whole Act, so far as it applies to Assam.
1873	I	Amending the Salt Act, 1864.	The whole Act, so far as it applies to Assam.
"	VI	Bengal Embankment Act, 1873.	The whole Act, so far as it applies to Assam.
1878	VII	Bengal Excise Act, 1878 .	In section 2, the last twenty-five words.
1879	IX	Court of Wards Act, 1879.	The third paragraph of section 1.
1880	VII	Public Demands Recovery Act, 1880.	The second and third paragraphs of sec- tion 1. In section 7, clause (3), the words and figures in Act V of 1875, section 57. Clause (5) of section 7. In sections 10, 11 and 18, the words and figure section 5 or.
1881	III	Court of Wards (amend- ing Bengal Act IX of 1879).	In section 1, the last twenty-six words. Section 2.
"	IV	Bengal Excise Act Amend- ment Act, 1881.	In section 1, the last twenty-six words. Section 2.
1886	I	Amending the Village Chaukidari Act, 1870.	Section 2. Section 8.
1887	II	Vaccination (amending Bengal Act V of 1880).	The second paragraph of section 1.
1889	I	Inland Emigrants' Health Act, 1889.	In section 1, the words from and to the end.

THE FIRST SCHEDULE—concl'd.

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.

Part II.—Acts of the Lieutenant-Governor of Bengal in Council—concl'd.

1892	I	Amending the Village Chaukidari Act, 1870.	In section 3, the words and figures as amended by section 2 of Bengal Act I of 1886.
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Part III.—Regulations made under the Statute 33 Victoria, Chapter 3.

1873	V	Bengal Eastern Frontier Regulation, 1873.	The whole Regulation, so far as it applies to the Garo Hills District.
1875	III	The Assam Hill Districts Whipping Regulation, 1875.	The whole Regulation.
1876	I	Garo Hills Regulation, 1876.	The whole.
1878	I	Garo Hills and Goalpara Boundary Regulation, 1878.	The whole.
1879	III	Assam Local Rates Regulation, 1879.	The <i>Explanation</i> to section 5.
1880	I	Repeal of parts of Regulations V of 1873 and I of 1876.	The whole.
1890	IV	Assam Military Police Regulation, 1890.	Section 2.

Part IV.—Regulations of the Bengal Code.

1806	XI	Passage of Troops	In section 2, the words from the Commanding Officer will at the same time to the end. In section 7, the words and the Magistrates to report to the Nizamat Adalat for the information of the Governor General in Council.
1810	XIX	Native Endowments; Escheats.	The whole Regulation, so far as it applies to Assam.
1817	XX	Police	So much as is unrepealed, so far as it applies to Assam.

THE SECOND SCHEDULE.

1	2	3	4
Year.	No.	Short title or subject.	Amendment.
<i>Part I.—Act of the Governor General in Council.</i>			
1882	I	Assam Labour and Emigration Act, 1882.	In the schedule for the Inland Emigration Act, 1882, read the Assam Labour and Emigration Act, 1882.
<i>Part II.—Acts of the Lieutenant-Governor of Bengal in Council.</i>			
1862	VIII	Zamindari Daks	In section 11, for Act XVII of 1854 (for the management of the Post Office, for the Regulation of the duties of postage, and for the punishment of offences against the Post Office) read the Indian Post Office Act, 1866.
1883	I	Excise (amending Bengal Act VII of 1878).	In section 12, for the words In the second paragraph to the end of the section, read In the second paragraph of the same section, as amended by Bengal Act IV of 1881, section 8, the following words shall be inserted after the word "sea," that is to say, "which are in the possession of any common carrier or warehouseman as such or."
1884	III	Bengal Municipal Act, 1884.	In section 37 J. (inserted by Bengal Act IV of 1894, section 23), for the Loans Act, 1879, read the Local Authorities Loan Act, 1879. In section 219 (as amended by Bengal Act IV of 1894, section 64), for or two hundred and ten two hundred and ten A read 210 or 210 A.
1887	II	Vaccination (amending Bengal Act V of 1880).	To section 3 add :— "The Schedule hereto annexed shall be annexed as The First Schedule to the Bengal Vaccination Act, 1880."
1889	I	Inland Emigrants' Health Act, 1889.	In the preamble and also in section 2, for the Inland Emigration Act, 1882, read the Assam Labour and Emigration Act, 1882.

Part III

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THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Short title or subject.	Amendment.
<i>Part III.—Regulations made under the Government of India Act, 1870 (33 Vict., c. 3).</i>			
1883	I	Sylhet and Cachar Rural Police Regulation, 1883.	In section 18, clause 10th, for the Ind Forest Act, 1878, read the Ass Forest Regulation, 1891.
1886	I	Assam Land and Revenue Regulation, 1886.	To section 1 add:— (3) The Chief Commissioner may in li manner amend, vary or rescind a notification issued under sub-secti (2).
<i>Part IV.—Regulations of the Bengal Code.</i>			
1806	XI	Passage of Troops . . .	In section 4, clause third, for Govern General in Council, in each place i which those words occur, read Loc Government.
1812	XI	Removal of Foreign Immigrants.	In section 5, clause second, for to th Nizamat Adalat, who will recommen to the Governor General in Counce such abbreviation of the prescribe punishment as they may judge prope read to the Local Government, and th Local Government shall pass such order thereon as it may think fit. For Governor General in Council wherever those words occur, read Loca Government.
1823	VII	Loans to covenanted officers.	In section 3, for the words from Al Judges to powers of such Collector read All Commissioners, District and Sessions Judges, Deputy Commissioners and Assistant Commissioners being members of the Indian Civil Service. In section 6, and also in section 8, for Governor General in Council read Local Government. In section 8, for Government read the Local Government.

THE THIRD SCHEDULE.

1	2	3	4
Year.	No.	Subject.	Short title.

Part. I—Local Acts of the Governor General in Council in force in Assam.

1850	XXV	For the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1819.	The Forfeited Deposits Act, 1850.
"	XXXIII	For amending the forms necessary for the sale of patni tenures in Bengal.	The Sale of Patni Tenures Act, 1850.
1853	VI	Relating to summary suits for arrears of rent, to sales of patni taluqs and other saleable tenures, and to sales of land in satisfaction of summary decrees for rent.	The Rent Recovery Act, 1853.
"	XIX	To amend the law of evidence in the Civil Courts of the East India Company in the Bengal Presidency.	The Recusant Witnesses Act, 1852.
1856	XII	To amend the law respecting the employment of Amins by the Civil Courts in the Presidency of Fort William.	The Civil Courts Amins Act, 1856.
1867	III	To provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces and British Burma.	The Public Gambling Act, 1867.
1871	XIX	To provide for the appointment of Sessions Judges in Bengal and the North-Western Provinces.	The Bengal Sessions Courts Act, 1871.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No	Subject.	Short title.

Part I.—Local Acts of the Governor General in Council in force in Assam—contd.

1874	VIII	To provide for the exercise of the powers hitherto exercised by the Lieutenant-Governor and Board of Revenue of Bengal in the territories forming the Chief Commissionership of Assam.	The Assam Chief Commissionership Act, 1874.
"	XII	To provide for the exercise, in Sylhet, of the powers of the Lieutenant-Governor and Board of Revenue in Bengal.	The Sylhet Act, 1874.
1886	III	To amend the Northern India Ferries Act, 1878.	The Northern India Ferries Act Amendment Act, 1878.
1892	IV	To amend the Bengal Court of Wards Act, 1879 [Act IX (B.C.) of 1879].	The Court of Wards Act, (Bengal) Amendment Act, 1892.

Part II.—Regulation made under the Government of India Act, 1870 (33 Vict., c. 3).

1884	III	To empower the extension of the Assam Frontier Tracts Regulation, 1880, to certain tracts in Assam and to declare that Act X of 1872 (the Code of Criminal Procedure) shall be deemed never to have come into force in the Garo Hills District, the Naga Hills District and the Khasi and Jaintia Hills District.	The Assam Frontier Tracts Regulation 1884.
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Part III

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.

Part III.—Regulations of the Bengal Code in force in Assam.

1793	I	For enacting into a Regulation certain Articles of a Proclamation bearing date the 22nd March, 1793.	The Bengal Permanent Settlement Regulation, 1793.
"	II	For abolishing the Courts of Mál Adálat or Revenue Courts, and transferring the trial of the suits which were cognizable in those Courts to the Courts of Dewání Adálat; and prescribing Rules for the conduct of the Board of Revenue and the Collectors.	The Bengal Land-revenue Regulation, 1793.
"	VIII	For re-enacting, with modifications and amendments, the rules for the Decennial Settlement of the public revenue payable from the lands of the zamindárs, independent taluqdars and other actual proprietors of land, in Bengal, Behar and Orissa, passed for those provinces respectively on the 18th September, 1789; the 25th November, 1789; and the 10th February, 1790, and subsequent dates.	The Bengal Decennial Settlement Regulation, 1793.
"	XI	For removing certain restrictions to the operation of the Hindu and Muhammadan laws with regard to the inheritance of landed property subject to the payment of revenue to Government.	The Bengal Inheritance Regulation, 1793.

THE THIRD SCHEDULE - *contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part III—Regulations of the Bengal Code in force in Assam—contd.</i>			
1793	XXXVIII	For re-enacting, with modifications, such part of the rule passed on the 27th June, 1787, as prohibits Covenanted Civil Servants of the Company employed in the administration of justice on the collection of the public revenue lending money to zamindárs, independent taluqdárs or other actual proprietors of land, or dependent taluqdars or farmers of land holding farms immediately of Government, or the underfarmers or raiats of the several descriptions of proprietors and farmers of land above mentioned, or their respective sureties.	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.
1799	V	To limit the interference of the Zila Court of Diwáni Adálat in the execution of wills and administration to the estates of persons dying intestate.	The Bengal Wills and Intestacy Regulation, 1799.
1800	X	For preventing the division of landed estates in the Jangal Mahals of the Zila of Midnapore and other Districts.	The Bengal Inheritance Regulation, 1800.
1804	X	For declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts-martial.	The Bengal State Offences Regulation, 1804.
1806	XI	For facilitating the progress of detachments of troops through the Company's territories for affording any requisite assistance to persons travelling through those territories.	The Bengal Troops Transport and Travelers Assistance Regulation, 1806.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part III.—Regulations of the Bengal Code in force in Assam—contd.</i>			
1812	XI	To empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants, from any place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.	The Bengal Foreign Immigrants Regulation, 1812.
1818	III	For the confinement of State Prisoners.	The Bengal State Prisoners Regulation, 1818.
1819	VIII	To declare the validity of certain tenures, and to define the relative rights of zamindárs and patni taluqdars; also to establish a process for the sale of such taluqs in satisfaction of the zamindár's demand of rent.	The Bengal Patni Taluqs Regulation, 1819.
1820	I	For providing that all sales of certain taluqs made answerable by sale for arrears by the zamindár's rent shall be conducted in the mode provided by Regulation VIII, 1819, for the sales therein described.	The Bengal Patni Taluqs Regulation, 1820.

THE THIRD SCHEDULE—*concl'd.*

1	2	3	4
Year.	No.	Subject.	Short title.

Part III.—Regulations of the Bengal Code in force in Assam—concl'd.

1823	VII	For prohibiting loans by Covenanted Civil Servants from persons subject to their official authority and influence.	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.
1825	VI	For rendering more effectual the rules in force relative to supplies and preparations for troops proceeding through the British territories.	The Bengal Troops Transport Regulation 1825.
"	XI	For declaring the rules to be observed in determining claims to lands gained by alluvion, or by dereliction of a river or the sea.	The Bengal Alluvion and Diluvion Regulation, 1825.
1827	III	For modifying and amending the rules in force relative to the law officers and ministerial native officers of the Courts of Judicature, who may be guilty of corruption or extortion.	The Bengal Corruption and Extortion Regulation, 1827.
"	V	For modifying the rules at present in force for the management of estates under attachments by orders of the Courts of Justice in certain cases.	The Bengal Attached Estates Management Regulation, 1827.
1829	XVII	For declaring the practice of Sati or of burning or burying alive the widows of Hindus illegal and punishable by the Criminal Courts.	The Bengal Sati Regulation, 1829.