

## **OUDH LAWS ACT, 1876**

**18 of 1876**

**[10th October, 1876]**

### CONTENTS

#### **PART 1 :- PRELIMINARY**

1. Short title
2. Repeal of enactments

#### **PART 2 :- GENERAL LAWS TO BE ADMINISTERED IN OUDH**

3. Statutory law to be administered in Oudh
4. Validity of local customs and mercantile usages

#### **PART 3 :- PART**

##### **CHAPTER 1 :- DOWER AMONG MUHAMMADANS**

5. Muhammadan dower contracts how to be enforced

##### **CHAPTER 2 :- PRE-EMPTION**

6. Right of pre-emption
7. Presumption as to its existence
8. Its existence in towns to be proved
9. Devolution of right when property to be sold or foreclosed is a proprietary or under- proprietary tenure
- 9A. When a suit for pre-emption lies
10. Notice to pre-emptors
11. Loss of right of pre-emption
12. Right of pre-emptor on foreclosure
13. Suit to enforce right of pre-emption
14. Decree to fix time for payment
15. Effect of non-payment of purchase money

##### **CHAPTER 3 :- PROCEDURE OF THE COURTS**

16. Rule of limitation
17. Act 32 of 1871, section 28, to cease in any district from date of notification that it is no longer under settlement
18. Recognised agents
19. Rules for taking evidence
20. Execution sale of ancestral and acquired property in land

21. Appointment of manager of land attached
22. Service of process within jurisdiction of Lucknow Civil Court
23. Section substituted for Act 19 of 1868, section 109
24. Section substituted for Act 19 of 1868, section 118
25. Right of occupancy in judgment-debtors' land
26. Revenue agents authorized to appear, etc., in rent suits
27. Power to make rules for custody and sale of attached property
28. Power to revise decrees and orders of subordinate Courts

#### **CHAPTER 4 :- VILLAGE AND ROAD POLICE**

29. Right to nominate village policemen
30. Obligation to nominate
31. Direction to appoint or reject nominee
32. Power to Government to appoint
33. Appointment of road police
34. Duties of village and road policemen
35. Procedure on arrest by village or road policemen
36. Dismissal of village or road policeman
37. Acts punishable
38. Fines to be credited to such fund as Government appoints

#### **CHAPTER 5 :- SUBSIDIARY RULES**

39. Power to make rules
40. Publication of rules
41. Continuance of prior rules as to matters for which rules may be made under the Act
42. Penalty for breach of rules

#### **CHAPTER 6 :- MISCELLANEOUS**

43. Power to invest taluqdars with civil jurisdiction
44. Honorary police officers
45. Power to create new districts. Power to form sub-divisions of districts

#### **SCHEDULE 1 :- THE FIRST SCHEDULE**

#### **SCHEDULE 2 :- THE SECOND SCHEDULE**

### **OUDH LAWS ACT, 1876**

**18 of 1876**

**[10th October, 1876]**

An Act to declare and amend the laws to be administered in Oudh b  
Preamble. Whereas it is expedient to declare and amend the laws  
to be administered in Oudh; It is hereby enacted as follows :-

PART 1

**1. Short title :-**

This Act may be called The Oudh Laws Act, 1876. Local extent.- It extends only to <sup>1</sup>[\* \* \*] Oudh; <sup>2</sup> Commencement. and it shall come into force on the passing thereof.

1. The provisions of this section have been repealed insofar as they are inconsistent with the Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937); see section 6 of that Act.

2. Substituted for the words local Official Gazette' by A.O., 1937.

**2. Repeal of enactments :-**

Repealed by the Repealing Act, 1938 (I of 1938), section 2 and Schedule.]

PART 2

GENERAL LAWS TO BE ADMINISTERED IN OUDH

**3. Statutory law to be administered in Oudh :-**

The law to be administered by the Courts of Oudh shall be as follows :-

(a) the laws for the time being in force regulating the assessment and collection of land revenue;

(b) in questions regarding succession, special property of females, betrothal marriage, divorce, dower, adoption, guardianship, minority, bastardy family relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be-

( 1 ) any custom applicable to the parties concerned which is not contrary to justice, equity or good conscience, and has not been, by this or any other enactment, altered or abolished, and has not been declared to be void by any competent authority;

(2) the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus except insofar as such law has been, by his or any other enactment, altered or abolished, or has been modified by any such custom as is above referred to;

(c) the rules contained in this Act;

(d) the rules published in the [Official Gazette] as provided by section 40 or made under any other Act for the time being in force in Oudh;

(e) the Regulations and Acts specified in the second schedule hereto annexed, subject to the provisions of section 4 , and to the modifications mentioned in the third column of the same schedule;

(f) subject to the modifications hereinafter mentioned, all enactments for the time being in force and expressly, or by necessary implication, applying to [the territories which, immediately before the 1st November, 1956 were comprised in Part A States and Part C States] or Oudh, or some part of Oudh;

(g) in cases not provided for by the former part of this section, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

#### **4. Validity of local customs and mercantile usages :-**

All local customs and mercantile usages shall be regarded as valid, unless they are contrary to justice, equity or good conscience, or have, before the passing of this Act, been declared to be void by any competent authority.

### PART 3

#### PART

### CHAPTER 1

#### DOWER AMONG MUHAMMADANS

#### **5. Muhammadan dower contracts how to be enforced :-**

Where the amount of dowel stipulated for in any contract of dower by a Muhammadan is excessive with reference to the means of the husband, the entire sum provided in the contract shall not be awarded in any suit by decree in favour of the plaintiff, or by allowing it by way of set-off, lien or otherwise to the defendant; but the amount of the dower to be allowed by the Court shall be reasonable with reference to the means of the husband and the status of the wife. Rule applicable after husband's death.- This rule shall be applicable whether the suit to enforce the contract be brought in the husband's lifetime or after his death.

### CHAPTER 2

#### PRE-EMPTION

#### **6. Right of pre-emption :-**

The right of pre-emption is a right of the persons hereinafter mentioned or referred to, to acquire, in the cases hereinafter specified, immovable property in preference to all other persons.

#### **7. Presumption as to its existence :-**

Unless the existence of any custom or contract to the contrary is proved, such right shall, whether recorded in the settlement record or not, be presumed-

(a) to exist in all village communities, however constituted, and whether proprietary or under-proprietary, and in the cases referred to in section 40 of the Oudh Land Revenue Act,<sup>1</sup> and

(b) to extend to the village site, to the houses built upon it, to all lands and shares of lands within the village boundary, and to all transferable rights affecting such lands.

1. Act 19 of 1868 was repealed by the Oudh Rent Act, 1886 (22 of 1886), section 2. Act 22 of 1886 was repealed by the U.P. Tenancy Act, 1939 (U.P. 17 of 1939).

**8. Its existence in towns to be proved :-**

The right of pre-emption shall not be presumed to exist in any town or city, or any sub-division thereof, but may be shown to exist therein and to be exercisable therein by such persons and under such circumstances as the local custom prescribes.

**9. Devolution of right when property to be sold or foreclosed is a proprietary or under-proprietary tenure :-**

If the property to be sold or foreclosed is a proprietary or under-proprietary tenure, or a share of such a tenure the right to buy or redeem such property belongs, in the absence of a custom to the contrary,- 1st, to co-sharers of the sub-division (if any) of the tenure in which the property is comprised, in order of their relationship to the vendor or mortgagor; 2ndly, to co-sharers of the whole mahal in the same order; 3rdly, to any member of the village community; and 4thly, if the property be an under-proprietary tenure, to the proprietor. Where two or more persons are equally entitled to such right, the person to exercise the same shall be determined by lot.

**9A. When a suit for pre-emption lies :-**

No suit shall lie for enforcing a right of pre-emption under this Act in respect of a portion only of the property sold or foreclosed : Provided that, where the plaintiff has a right of pre-emption in respect of only a portion of the property sold or foreclosed, then notwithstanding anything to the contrary contained in any enactment a suit for the pre-emption of that portion only shall lie and the plaintiff shall have to pay the proportionate price or the proportionate amount due in respect of such mortgage for such

portion o) the property, as the case may be.]

### **10. Notice to pre-emptors :-**

When any person proposes to sell any property, or when he forecloses a mortgage upon any property, in respect of which any person have a right of pre-emption, he shall give notice to the persons concerned of the price at which he is willing to sell such property, or of the amount .due in respect of such mortgage, as the case may be: <sup>1</sup> [Provided that, where a person has a right of pre-emption in respect of a portion only of the property proposed to be sold or foreclosed, the notice to such person shall specify the proportionate amount of the price or the proportionate amount due in respect of such mortgage at which the person proposing to sell or foreclose is willing to sell or redeem such portion of the property, as the case may be.] Such notice shall be given through the Court within the local limits of whose jurisdiction the property or any part thereof is situate, and shall be deemed sufficiently given if it be stuck upon the chaupal or other public .place of the village or city in which the property is situate.

1. Act 19 of 1868 was repealed by the Oudh Rent Act, 1886 (22 of 1886), section 2. Act 22 of 1886 was repealed by the U.P. Tenancy Act, 1939 (U.P. 17 of 1939).

### **11. Loss of right of pre-emption :-**

Any person having a right of pre-emption in respect of any property proposed to be sold shall lose such right, unless within three months from the date of such notice he or his agent pays or tenders the price '[specified in the notice given under the preceding section] to the person so proposing to sell.

### **12. Right of pre-emptor on foreclosure :-**

When the right of pre-emption arises in respect of the foreclosure of a mortgagor <sup>1</sup>[or a portion of the mortgage], any person entitled to such right may, at anytime within three months after the giving of the notice required by section 10 , pay or tender to the mortgagee or his successor-in-title the amount specified in such notice, and shall thereupon acquire a right to purchase the property <sup>1</sup>[or a portion thereof, as the case may be]. On completion of the purchase the person exercising the right of pre-emption shall be bound to pay to the mortgagee or his successor-in-title the amount specified in such notice, together with interest on the principal sum secured by the mortgage <sup>1</sup> [or the proportionate amount of such principal sum in respect of the portion of the property in which he

possesses the right of pre-emption, as the case may be], at the rate specified by the instrument of mortgage, for any time which has elapsed since the date of the notice, and any additional costs which may have been properly incurred by the mortgagee or his successor-in-title.

1. Act 19 of 1868 was repealed by the Oudh Rent Act, 1886 (22 of 1886), section 2. Act 22 of 1886 was repealed by the U.P. Tenancy Act, 1939 (U.P. 17 of 1939).

### **13. Suit to enforce right of pre-emption :-**

Any person entitled to a right of pre-emption may bring a suit to enforce such right on any of the following grounds (namely) :-

(a) that no due notice was given as required by section 10 ;

(b) that tender was made under section 11 or section 12 and refused;

(c) In the case of a sale, that the price stated in the notice was not fixed in good faith;

(d) in the case of a mortgage, that the amount claimed by the mortgagee was not really due on the footing of the mortgage and was not claimed in good faith, and that it exceeds the fair market value of the property mortgaged, <sup>1</sup>[or the portion of the property mortgaged in respect of which he possesses the right of pre-emption, as the case may be.] If, in the case of a sale, the Court finds that the price was not fixed in good faith, the Court shall fix such price as appears to it to be the fair market value of the property sold, <sup>1</sup>[or the portion of the property sold in respect of which he possesses the right of pre-emption, as the case may be]. If, in the case of a mortgage, the Court finds that the amount claimed by the mortgagee was not really due on the footing of the mortgage, and that it was not claimed in good faith and that it exceeds the fair market value of the property mortgaged <sup>1</sup> [or the portion of the property mortgaged in respect of which he possesses the right of pre-emption, as the case may be], the amount to be paid to the mortgagee shall not exceed what the Court finds to be such market value.

1. Act 19 of 1868 was repealed by the Oudh Rent Act, 1886 (22 of 1886), section 2. Act 22 of 1886 was repealed by the U.P. Tenancy Act, 1939 (U.P. 17 of 1939).

### **14. Decree to fix time for payment :-**

If the Court find for the plaintiff, the decree shall specify a day on or before which the purchase money or the amount to be paid to the mortgagee shall be paid.

**15. Effect of non-payment of purchase money :-**

If such purchase money or amount is not paid into Court before it rises on that day, the decree shall become void, and the plaintiff shall, so far as only as relates to such sale or mortgage, lose his right of pre-emption over the property to which the decree relates.

CHAPTER 3

PROCEDURE OF THE COURTS

**16. Rule of limitation :-**

The Judicial Commissioner's Circular No. 104 of July, 1860, shall be held to have been a notification within the meaning of Section 24 of the Karnataka Co-operative Societies Act, 1959 , and such Act shall be deemed to have been in force in Oudh from the fourth day of July, 1862; and all orders and decrees passed under the rules contained in the said Circular, or under the said Act, shall be deemed to have been passed under a law in force for the time being. Nothing in this section affects the provisions of sections 102, S.104 of the Oudh Rent Act, 1868, S.105 of the Oudh Rent Act, 1868, section 106, S.107 of the Oudh Rent Act, 1868 and S.108 of the Oudh Rent Act, 1868 of the Oudh Rent Act (19 of 1868)<sup>1</sup> with regard to the limitation of suits under that Act.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

**17. Act 32 of 1871, section 28, to cease in any district from date of notification that it is no longer under settlement :-**

Repealed by the Repealing and Amending Act, 1891 (12 of 1891).]

**18. Recognised agents :-**

Repealed by the Amending Act, 1891 (12 of 1891).]

**19. Rules for taking evidence :-**

S.172 of Act No. 8 of 1859 is hereby repealed, so far as the Province of Oudh is concerned, and the following section is substituted therefor :- "on the day appointed for the hearing of the suit, or on some other day to which the hearing may be adjourned, the evidence of the witnesses inattendance shall be taken orally in open Court in the presence and hearing and under the personal direction and superintendence of the Judge." "A note of the essential points of the evidence of each witness is to be taken at

the time, and in the course of oral examinations, by the officer who tries the case in his own language, or in English if he is sufficiently acquainted with that language and such note shall be filed, and shall form part of the record of the case." If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his deposition as taken down to be interpreted to him in the language in which it was given. It shall be in the discretion of the Court to take down, or cause to be taken down, any particular question and answer, if there appears any special reason for so doing, or any party or his pleader requires it. If any question put to a witness be objected to by either of the parties or their pleaders, and the Court allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the party making it shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Court shall record such remarks as it may think material respecting the demeanour of the witness while under examination. <sup>1</sup> [The note as above required may be written and signed by the Judge with his own hand or typed to his dictation in open court and signed by him with his own hand, and such note shall form part of the record.]

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

## **20. Execution sale of ancestral and acquired property in land :-**

So much of Section 60 of the Code of Civil Procedure, 1908, as renders land liable to sale in execution of a decree shall be subject to the following restrictions :- No ancestral land shall be sold in satisfaction of a decree without the permission of the [State Government].

## **21. Appointment of manager of land attached :-**

Repealed by the Oudh Civil Courts Act, 1879 (13 of 1879).]

## **22. Service of process within jurisdiction of Lucknow Civil Court :-**

Notwithstanding anything contained in the said Code, any Civil Court sitting within the local limits of the jurisdiction of the Lucknow Civil Court but exercising jurisdiction beyond such limits, may cause summonses, warrants, notices and other processes to be served within the local limits of the jurisdiction of the Lucknow Civil

Court without causing the same processes to be served through such Court.

**23. Section substituted for Act 19 of 1868, section 109 :-**  
Repealed by the Oudh Rent Act, 1886 (22 of 1886). ]

**24. Section substituted for Act 19 of 1868, section 118 :-**  
Repealed by the Oudh Rent Act, 1886 (22 of 1886).]

**25. Right of occupancy in judgment-debtors' land :-**  
Repealed by the Oudh Rent Act, 1886 Amendment Act, 1901 (U.P. 4 of 1901).]

**26. Revenue agents authorized to appear, etc., in rent suits :-**

Notwithstanding anything contained in Act No. 20 of 1865, all persons duly admitted and enrolled as Revenue agents under that Act in <sup>1</sup> [\* \* \*] Oudh may appear, plead and act in suits under the Oudh Rent Act in the Courts of officers exercising the powers of Assistant Collectors, Deputy Collectors, Collectors and Commissioners under the same Act.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

**27. Power to make rules for custody and sale of attached property :-**

With the sanction of the <sup>1</sup> [State Government], the [High Court] may from time to time make rules consistent with this Act and with the Code of Civil Procedure-

(a) for the custody and sale of movable property attached in execution of decrees;

(b) for the levy of a fee or commission on the sale of attached property and the disposal of the funds accruing from such fees;

(c) as to the appointment and remuneration of persons [(not being persons in the service of the Government)] by whom property is to be attached, kept in custody and sold;

(d) as to the appointment and remuneration of persons [(not being persons in the service of the Government)] by whom local investigations under section 180, and investigations and adjustments of accounts under section 181, of the Code of Civil Procedure are to be made.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

**28. Power to revise decrees and orders of subordinate Courts :-**

Repealed by the Oudh Civil Courts Act, 1879 (13 of 1879).]

CHAPTER 4

VILLAGE AND ROAD POLICE

**29. Right to nominate village policemen :-**

The nomination to the post of village policeman shall be made by the zamindar of the village, or, where there are more zamindars than one, by the lambardar as their representative; and, where there are more lambardars than one, the opinion of the majority (unless there is some special provision to the contrary in the village administration-paper) shall prevail.

**30. Obligation to nominate :-**

Every person authorized to nominate to the office of village policeman shall, within fifteen days after the occurrence of a vacancy in such office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the district.

**31. Direction to appoint or reject nominee :-**

The person so nominated shall, after due enquiry into his age, character and ability, be appointed or rejected by the <sup>1</sup> [State Government].

1. Substituted for the words 'Provincial Government', by A. L. O., 1950.

**32. Power to Government to appoint :-**

In default of such nomination within the said fifteen days, the <sup>1</sup>[State Government] shall appoint such persons <sup>2</sup>[it] thinks fit to the vacancy. Procedure in case of rejection of nominee.- If, the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made but the nominee is again rejected, the <sup>1</sup> [State Government] shall appoint such person as it thinks fit to the vacancy.

1. Substituted for the words 'Provincial Government', by A. L. O.,

1950.

2. The words 'with the previous sanction of the Governor-General-in-Council' were omitted by the U.P. Assimilation of Powers Act (14 of 1878), Sec. 5.

### **33. Appointment of road police :-**

Subject to the rules to be framed under section 39 and, for the time being in force, the <sup>1</sup>[State Government] may from time to time appoint persons to be <sup>2</sup> [road police].

1. Substituted for the words 'Provincial Government', by A. L. O., 1950.

2. The words 'with the previous sanction of the Governor-General-in-Council' were omitted by the U.P. Assimilation of Powers Act (14 of 1878), Sec. 5.

### **34. Duties of village and road policemen :-**

Every village policeman and every road policeman shall perform the following duties :-

(a) he shall give immediate information to the officer in charge of the police station appointed for his village or beat-

(1) of every unnatural, suspicious or sudden death occurring in the village of which he is chaukidar, or within his beat;

(2) of each of the following offences occurring in such village or on such beat (that is to say), murder, culpable homicide, rape, dacoity, theft, robbery, mischief by fire, house-breaking, counter-feiting coin, causing grievous hurt, riot, harbouring a proclaimed offender, exposure of a child, concealment of birth, administering stupefying drugs kidnapping, lurking house-trespass; and

(3) of all attempts and preparations to commit, and abetments of, any of the said offences;

(b) he shall keep the police informed of all disputes which are likely to lead to any riot or serious affray;

(c) he shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in paragraph (a), clause (2), of this section;

(d) he shall observe and from time to time report to the officer in charge of the police station within the jurisdiction of which his village or beat may be situate, the movements of all bad characters in or on such village or beat;

(e) he shall report to the officer in charge of such police station the arrival of suspicious characters in the neighbourhood;

(f) he shall supply to the best of his ability any local information which a Magistrate or any officer of police may require, and shall promptly execute all orders issued to him by competent authority.

**35. Procedure on arrest by village or road policemen :-**

Whenever a village policeman or road policeman arrests any person, he shall take him as soon as possible to the police station within the jurisdiction of which his village or beat is situate.

**36. Dismissal of village or road policeman :-**

The Magistrate of the district may dismiss any village policeman or road policeman for any misconduct or neglect of duty. Where any village policeman is guilty of neglect of duty or other misconduct, the person authorized to nominate to his office may report him for dismissal to the Magistrate of the district; and such Magistrate shall dismiss him accordingly, unless the Magistrate has reason to think that such dismissal would be improper.

**37. Acts punishable :-**

Every village policeman and road policeman guilty of any wilful misconduct in his office, or of neglect of duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, or withdrawing from the duties of his office without permission and without having given at least two months' notice of his intention to withdraw from such duties to the persons authorized to nominate or appoint under section 29 , section 32 and section 33 (as the case may be) or offering any unnecessary personal violence to any person on his custody, Penalty. shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment for a period not exceeding three months, or to both.

**38. Fines to be credited to such fund as Government appoints :-**

All fines levied under this Act or village policeman or road policeman shall be credited to such fund as the <sup>1</sup> [State Government] from time to time appoints.

1. Substituted for the words 'Provincial Government', by A. L. O., 1950.

### **39. Power to make rules :-**

The <sup>1</sup>[State Government ] may, from time to time, <sup>2</sup> [\* \* \*] make rules consistent with this Act as to-

(a) the discipline and remuneration of the village and road police and the regulation of their number, location and duties;

(b) the disposal of unclaimed property under Act No. 5 of 1861 (for the regulation of police), section 25 , section 26 and section 27 ;

(c) public health and conservancy at fairs and other large public assemblies, and the maintenance of a proper watch and ward at such fairs and, assemblies;

(d) imposing [\* \* \*] taxes for those purposes only;

[(e) the keeping and custody of civil, criminal and revenue records.]

[\* \* \* \* \*]

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

2. Substituted for the word 'he', by A.O., 1937 (1-4-1937).  
Creation and alteration of districts and sub-divisions

### **40. Publication of rules :-**

All rules made by the [State Government] under section 39 , and all rules made by the <sup>1</sup> [High Court] under section 27 , shall be published in the [Official Gazette], and shall thereupon have the force of law.

1. Substituted for the word 'he', by A.O., 1937 (1-4-1937).  
Creation and alteration of districts and sub-divisions

### **41. Continuance of prior rules as to matters for which rules may be made under the Act :-**

Repealed by the Repealing and Amending Act, 1891 (12 of 1891).]

### **42. Penalty for breach of rules :-**

Whoever breaks any rule made or continued under this Act, not being a rule made by the <sup>1</sup> [High Court], shall, on conviction before a Magistrate, be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to six months; or with both.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

**43. Power to invest taluqdars with civil jurisdiction :-**

Repealed by the Oudh Civil Courts Act, 1879 (13 of 1879).]

**44. Honorary police officers :-**

The <sup>1</sup>[State Government] may, from time to time, confer on any person whom <sup>2</sup> [it] thinks fit any power which may be exercised by a police officer under any Act for the time being in force, and withdraw any power so conferred

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.
2. Substituted for the word 'he', by A.O., 1937 (1-4-1937).  
Creation and alteration of districts and sub-divisions

**45. Power to create new districts. Power to form sub-divisions of districts :-**

Repealed by the United Provinces Act, 1890 (20 of 1890), Sec. 35.]

SCHEDULE 1  
THE FIRST SCHEDULE

[Repealed by the Repealing Act, 1938 (I of 1938), section 2 and Schedule.]

SCHEDULE 2  
THE SECOND SCHEDULE

[As amended] (See Section 3 ) PART 1 - BENGAL REGULATIONS Number and Year Subject \ \ Modifications 23 of 1803 Embezzlement by . \In Section 1 and \ \Native Officers \ \Section 2, clause First, \ \ \ \ \before "sezawals," insert "tahsildars". \ \ \ \ \In Section 2, after the \ \ \ \ \first clause, insert "Second. - The \ \ \ \ \responsibility of the sureties of \ \ \ \ \ \ \tahsildars extends to the several cases \ \ \ \ \provided for in this Regulation." \ \ \ \ \In Section 3, for \ \ \ \ \ "Dewanny Adawlut of the Zillah, the \ \ \ \ \ Judge of which Court shall detain him", \ \ \ \ \ read "District where he \ shall be \ \ \ \ \ detained;" for "real or personal," read \ \ \ \ \ "movable or immovable", and omit the \ \ \ \ \ words and figures "and the rules in \ \ \ \ \ Regulation XXVIII, 1803, regarding suits \ \ \ \ \ \so carried on by the Collectors are to \ \ \ \ \ be held applicable to it." \ \ \ \ \ Omit Section 8. 10 of 1804 Punishment by Omit Section 1. \ \Courts-martial of \ \ certain State of-fences. In Section 2, for 'the \ \ \ \ \ British territories subject to the \ \ \ \ \ Government of the Presidency of Fort \ \ \ \ \ Willam" read "the territories under the \ \ \ \ \ administration of the Chief Commissioner \ \ \ \ \ of Oudh." \ \ \ \ \ In Section 3, for "real \ \ \ \ \ and personal" read "movable or \ \ \ \ \ immovable" Number and Year Subject Modifications 11 of 1806 Assistance to troops Omit section 1 , section 7 , section 9 , section 20 \ \ and travellers \ \ and so much of the rest of the \ passing through districts. Regulation 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 facilitating the \ \ \ \ \ march of troops or the progress \ \

of travellers. For "Collectors of Revenue" and "Collector" read "Deputy Commissioner" throughout the Regulation. In Sections 2 and 3, for "the Company's territories" read 'Oudh'. In Section 2, omit the last sentence. In Section 4, clause Third, for "Central Government" read "State Government". In Section 5, omit "the company's." In Section 6, for "Magistrate" read "Deputy Commissioner," and for "on the part of the Collector" read by "by the Deputy Commissioner." In Section 8, for "the Company's provinces" read "Oudh". 3 of 1818 State Prisoners. In Section 1, omit "situated within the territories dependent on the Presidency of Fort William' and from "which are to take effect" to the end of the section, In Section 2, clause Third, omit "within the territories subject to the Presidency of Fort William". In Section 4, omit clause First. In the same section, clause Second, for "Zillah or City Magistrate" read "Deputy Commissioner," and for "Judge of Circuit" read "Commissioner of Division". In Section 9, for "to the Provincial Court of Appeal and Circuit and to the Sudder Dewanny Adawlut and Nizamut Adawlut" read "and to the Judicial Commissioner". Omit Section 10 11 of 1822 Non-liability of Omit the whole except Section Government for errors of a Court of Justice. 6 of 1825 Supply of troops on In the preamble, omit the last twenty the march words. In Section 2, omit "in pursuance of Section 111, Regulation XI, 1806," and omit "sicea." In Section 4, for "Board of Revenue in whose jurisdiction the district may be situate" and "Board" read "Commissioner". In Section 5, omit "on the stamped paper prescribed for other appeals to the Revenue Boards" and for "the proper Board" and "the Board" read the Commissioner. 11 of 1825 Alluvion and Diluviion Omit Section 1 In Section 3, omit "either" and "or the sea." In Section 4, clause First "whether" and "or of the sea," and for "the provisions of Regulation II, 1819, or of any other Regulation in force," read "any law in force for the time Number and Year Subject Modification being," clause Third, omit "or in the sea" and "or sea;" clause Fifth, omit "or the sea." In Section 5 for "Zillah and City Magistrate" read "Deputy Commissioner".

PART 2 - ACTS OF THE GOVERNOR GENERAL IN COUNCIL 20 of 1856 Chaukidars .. In the preamble, after "Bengal" add "and the territories under the administration of the Chief Commissioner of Oudh" Omit the words "of circuit" wherever they occur after "Commissioner." Omit Section 40. 13 of 1857 Opium In the title, after "the Presidency of Fort William in Bengal," read "and the territories under the administration of the Chief Commissioner of Oudh". In Section 3, omit being covenanted servants of the Company". 22 of 1871 Chaukidars In Section 1, after "Presidency" insert "or territories". In Section 3, omit the words "of circuit", Omit Section 6,