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BOMBAY ACT No. VIII OF 1925.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 29th December 1925.)

An Act to regulate and control certain contracts for the purchase and sale of securities in the City of Bombay and elsewhere in the Bombay Presidency.

WHEREAS it is expedient to regulate and control certain contracts for the purchase and sale of securities in the City of Bombay and elsewhere in the Bombay Presidency in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

5. & 6 Geo.
5, c. 61.

1. This Act may be called the Bombay Securities Short title,
Contracts Control Act, 1925.

2. (1) This Act shall apply to the whole of Extent and operation,
the Presidency of Bombay.

(2) It shall come into operation in the city of Bombay on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint: the Governor in Council may further, by notification in the *Bombay Government Gazette*, direct that the Act shall come into operation in any place in the Bombay Presidency other than the city of Bombay on such date as may be specified in such notification.

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

(1) "securities" include stocks, shares, bonds, debentures, debenture stock and any other instruments of a like nature.

(2) "stock-exchange" means any association, organisation or body of individuals, whether incorporated or not, established for the purpose of assisting, regulating and controlling business in buying, selling and dealing in stocks, shares, bonds, debentures, debenture stock and any other like securities.

(3) "recognised stock-exchange" means a stock-exchange which is, for the time being, recognised by the Governor in Council as provided in section 4.

(4) "ready delivery contract" means a contract for the purchase or sale of securities for performance of which no time is specified and which is to be performed immediately or within a reasonable time.

Explanation—The question what is a reasonable time is in each particular case a question of fact.

Recognition

4. (1) A stock-exchange desirous of being recognized for the purpose of this Act shall make an application in writing to the Governor in Council for such recognition, and shall submit rules for the regulation and control of transactions in securities other than ready delivery contracts and furnish such information in regard to such recognition as the Governor in Council may require.

(2) The Governor in Council may give or refuse such recognition provided that the rules submitted by the stock-exchange under sub-section (1) shall be published in the *Bombay Government Gazette* one month before such recognition is given.

(3) The Governor in Council may at any time withdraw the recognition given to a stock-exchange under sub-section (2) and such stock-exchange shall thereupon cease to be a recognized stock-exchange.

Rules.

5. (1) A stock-exchange subject to the sanction of the Governor in Council may make and may from time to time add to, vary or rescind rules for the regulation and control of transactions in securities (other than ready delivery contracts).

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

(a) the government of the stock-exchange by a governing body and the constitution of such governing body ;

(b) the powers and duties of the governing body and the manner in which its business shall be transacted ;

(c) the fixing of a scale of charges ;

(d) the making, settling and closing of bargains ;

(e) the exercise of emergency powers in the case of corners ;

(f) the regulation of dealings by members for their own account; and

(g) the settlement of disputes arising between members and the punishment of defaulting members.

(3) Rules made by a stock-exchange under sub-section (1) shall be published in the *Bombay*

Government Gazette one month before they are sanctioned by the Governor in Council and shall again be published after sanction.

6. Every contract for the purchase or sale of securities, other than a ready delivery contract, entered into after a date to be notified in this behalf by the Governor in Council shall be void, unless the same is made subject to and in accordance with the rules duly sanctioned under section 4 and every such contract shall be void unless the same is made between members or through a member of a recognised stock-exchange; and no claim shall be allowed in any Civil Court for the recovery of any commission, brokerage, fee or reward in respect of any such contract.

Contracts
not made
subject to
rules to be
void.

FINANCE DEPARTMENT.

Bombay Castle, 16th May 1927.

No. 2902-A.—In exercise of the powers conferred by section 6 of the Bombay Securities Contracts Control Act, 1925 (Bom. VIII of 1925), the Governor in Council is pleased to notify the 3rd June 1927 as the date after which every contract for the purchase or sale of securities, other than a ready delivery contract, shall be void unless the same is made subject to and in accordance with the rules duly sanctioned under section 4 of the said Act.

Bombay Castle, 14th, May 1927.

No. 2902-A.—Whereas the Governor in Council has sanctioned the recognition of the Native Share and Stock Brokers' Association, Bombay, for the purposes of the Bombay Securities Contracts Control Act, 1925 (Bom. VIII of 1925); Now, therefore, under the provisions of subsection (3) of section 5 of the said Act and with reference to Government Notification in the Finance Department No. 2902-A, dated the 15th March 1927, the following rules made by the Native Share and Stock Brokers' Association, Bombay, for the regulation and control of transactions in securities (other than ready delivery contracts), having been sanctioned by the Governor in council, are hereby published again for general information:—

Bill No. 106-F of 1992

THE CAPITAL ISSUES (CONTROL) REPEAL BILL, 1992

(AS PASSED BY THE HOUSES OF PARLIAMENT)

A

BILL

to repeal the Capital Issues (Control) Act, 1947.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Capital Issues (Control) Repeal Act, 1992. Short title and commencement.
(2) It shall be deemed to have come into force on the 29th day of May, 1992.
2. In this Act, "appointed day" means the 29th day of May, 1992. Definition.
3. On the appointed day, the Capital Issues (Control) Act, 1947 shall stand repealed. Repeal of Act 29 of 1947.
4. (1) The Capital Issues (Control) Repeal Ordinance, 1992 is hereby repealed. Repeal and saving.
(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under this Act.

Ord. 9 of 1992.