

THE CENTRAL PROVINCES LAWS ACT, 1875.

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SCHEDULE.

[*Price three annas three pies.*]

ACT No. XX OF 1875.

PASSED BY THE PRESIDENT IN COUNCIL ON 23RD NOVEMBER 1875.

*(Received the assent of the Governor General on the 9th
December 1875).*

An Act to declare and amend the Law in force in
the Central Provinces.

WHEREAS it is expedient to declare and amend certain portions of the law in force in the Central Provinces ; It is hereby enacted as follows :—

Preamble.

1. This Act may be called " The Central Provinces Laws Act, 1875 :"

Short title.

It extends to the territories now under the administration of the Chief Commissioner of the Central Provinces ;

Local extent.

And it shall come into force on the passing thereof.

Commence-
ment.

2. On and from the date on which this Act comes into force the following shall be repealed, that is to say,—

Repeal of
enactments
and rules.

(a) all Bengal Regulations except the Regulations or parts of Regulations hereinafter declared to be in force ;

(b) all Acts of the Governor General in Council (except the Acts mentioned in the schedule hereto annexed), which do not expressly or by necessary implication extend to the said territories or any part thereof, and have not been extended thereto in exercise of a power conferred by an Act of the Governor General in Council ;

(c) all rules, regulations and enactments not being Statutes, Bengal Regulations, Acts of the Governor General in Council, or rules or regulations made in exercise of a power conferred by a Statute,

Bengal

Bengal Regulation, or Act of the Governor General in Council :

Proviso as to law relating to land-revenue and Courts of Wards.

Provided that nothing in this section shall affect any rules, regulations, enactments or laws relating to the settlement and collection of land-revenue or the jurisdiction of Courts of Wards, which may be in force at the passing of this Act in any part of the said territories.

Certain enactments to be deemed to be in force.

3. On and from the said date the enactments specified in the schedule hereto annexed shall be deemed to be in force throughout the said territories, to the extent mentioned in the third column of the said schedule.

But the powers and duties incident to the operation of the same enactments, so far as such powers and duties are referred to in the fourth column of the said schedule, shall be exercised and performed by the authorities mentioned in that column.

Nothing in this section shall be deemed to affect the operation of any enactment not mentioned in the said schedule.

Confirmation of existing Acts.

4. Every Act of the Governor General in Council, which extends, or can by notification be extended, to the territories which were under the administration of the said Chief Commissioner at the time of the passing thereof, shall extend, or may by notification be extended, as the case may be, to all the territories now under the administration of the said Chief Commissioner.

Rules of decision in cases of certain classes.

5. In questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Act :

Provided

Provided that when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

6. In cases not provided for by section five, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

Rule in cases not expressly provided for.

7. Implements of husbandry and cattle for agricultural purposes and implements of trade are exempted from attachment and sale in execution of decrees of the civil Courts.

Articles exempt from attachment.

8. The said Chief Commissioner may from time to time make rules consistent with this Act as to the following matters :—

Power to make subsidiary rules.

(a) the maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at fairs and other large public assemblies ;

(b) the imposition of taxes for the purposes mentioned in clause (a) of this section on persons holding or joining any of the assemblies therein referred to ;

(c) the custody of judicial records, civil and criminal, and the destruction from time to time of such of the said records as it may be deemed unnecessary to keep ;

(d) the appointment, duties, punishment, suspension and dismissal of all ministerial officers.

9. The Chief Commissioner may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Penalty for breach of rules.

10. All rules made under this Act shall, when sanctioned by the Governor General in Council, be published in the *Central Provinces Gazette*, and shall thereupon have the force of law.

Publication of rules. Force of rules.

SCHEDULE.

SCHEDULE.

(See section 3).

A.—BENGAL REGULATIONS.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
I of 1798 ... <i>Ret 4/10</i>	The prevention of fraud and injustice in conditional sales of land under deeds of Bai-bil-wafa or other deeds of the same nature.	The whole ...	The functions of "the Dīwānī Adālat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).
✓ V of 1799 ...	Estates of Intestates.	Sections IV, V and VI.	The functions of the Court of "Sadr Dīwānī Adālat" shall be performed by the Judicial Commissioner.
✓ X of 1804 ...	Punishment of State offences by Courts-Martial.	So much as has not been repealed.	
XI of 1806 ...	Passage of Troops.	Sections II to VI and section VIII, with the exception of such part as authorizes Collectors and their Native Officers, or Magistrates and their Police Officers, to give their official aid in procuring coolies for the purpose of	The powers of the "Governor General in Council" and of the "Board of Revenue" shall be exercised by the Chief Commissioner.

1875.]

Central Provinces Laws.

SCHEDULE,—continued.

A.—BENGAL REGULATIONS,—continued.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
		facilitating the march of troops or the progress of travellers, and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V, 1804."	
XVII of 1806 <i>Repd. 4/82</i>	Redemption and foreclosure of mortgages and conditional sales of land under deeds of Bai-bil-wafa, &c.	Sections VII and VIII.	The functions of the "Zila or City Court of Dīwānī Adālat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).
XX of 1810 ...	Camp-followers and Bázárs.	So much as has not been repealed, except sections I to III, VI, XX, and in section VII the words "as described in the plans"	
XI of 1812 ...	Foreign Immigrants.	So much as has not been repealed.	The powers of the "Nizāmat Adālat" shall be exercised by the Judicial Commissioner.

SCHEDULE,—continued.

A.—BENGAL REGULATIONS,—continued.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
V of 1817 ... <i>Rep- 6/7/8</i>	Hidden treasure	So much of the Regulation as is not repealed, with the exception of— (a) the first portion of section V down to and including the words “to such treasure.” (b) the following words in section VIII, that is to say, “on the application of the vakil of Government, under instructions from the Board of Revenue, or the Board of Commissioners in the Western Provinces, or the Commissioner in Behar and Benares.”	The functions of the “Zila or City Court” shall be performed by the Court of the Deputy Commissioner; those of the “Provincial Court” by that of the Commissioner, and those of the “Sadr Diwani Adalat” by that of the Judicial Commissioner.
III of 1818 ...	State Prisoners	So much as has not been repealed.	
VI of 1819 ... <i>Rep- 17/5/8</i>	Ferries ...	So much as has not been repealed, with the exception of, in section VII, the words and figures “in no case exceeding, without an indispensable	

SCHEDULE,—*continued.*A.—BENGAL REGULATIONS,—*concluded.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
		necessity, the rates which prevailed previous to the enactment of Regulation XIX, 1816," and in section X the words and figures from and including "in the manner" down to the end of the section.	
VI of 1825 ...	Supply of troops on the march.	The whole ...	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XI of 1825 ...	Alluvion and Diluvion.	The whole.	
XX of 1825 ...	Jurisdiction of Courts Martial.	Sections I and II.	
V of 1827 ...	Administration of landed property.	So much as has not been repealed, except the words and figures "and clauses five and six, section XVI, Regulation III, 1803."	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.

Central Provinces Laws. [ACT XX, 1875.]

SCHEDULE,—(*concluded.*)

B.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year of Act.	Subject.	Extent of operation.
1	2	3
VIII of 1851 ...	Tolls on Roads and Bridges.	The whole Act, except section one and the schedule.
XVIII of 1853 ...	Sale of spirits in Cantonments.	The whole Act.
XIII of 1857 ...	Opium ...	Sections twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine.
XL of 1858 ...	Minors ...	The whole Act, except section one, and subject to the amendment made by the Indian Majority Act, 1875.
XV of 1864 ...	Tolls ...	The whole Act.