

CUTCHI MEMONS ACT, 1938

10 of 1938

[8th April, 1938]

CONTENTS

1. Short title and commencement
- 2 . Cutchi Memons to be governed in certain matters by Muhammadan Law
3. Savings
4. Repeal

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STATEMENT OF OBJECTS AND REASONS "Sufficient time has passed since passing of the Cutchi Memons Act of 1920 and large numbers of the Cutchi Memon Community have taken advantage of the same. However, there is a minority which still persist in being governed by the customary laws and that tends to complicate matters. In order to bring about uniformity it is highly desirable that the entire Cutchi Memon Community be governed by the Muhammadan law. The Cutchi Memons are good Muhammadans and there is a general desire in the community to be governed by the Muhammadan law. This Bill if enacted will go a great way in bringing about the desired uniformity all over British India so far as the Cutchi Memons are concerned in matters of succession and inheritance and this will also facilitate administration of civil justice by the law Courts in British India, as they will have to adjudicate through an established code, while under the present circumstances a wide field of custom and usage has to be traversed for a proper determination of the case. Therefore, it is desirable that the Bill be enacted". - Gazette of India. 1937. Part V, p. 271.

1. Short title and commencement :-

- (1) This Act maybe called the Cutchi Memons Act, 1938.

(2) It shall come into force on the 1st day of November, 1938.

2. Cutchi Memons to be governed in certain matters by Muhammadan Law :-

Subject to the provisions of section 3 , all Cutchi Memons shall, in matters of succession and inheritance, be governed by the Muhammadan Law.

3. Savings :-

Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy respect of any such right or liability; and any such legal proceeding or remedy may be continued or enforced as if this Act had not been passed.

4. Repeal :-

Repealed by the Repealing and Amending Act, 1942 (25 of 1942), S. 2 and Sch. I.]