

Central Provinces Laws Act, 1875

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Act 20 of 1875

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Central Provinces Laws Act, 1875 Act No. 20 of 1875

1476.

[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 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.

Madhya Pradesh.-Mahakoshal in its application to the Mahakoshal region of the State of Madhya Pradesh, in Section I. for the words beginning with "It extends" and ending with the words "Central Provinces" substitute the words "It extends to the whole of the Mahakoshal region". Note.- "Mahakoshal region" means the territories comprised within the districts of Jabalpur, Sagar. Damoh, Mandla. Hoshangabad, Narsimhpur, Chhindwara, Sconi. Betul, Nimar, Raipur, Bilaspur, Durg. Bastar, Surguja. Raigarh and Balaghat of the State of Madhya Pradesh. M.P. Adaptation of Laws (State and Concurrent Subjects) Order, 1956. Maharashtra.-Vidarbha-In its application to the Vidarbha region of the State of Maharashtra, in Section 1, for the words "State Government of the Central Provinces", substitute the words "State Government of the area comprised within the district of Nagpur, Wardha, Chanda and Bhandara".-The Bombay (Vidarbha Region) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

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On and from the date on which this Act comes into force the following shall be repealed, that is to say-(a)all Bengal Regulations except the Regulations or parts of Regulations hereinafter declared to be in force;(b)all [Central Acts] [Substituted by the A.O. 1950 for "Acts of the Central Legislature"] (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 [Central Acts] [Substituted by the A.O. 1950 for "Acts of the Central Legislature"];(c)all rules, regulations and enactments not being Statutes, Bengal Regulations, [Central Acts] [Substituted by the A.O. 1950 for "Acts of the Central Legislature"], or rules or regulations made in exercise of a power conferred by a Statute, Bengal Regulation or [Central Acts] [Substituted by the A.O. 1950 for "Acts of the Central Legislature"].[* * *] [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 [Central Acts] [Substituted by the A.O. 1950 for "Acts of the Central Legislature"] 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] [Substituted for the word "Provisional Government" by A.L.O., 1950] 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] [Substituted for the word "Provisional Government" by A.L.O., 1950].

Madhya Pradesh.-Mahakoshal-In its application to the Mahakoshal region of the State of Madhya Pradesh. Section 4 as adapted reads as follows:"4. Every Central Act which extends or can by notification be extended, to the said territories at the time of the passing thereof, shall extend, or may by notification be extended, as the case may be, to all the said territories". - M.P. Adaptation of Laws (State and Concurrent Subjects) Order. 1956. Maharashtra.-Vidarbha region In its application to the Vidarbha region of the State of Maharashtra. in Section 4(i) for the words "the territories" occurring twice, substitute the words "the said territories";(ii) Omit the words "which were under the administration of the said State Government" and "now under the administration of the said State Government" and "now under the administration of the said State Government." - Bombay

Adaptation of Laws (State and concurrent Subjects) Orders, 1956.

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 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 [State Government] [Substituted for the word "Provisional Government" by A.L.O., 1950] 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.]; (d) [* * *] [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] [Substituted for the word "Provisional Government" by A.L.O., 1950] 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 [Official Gazette] [Substituted by the A.O. 1937 for "C.P. Gazette"] and shall thereupon have the force of law.

11. [Local repeal in part of code of civil Procedure.- [Inserted by Act 2 of 1879, s.2.]

Sections 184, 185 and 189 of the Code of Civil Procedure are hereby repealed.]

12. [Sections substituted in same Code.- [Inserted by Act 2 of 1879, s.2.]

For sections 182, 190 and 191 of the same Code⁷⁰¹ the following shall be substituted (namely):-"182. Note of evidence to be taken.- 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."190. Judge unable to make note to record reason of his inability.- 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."191. Power to use note made by Judge dying or removed before conclusion of suit.-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

| Number and Year of Regulation | Subject | Extent of operation | Power or duties how to be exercised or performed |
|-------------------------------|-----------------------|--|--|
| #[* * * * * | * * * * | * * * * | * * * *] |
| V of 1799 | Estate of Interstates | [Sections 4, 5, 6 and 7.] [Substituted for the original entries by the C.P. Laws (Amendment) Act, 1923 (C.P. IX of 1923), section 2] | [The functions of the Court of "Sadr Diwani Adalat" and of the "Board of Revenue"; shall be performed respectively by the Judicial Commissioner and by the State Government.] [Substituted for the original entries by the C.P. Laws (Amendment) Act, 1923 (C.P. IX of 1923), section 2] |

| | | | |
|---|------------------------------------|--|---|
| #[* * * * * | * * * * | * * * * | * * * *] |
| [* * * * [The entry relating to Reg. 1 of 1806 was repealed by the M.P. Laws (Amendment) Act 1950 (M.P. XV of 1950), S.2.] | | | |
| [* * * * [The entry relating to Reg. 1 of 1806 was repealed by the M.P. Laws (Amendment) Act 1950 (M.P. XV of 1950), S.2.] | | | |
| XI of 1812 | Foreign Immigrants | So much as has not been repealed. | The powers of the "Nizamat Adalat" shall be exercised by the Judicial Commissioner. |
| #[* * * * * | * * * * | * * * * | * * * *] |
| III of 1818 | State Prisoners | So much as has not been repealed. | |
| #[* * * * * | * * * * | * * * * | * * * *] |
| [* * * * [The entry relating to Regn. 6 of 1925 was repealed by the M.P. Laws (Amendment) Act 1950 (M.P. XV of 1950), Section 2] | | | |
| XI of 1825 | Alluvion and Diluvion. | | The whole |
| #[* * * * * | * * * * | * * * * | * * * *] |
| V of 1827 | Administration of landed property. | So much as has not been repealed, except the words and figures "and clauses 5 and 6, section XVI, regulation III, 1803." | The powers of the "Board of Revenue" shall be exercised by the [State Government] [Substituted for the word "Chief Commissioner" by A.O. 1937.]. |
| # So much of Act 20 of 1875 as relates to the following Bengal Regulations was rep. by the Act noted against each:-Ben. Reg. 01 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. 05 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. 06 of 1819 was rep. in the C.P. by Act 17 of 1878, and later generally, by Act 12 of 1891.

Regulations V of 1799 and XI of 1812. Madhya Pradesh.-Mahakoshal in its application to the Mahakoshal Region of the State of Madhya Pradesh, in Col. (4) against the above mentioned Regulations for the words "High Court of Judicature at Nagpur" substitute "the High Court of Madhya Pradesh", M.P. Adaptation of Laws (State and Concurrent Subjects) Order, 1956. Maharashtra.-In its application to the Vidarbha Region of the State of Maharashtra, in Col. (4) against the said two Regulations, for the words "High Court of Judicature at Nagpur" (as substituted by C.P. and Berar Act I of 1917, Section 61), substitute "the High Court at Bombay" -Bombay (Vidarbha Region) A.L.O., 1956.

B.- ACTS OF THE GOVERNMENT GENERAL IN COUNCIL

| Number and year of Act | Subject | Extent of operation |
|--|----------------------------|---|
| VIII of 1815 | Tolls on Roads and Bridges | The whole Act, except section 1 and the schedule. |
| [* * * [The entry relating to Act 18 of 1853 was repealed by the Amending Act, 1891 (XII of 1891).] | | |
| XIII of 1857 | Opium | Sections 21, 22, 23, 25, 26, 27, 28, 29. |
| [* * * [The entry relating to the Minors Act, 1858 (40 of 1958), was repealed by the Guardians and Wards Act, 1890 (VIII of 1890)] | | |
| XV of 1864 | Tolls | The whole Act. |