

THIS CENTRAL PROVINCES LAWS ACT, 1875

ACT No.20 OF 1875

[AS ON 1956]

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

[9th December, 1875.]

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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:-

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.

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.- On and from the date on which this Act comes into force the following shall be repealed, that is to say-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 {*Subs.by the A O.1950 for " Acts of the Central Legislature ".*} [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 {Subs., *ibid*, for " Act of the Central Legislature ".} [Central Act];

(c) all rules, regulations and enactments not being Statutes, Bengal Regulations, {Subs.by the A.O.1950 for "Acts of the Central Legislature".} [Central Acts], or rules or regulations made in exercise of a power conferred by a Statute, Bengal Regulation or {Subs., *ibid*., for "Act of the Central Legislature".} [Central Act].

{The proviso as to the law relating to land-revenue and Courts of Wards was rep.by Act 12 of 1891.}

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 {Subs.by the A.O.1950 for "Act of the Central Legislature"} [Central Act] 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.

{The provisions of this section have been repealed in so far as they are inconsistent with the provisions of the Muslim Personal Law (Shariat) Application Act 1937 (26 of 1937); see s.6 of that Act.}

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 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 exempted 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; *{The words "and the destruction from time to time of such of the said records as it may be deemed unnecessary to keep" rep.by Act 3 of 1879.}*

{Cl.(d) relating to the appointment, duties, punishment, suspension and dismissal of all ministerial officers was rep.by the A.O.1937.}

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 *{The words "when sanctioned by the G.G.in C".rep.by Act 38 of 1920, s.2 and Sch.I.}* be published in the *{Subs.by the A.O.1937 for "C.P.Gazette".}* [Official Gazette] and shall thereupon have the force of law.

{Ins.by Act 2 of 1879, s.2.} [

11.Local repeal in part of code of civil Procedure

.- Sections 184, 185 and 189 of the Code of Civil Procedure *{See now the Code of Civil Procedure, 1908 (5 of 1908), Sch.I, Order XVIII, rules 8, 9 and 13.}* are hereby repealed.]

{Ins.by Act 2 of 1879, s.2.} [

12.Sections substituted in same Code

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

Note of evidence to be taken.- " 182.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.

Judge unable to make note to record reason of his inability.- "

190.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.

Power to use note made by Judge dying or removed before

conclusion of suit.- " 191. 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 {So much of Act 20 of 1875 as relates to the following Bengal Regulations was rep. by the Act noted against each:-

{Ben.Reg.1 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.5 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.6 of 1819 was rep.in the C.P.by Act 17 of 1878, and later generally, by Act 12 of 1891.}

Number and year of performed Regulations	Subject	Extent of operation	Power to duties how to be exercised or
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1	2	3	4
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{So much of Act 20 of 1875 as relates to the following Bengal Regulations was rep.by the Act noted against each:-

{Ben.Reg.1 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.5 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.6 of 1819 was rep.in the C.P.by Act 17 of 1878, and later generally, by Act 12 of 1891.}

V of 1799 Estates of Intestates. {Subs.by C.P.Act
{Subs.by C.P.Act

for 9 of 1923, s.2, for
the original
entries.} the original entries.}

and [The functions of the
[Sections 4, 5, 6,
7.]

Court of "Sadr
Diwani Adalat" and

Of "the Board of
Revenue" shall be

erformed p

respectively by the

{See however the C.

P.Courts Act, 1917

(C.P.1 of 1917), s.

31.} Judicial

Commissioner and

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:-

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

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Ben.Reg.6 of 1819 was rep.in the C.P.by Act 17 of 1878, and later generally, by Act 12 of 1891.}

{The entry relating to Reg.11 of 1806 was rep.by M.P.Act 15 of 1950, s.2.}

SCHEDULE—concl.

Number and year duties how to be of Regulation exercised or performed	Subject	Extent of operation	Powers or
1	2		
3		4	
<i>{See footnote 1 on prepare}</i>			
XI of 1812 of the "Nizamat be exercised	Foreign Immigrants.repealed.	So much as has not been	The powers Adalat" shall

by

the {See however the C.P.

Courts Act,

1917 (C.P.1 of

1917), s.31.} Judicial

Commis

sioner.

{See footnote 1

on prepage.}

III of 1818

State Prisoners

So much as has

not been

repealed.

{See footnote 1

on prepage.}

{The entry relating to Reg.6 of 1825 was rep.by M.P.Act 15 of 1950, s.2.}

XI of 1825

Alluvion and

The whole...

Diluvion.

V of 1827 Administration of So much as has
not The powers of the
Landed property. Been repealed, except the
"Board of Revenue"
Words and figures
"and shall be exercised
Clauses 5 and 6,
Section by the {Subs.by the
XVI, regulation III,
1803". A.O.1937 for
"Chief
Commissioner".}
State
Government].

B.--- ACTS OF THE GOVERNMENT GENERAL IN COUNCIL

Number and year Subject Extent of
operation
of Act

1

2

3

VIII of 1851..
except section 1,

Tolls on Roads and Bridges

The whole Act,

and the
schedule.

and the

{The entry relating to Act 18 of 1853 (Sale of Spirits in Cantonments) was rep.by Act 12 of 1891.

XIII of 1857..
25, 26, 27,

Opium.....

Sections 21, 22, 23,

28, 29.

{The entry relating to the Minors Act, 1858 (40 of 1859), was rep.by Act 8 of 1890.}

XV of 1864.

Tolls.....

The whole Act.