

NORTH-WESTERN PROVINCES AND OUDH ACT,1890

20 of 1890

[16th October, 1890]

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NORTH-WESTERN PROVINCES AND OUDH ACT,1890

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An Act to provide for the better administration of the NorthWestern Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh. WHEREAS itis expedient to provide for the better administration of the territories respectively

administered by the Lieutenant Governor of the North-Western Provinces and the Chief Commissioner of Oudh, and for that purpose to amend certain enactments which are in force in the said Provinces and in Oudh; It is hereby enacted as follows:-

1. Title :-

Section This Act may be called the North-Western Provinces and Oudh Act, 1890.

PART 1

THE NORTH-WESTERN PROVINCES

2. Section 2 :-

Section This Part shall come into force on such day. {The 1st April, 1691, see North-Western Provinces and Oudh Gazette, 1891, Pt.I, p.130.} as the said Lieuteant Governor may, by notification in the Official Gazette, direct.

3. Commencement of Part I :-

Section

4. Commencement of Part I :-

Section [Amendment of Act 19 of 1873.] Rep.by the United Provinces Land-revenue Act, 1901 (U.P.Act 3 of 1901). And Whereas it has been determined to annex the Jhansi Division, comprising the districts of Jhansi, Jalaun and Lalatpur, to the Allahabad Division; And whereas the said Jhansi Division is a Schedule District under -1874 the Scheduled Districts Act, 14 of 1874 , 1874;.{Since rep.by the A.O.1937.} And whereas it is expedient that the law in force in the same division should on such annexation, be the same as the law in force in the temporarily-settled districts comprised in the Allahabad Division, and tllat the said division should cease to be a Scheduled District; It is hereby enacted as follows-

5. Law in force in certain districts of the Allahabad Division to apply to Jhanansi :-

Section

(1) All enactments which shall on the day. {That is, the 1st April, 1891.} when this Part comes into force be in force in the said temporarily-settled districts and not in the said Jhansi Division shall be deemed to come into force in that Division on and from the said day.

(2) Except the Jhansi Encumbered Estates Act, 1882,. {Since

rep.by the Bundelkhand Encumbered Estates Act, 1903 (U.P.1 of 1903).} and the Jhansi and Morar Act, 1886,. {Rep.by Act 42 of 1953.} all enactments which shall on the said day {That is, the 1st April, 1891.} be in force in the said division and not in the said temporarily settled districts, including the Jhansi Courts Act, 1867, and Act No.27 of 1867, shall be deemed to be repealed on and from the said day {That is, the 1st April, 1891.} in the said division.

6. Section 6 :-

Section [Amendment of Act 16 of 1882.] Rep. by the Bundelkhand Encumbered Estates Act, 1903 (U.P.Act 1 of 1903).

7. Discharge of functions assigned to Deputy Commissioner and Commissioner by Act 17 of 1886 :-

Section The functions assigned to the Deputy Commissioner and the Commissioner by the Jhansi and Morar Act, 1886,.{Rep.by Act 42 of 1953.} shall be discharged by the District Judge and the High Court , respectively, and references to Courts in the Jhansi district subordinate to the Commissioner shall be deemed to apply to the Civil Courts established in that district under the Bengal, {" Agra " has been subs.for " North-Western Provinces " by Act 16 of 1911. North-Western Provinces and Assam Civil Courts Act, 1887.

8. Jhansi Division to cases to be a Scheduled District :-

Section (1) On and from the said day {That is, the 1st April, 1891.} the said division shall cease to be a Scheduled District. {The second clause of sub-section (1), and sub-section (2) were rep by Act of 1938, s.2 and Sch.}.

9. Application of Act 12 of 1887 to Jhansi and disposal of pending cases :-

Section {Sub-section (1) rep., ibid.}

(2) All cases or proceedings pending in any Civil Court in the said d division on the said day {That is, the 1st April, 1891.} shall be disposed of as follows:--

(a) if pending in the Court of a Tahsildar or of an Assistant Commissioner of the second class by the Munsif;

(b) if pending in the Court of an Assistant Commissioner of the first class by the Subordinate Judge;

(c) if pending in the Court of a Deputy Commissioner by the District

Judge;

(d) if pending in the Court of the Commissioner by the District Judge, unless the case pending is an appeal- from a decree or order of the Deputy Commissioner, in which case the appeal shall be disposed of by the High Court.

(3) For the purposes of sections 20 to 22, both inclusive, of the Bengal, . {"Agra" has been subs. for "North-Western Provinces" by Act 16 of 1911}. [North-Western Provinces and Assam Civil Courts Act, 1887, 12 of 1887 all decrees and orders passed by Civil Courts in the said division and not appealed against before the said day {.That is, the 1st April, 1891.} shall be deemed--

(a) if passed by the Court of a Tahsildar or an Assistant Commissioner of the second class to have been passed by a Munsif;

(b) if passed by the Court of an Assistant Commissioner of the first class to have been passed by a Subordinate Judge;

(c) if passed by the Court of a Deputy Commissioner or the Commissioner to have been passed by a District Judge.

(4) Where any Civil Court ceases by reason of the passing of this Act to have jurisdiction with respect to any case, any proceeding in relation to that case which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former Court is transferred by sub-section (2); but this sub-section shall not apply to cases for which provision is made in section 623 or section 649 of the Code of Civil Procedure. {a See now the Code of Civil Procedure, 1908 (5 of 1908)}

(5) In the case of appeals from the decrees and orders mentioned in sub-section (3) the period of limitation shall be calculated in accordance with the provisions of section 15 of the Jhansi Courts Act, 1867, {Act 18 of 1867 rep. by s.5 (2) of this Act.} as though this Act had not been passed.

PART 2

OUDH

10. Commencement of Part II :-

Section This Part shall come into force on such days {1st January, 1891, see the North-Western Provinces and Oudh Gazette, 1890} as the Chief Commissioner of Oudh may, by notification in the

Official Gazette, direct.

11. Board of Revenue of the North Western provinces to be the Board of Revenue of and chief Revenue authority in Oudh :-

Section

(1) On and from the day on which this Part comes into force the Board of Revenue constituted under the North-Western Provinces Land-revenue Act, 1873, {Since rep. by the U.P. Land-revenue Act, 1901 (U.P.3 of 1901), s.2, but not so as to affect anything done under Act 19 of 1873, see s.3.} shall be deemed to be also the Board Revenue for the territories administered by the Chief Commissioner of Oudh and shall be known and designated as the Board of Revenue of the North-Western Provinces and Oudh. {Now the Board of Revenue of the U.P.}

(2) All references made in any enactment as amended by this Part to the Board of Revenue shall be deemed, so far as they relate to Oudh, to refer to the said Board.

(3) In any enactment for the time being in force in the territories administered by the Chief Commissioner of Oudh, in which the expression " Chief Revenue-authority " or " Chief Controlling Revenue-authority " is used, the expression shall, subject to the provisions of any enactment passed after the said day, {1st January, 1891, see the North-Western Provinces and Oudh Gazette 1890, Pt.I, p.661.} be construed, so far as the said territories are concerned, as referring to the Board of Revenue of the North-Western Provinces and Oudh. {Now the Board of Revenue of the U.P.}

54. Pending appeals :-

Section

All appeals pending when this Part comes into force. {That is, the 1st January, 1891.} from decrees or orders passed under the same Act shall be disposed of as if this Act had not been passed: (Part II-Oudh.Part III. The North-Western Provinces and Oudh)

Provided that the {Subs. by the A.O.1937 for "Chief Commissioner".} [State Government] may, by order, transfer to the District Judge any appeals then pending before the Commissioner or Collector in cases in which the appeal will, under the Oudh Rent Act, 22 of 1886, 1886. as amended by this Part, lie

to the District Judge.

PART 3

THE NORTH-WESTERN PROVINCES AND OUDH

62. Commencement of Part III :-

Section This part shall come into force on such day {Ist January, 1891, see the North-Western Provinces and Oudh Gazettee, 1860, Pt.I, p.661.} as the Lieutenant Governor of the North-Western Provinces and Chief Commissioner of Oudh may, by notification in the Official Gazette, direct.

63. Place where the Board may sit :-

Section

(1) Notwithstanding anything {Section 63, so far as it relates to Act 12 of 1881 that is the words " in s.152 of the North-Western Provinces Rent Act, 1881, or " were rep. by the Agra Tenancy Act, 1901 (U.P.2 of 1901).} in section 128 of the Oudh Rent Act, 1886, the Board of Revenue of the North-Western rah Provinces and Oudh shall, for the disposal of cases under those Acts, sit in such place or places in the North-Western Provinces or Oudh as {Subs, by the A.O.1937 for "the said Lieutenant-Governor and Chief Commissioner".} [the State Government] may, by notification in the Official Gazette, {For notification declaring that the Board of Revenue may sit at the headquarters of any district of the United Provinces, see U.P.Local Rules and Orders.}appoint in respect to cases under either of those Acts.

(2) For the disposal of cases other than those referred to in subsection (1) the said Board may, subject to the orders of {For notification declaring that the Board of Revenue may sit at the headquarters of any district of the United Provinces, see U.P. Local Rules and Orders.} [the State Government], sit in any place in the North-Western Provinces or Oudh that the Board thinks fit.

64. Section 64 :-

Section [Amendment of section 4, Act 19 of 1873.] Rep. by the United Provinces Land-revenue Act, 1901 (U.P.Act 3 of 1901).