

ACT NO. IX OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Code of Civil Procedure, 1908, for certain purposes.

V of 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure (Second Amendment) Act, 1937.

V of 1908.

2. In the proviso to sub-section (I) of section 60 of the Code of Civil Procedure, 1908,—

Amendment
of section 60;
Act V of 1908.

(a) for clauses (h) and (i) the following clauses shall be substituted, namely:—

“(h) the wages of labourers and domestic servants, whether payable in money or in kind; and salary, to the extent of the first hundred rupees and one-half the remainder of such salary;

(i) the salary of any public officer or of any servant of a railway company or local authority to the extent of the first hundred rupees and one-half the remainder of such salary:

Provided that, where the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously

continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree ;”;

(b) in clause (k), for the figures “1897” the figures “1925” shall be substituted ;

(c) for clause (l) the following clause shall be substituted, namely :—

“(l) any allowance forming part of the emoluments of any public officer or of any servant of a railway company or local authority which the Governor General in Council may by notification in the Gazette of India declare to be exempt from attachment, and any subsistence grant or allowance made to any such officer or servant while under suspension ;” ;

(d) the *Explanation* at the end shall be re-numbered as *Explanation 1* and, to the *Explanation* as so re-numbered the following words shall be added, namely :—

“and in the case of salary other than salary of a public officer or a servant of a railway company or local authority the attachable portion thereof is exempt from attachment until it is actually payable” ; and

(e) after the *Explanation* as so re-numbered the following *Explanation* shall be added, namely :—

“*Explanation 2.*—In clauses (h) and (i), ‘salary’ means the total monthly emoluments, excluding any allowance declared exempt from attachment under

the

of 1937.] *Code of Civil Procedure (Second Amendment)*.

the provisions of clause (l), derived by a person from his employment whether on duty or on leave."

3. The amendments made by section 2 shall not have ^{Retrospective} effect _{effect.} in respect of any proceedings arising out of any suit instituted before the first day of June, nineteen hundred and thirty-seven. ✓