

CENTRAL PROVINCES LAWS ACT, 1875

20 of 1875

[9th December, 1875]

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SCHEDULE 1 :- SCHEDULE

CENTRAL PROVINCES LAWS ACT, 1875

20 of 1875

[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 the 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 ¹ [State Government] of the Central Provinces; Commencement.- And it shall come into force on the passing thereof.

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

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On and from the date on which this Act comes into force, the following shall be repealed, that is to say.- (b) all ¹[Central Acts], (except the Acts mentioned in the schedule hereto annexed) which do not expressly or by necessary implication extend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 ²[Central Act]-,

(c) all rules, regulations and enactments not being Statutes, Bengal Regulations, ¹[Central Acts], or rules or regulations made in exercise of a power conferred by a Statute, Bengal Regulation or ²[Central Act]. ⁵ [* * * * *]

1. Substituted for the words "Acts of the Central Legislature" by A. L. O.. 1950.
2. Substituted for the words "Act of the Central Legislature", A. L. O.. 1950.
5. The proviso as to the law relating to land revenue and Courts of Wards was repealed by the Amending Act, 1891 (XII of 1891).

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

On and from the said that 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 ¹[Central Act] which extends, or can by notification be extended, to the territories which were under the administration of the said ²[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 ² [State Government].

1. Substituted for the words "Act of the Central Legislature" by A. L. O., 1950.
2. Substituted for the words "Provincial Government" by A. L. O., 1950.

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 the 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 exempted from attachment and sale in execution of decrees of the Civil Courts.

8. Power to make subsidiary rules :-

The said ¹[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; ²[* * *]; ³ [(a)* * * *]

1. Substituted for the words 'Provincial Government' (which was earlier substituted for 'Chief Commissioner' in 1937) by A. L. O. 1950.
2. The words "and the destruction from time to time of such of the said records as it may be deemed unnecessary to keep" were repealed by the Destruction of Records Act, 1879 (III of 1879).
3. Clause (d) relating to the appointment, duties, punishment, suspension and dismissal of all ministerial officers was repealed by A. L. O., 1937

9. Penalty for breach of rules :-

The ¹ [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.

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

10. Publication of Rules, Force of rules :-

All rules made under this Act shall ¹[* * *] be published in the ² [Official Gazette] and shall thereupon have the force of law.

1. The words "when sanctioned by the Governor-General in Council" were omitted by the Devolution Act, 1920 (38 of 1920), S. 2 and Sch. 1.
2. Substituted for the words "C. P. Gazette" by A. O. 1937.

11. Local Repeal, in part, of Code of Civil Procedure :-

¹ Section 184 of the Income tax Act, 1961, S.185 of the Code of Civil Procedure, 1908 and S.189 of the Code of Civil Procedure, 1908 are hereby repealed.]

