

Central Provinces Laws Act, 1875

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Central Provinces Laws Act, 1875

Act No. 20 of 1875

1476

[9th December, 1875.]

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

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

LEGISLATIVE HISTORY 6

1. Short title.- This Act may be called the Central Provinces Laws Act, 1875:

Local extent.- It extends to the territories now under the administration of the state Government of the Central Provinces;

Commencement.- And it shall come into force on the passing thereof.

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2. Repeal of enactments and rules.- On and from the date on which this Act comes into force the following shall be repealed, that is to say-

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

(b) all [Central Acts] (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 a [Central Acts];

(c) all rules, regulations and enactments not being Statutes, Bengal Regulations, [Central Acts], or rules or regulations made in exercise of a power conferred by a Statute, Bengal Regulation or [Central Acts].

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3. Certain enactments to be deemed to be in force.- 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.

4. Confirmation of existing Acts.- Every [Central Acts] which extends, or can by notification be extended, to the territories which were under the administration of the state Government 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 [State Government] 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 [State Government].

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5. Rule of decision in cases of certain classes.- 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 Hindu law in cases where the parties are Hindus, 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 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. Rules in cases not expressly provided for.- In cases not provided for by section 5, or by any other law for the time being in force, the Courts shall act according to justice equity and good conscience.

7. Articles exempt from attachment.- Implements of husbandry and cattle for agricultural purposes and implements of trade are exempt from attachment and sale in execution of decrees of the Civil Courts.

8. Power to make subsidiary rules.- The said [State Government] may from time to time make rules consistent with this Act as to the following matters -

(a) the maintenance of watch and ward and the establishment of 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; [* * *];

[(d) * * * *]

9. Penalty for breach of rules.- The [State Government] 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.

10. Publication of rules. Force of rules.- All rules made under this Act shall [* * * *] be published in

the [Official Gazette] and shall thereupon have the force of law.

[11. Local repeal in part of code of civil Procedure.- Sections 184, 185 and 189 of the Code of Civil Procedure are hereby repealed.]

[12. Sections substituted in same Code.- For sections 182, 190 and 191 of the same Code701 the following shall be substituted (namely):-

"182. Note of evidence to be taken.- A note of the essential points of the evidence of each witness shall be made at the time.and in the course of oral examination, by the Judge, in his own language, or English if he is sufficiently acquainted with that language, and such notes shall be filed with, and form part of the record of the case.

"190. Judge unable to make note to record reason of his inability.- If the Judge be prevented from making a note as above required, he shall record the reason of his inability to do so, and shall cause such note to be made in writing from his dictation in open Court, and shall sign the same, and such note shall form part of the record.

"191. Power to use note made by Judge dying or removed before conclusion of suit.-When the Judge making a note of the evidence, or causing one to be made as above required, dies or is removed from the Court before the conclusion of the suit, his successor may , if he thinks fit, deal with such note as if he himself had made it or caused it to be made."]

SCHEDULE

(See section 3)

A. - BENGAL REGULATIONS

Number and Year of Regulation

Subject

Extent of operation

Power or duties how to be exercised or performed

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V of 1799

Estate of Interstates

[Sections 4, 5, 6 and 7.]

[The functions of the Court of "Sadr Diwani Adalat" and of the "Board of Revenue"; shall be performed respectively by the Judicial Commissioner and by the State Government.]

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XI of 1812

Foreign Immigrants

So much as has not been repealed.

The powers of the "Nizamat Adalat" shall be exercised by the Judicial Commissioner.

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III of 1818

State Prisoners

So much as has not repealed.

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XI of 1825

Alluvion and Diluvion.

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V of 1827

Administration of landed property.

So much as has not been repealed, except the words and figures "and clauses 5 and 6, section XVI, regulation III, 1803."

The powers of the "Board of Revenue" shall be exercised by the [State Government].

So much of Act 20 of 1875 as relates to the following Bengal Regulations was rep. by the Act noted against each:-

Ben. Reg. 01 of 1798 - Transfer of Property Act, 1882 (4 of 1882).

Ben. Reg. 10 of 1804 - Special Laws Repeal Act, 1922 (4 of 1922).

Ben. Reg. 17 of 1806 - Transfer of Property Act, 1882 (4 of 1882).

Ben. Reg. 20 of 1810 - Cantonments Act, 1889 (13 of 1889).

Ben. Reg. 05 of 1817 - Indian Treasure-trove Act, 1878 (6 of 1878).

Ben. Reg. 20 of 1825 - Code of Criminal Procedure, 1882 (10 of 1882).

Ben. Reg. 06 of 1819 was rep. in the C.P. by Act 17 of 1878, and later generally, by Act 12 of 1891.

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B.- ACTS OF THE GOVERNMENT GENERAL IN COUNCIL

Number and year of Act

Subject

Extent of operation

VIII of 1815

Tolls on Roads and Bridges

The whole Act, except section 1 and the schedule.

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XIII of 1857

Opium

Sections 21, 22, 23, 25, 26, 27, 28, 29.

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XV of 1864

Tolls

The whole Act.