

PUNJAB LAWS AT, 1872

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TO BE IN FORCE. SCHEDULE 1872 : Act PUNJAB LAWS 'THE PUNJAB LAWS ACT, 1872. [ACT
IV or .18721. 3 Year 1872 • No. Short title Te Punjab Laws Act. 1872 [28th March, 1872.) 4 Whether
repealed or otherwise affected by legislation Pcp. in part. Act T of 1878 Rcp. in part, Act VI or 1878 Rcp.
in part, Act X of 1879 Rcp. in part, Act of 1882 (When extended to the Punjab) Rcp. in part, Act X of
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1891 Act VII of 1895 Amended, Act XV of Amended, Act XXIV of 1881 Amended, Punjab Act IV of
1900 Amended, Punjab Act IV of 1914 Amended, Punjab Act 11 of 1920 Amended in part, Government
of India (Adaptation of Indian Laws) Order, .1937 Rcp. in part, by Punjab Act V of 1941 Amended in part,
by the Indian Independence (Adaptation of Central • Acts and Ordinances) Order, 1948 Amended in part,
by the Adapta- tion of Laws Order, 1950 Amended by the Adaptation of laws (No. 2) order 1956
Amended by Punjab Act NO. IS 1961' Amended by the p unj ab Reorgani- sation (Cha ndigarh) (Adaptat
ion Of laws on State and Concurrent 1968. S-ibject) IFor Statement of Objects and Reasons, see "Gazette
of India", 1871, Pt. V. p. 387, for Proceedings in Council, see ibid, 1871, Supple- ment, pp. 1003, 1292,
1296 and 1542 ; and ibid, 1872 Supplement, p. 303. 2Section 7 of Act of 1878, prescribes penalty for
breach of rules under Act IV of 1872, see foot-note on page 74 infra. ZFor Statement of Objects and
Reasons, see Punjab Government Gazette (Extraordinary), 1961, pages 168. 4 PUNJAB LAWS [1872: Act
IV Preamble. Short title. An Act for declaring which of certain rules, lawg and regu- lations have to the
force of law in the Punjab and for other purposes. WHEREAS certain rules, laws and regulations, made
heretofore for the Punjab, acquired the force of law under the provisions of section 25 of the 'Indian
Councils Act 24 and Vict. 1861; and whereas it is expedient to declare which of the c. 67. said rules, laws

and regulations shall henceforth be in force in Punjab, and to amend, consolidate or repeal others of the said rules, orders and regulations; It is hereby enacted as follows:— 1. This Act may be called the Punjab Laws Act, 1872

2. It extends to the territories Z[which immediately local extent before the 1st November, 1956 were comprised in the '(States) of 5(Punjab) and (Delhi)], but not so as to alter the effect of any regulations made for any parts of the said territories under the IStatute 33, Vict., cap. 3, section And it shall come into force on the first day of June, 1872. commencement

3. The Regulations, Acts and orders specified in the First Schedule hereto annexed are in force in the torries to which this Act extends] to the extent specifi- ed in the third column of the said Schedule.Enactments 4. [Enactments repeated.] Repeated Act XVII of 1914, s. 3 and Second sch. CIVIL JUDICATURE. Decisions in In questions regarding succession, special pro- accortung to property of females, betrothal, marriage, divorce, dower, IRepeated by the Government of India Act, 1919. 2Substituted for "East Punjab" by Adaptation of Laws Order, 1950. The words "East Punjab" had been nrlxtituted for "the Punjab" by the Indian Independence (Adaptation of Central Acts and Ordinances) 8Substituted for the words "constituting the States of Punjab and Delhi" by the Adaptation of Lawes (No. 2) Order, 1956. 'Substituted by ibid, for the words "States of Punjab and Delhi"• 6Substituted for the old section by the Punjab Laws (Amendment) 1872 : Act PUNJAB LAWS 5 adoption, guardianship, minority, bastardy, family rela- tions, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be— (a) Any custom applicable to the parties concem- ed, 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 com- petent authority; (b) 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 altered or abolished by legislative enactment, or is opposed to the provisions of this Act, or has been modified by any such custom as is above referred to.] 6. In cases not otherwise specially provided for, the Decisions in cases not spe- Judges shall decide according to justice, equity and good ciany provided for. conscience

7. All local customs and mercantile usages shall be Local customs Ed mercantile regarded as valid, unless they are contrary to justice, usages equity or good conscience, or have, before the passing of Eli± this Act, been declared to be void by any competent authority.8

8. PRE-EMPTION.9 to 20. 'Sections 8, 8-A, 8-B and 8-C, substituted for the original section by section 2 of the Punjab Jagirs Act, 1900 (Punjab Act IV of 1900). were repealed together with the heading thereto by the Punjab Jagirs 1941 '(Punjab Act V of 1941), section 13. ZRepeated by Punjab Act 11 of 1905, section 2<1). (1872: Act 21. (Copy of affecting tnd to be forwarded to Dcpvty Commigritv7tct-i 22 fo 22. Saving of p•rcvnotL.e proceeding-j Minot* of Word'. rndinn Pena) 39. The provisions of the 'Indian Penal Code. with code to apply to the exception of Chapter V i. Shail be applicable to all offencet g vmmit- ted previous to offences committed before first January, 1862, in ter- 1st January, ritory which was, at the time of the commission Of such 1862. offence, subject to the C(Central Government): saving or Provided that nothing contained in this section shall COMermnd affect any privilege conferred on certain Chiefs in t (t.jnion in certain Chiefs. Territory of Chandigarh]. by the '[Central Government], or by the Board of Administration for the affairs of the 7!union Territory of Chandigarh), nor any indemnity or pardon granted by competent authority. Power to estab- 9[39-A. The Tentral Governmentl may establish a lish system of village watchmen system of village-watchmen or municipal watchmen in any and municipal watchmen. and to make rules. IRepeated by Act xvrr of 1887, schedule. 2Repeated by Act JIT of 1907, schedule. 'Repeated by Act XII of 1891, schedule. 4Repeated by Punjab Act 11 of 1905, schedule. runrepealed Central Acts. vol. 1. 6Substituted for the words "State Government of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 7Substituted by ibid for the word "Punjab". 8Substituted for the words "Govevnr-General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937. OSections 39-A to 39-G were inserted by Act XV of 1875, section 2. Oiginal sections 39-A and 39-B were substituted by the present sections 39-A and 39-B by the Punjab Laws (Amendment) Act, 1881 (Act XXIV of 1881), section 2. 1872 : Act TV] PUNJAB LAWS 7 part of the territories under its administration, and in fur- therance of this object may, from time to time, make rules to provide for the following matters:— (a) the definition of the limits of

watchmen's beats; (b) the determination of the several grades of watchmen, and the number of each grade to be appointed to each beat; (c) the appointment, suspension, dismissal and resignation of watchmen of each grade; (d) the equipment and discipline of, and the control and supervision over, such watchmen; (e) the conferring upon them, and the exercise by them, of any powers and the enjoyment by them of any protection or privilege, which may be exercised and enjoyed by a police-officer under any law for the time being in force; (f) the performance by them of such duties relating to police, sanitation or statistics, or for the benefit of the village communities or municipalities within their respective beats, as the [Central Government] thinks fit; (g) the exercise of authority over, and the rendering of aid to, such watchmen by headmen of the villages or members of the Municipal Committees of the towns comprised in their respective beats; (h) the performance, by the headmen of villages comprised in the beat of any watchman, of any of the duties of a village-watchman in aid of, or substitution for, such watchman; (i) the exercise, by such village-headmen for the purposes referred to in clauses (g) and (h), or by members of Municipal Committees for the purposes referred to in clause (g) of this section, of any of the powers, and the enjoyment by such headmen or members of any 'Substituted for the word 'State Government' by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 8 PUNJAB LAWS [1872: Act IV privilege or protection, of a village-watchman, or a municipal watchman, as the case may be; (j) the determination of the rate at which, and the mode in which, watchmen shall be paid, and, in the case of village watchmen, of the mode in which their pay, the expenses of their equipment, and other charges connected with the village-watchmen-system shall be provided for, whether out of cesses or funds already leviable or available in the villages comprised in the beat, or by a special tax in money or kind to be imposed on any class of persons residing or owning property in, or resorting to, such villages, or partly in any one of these ways and partly in the other; (k) the collection with or without the aid of the village-headmen, and by any process available for the realisation of the land-revenue, of any tax imposed under clause (j) of this section, and the application of, and the mode of accounting for, the same, and generally for; (l) the efficient working of the system of village watchmen or municipal watchmen: Provided— 1st, that the rules to be made regarding the appointment of village-watchmen shall allow to the headmen of the villages comprised in the beat to which such a watchman is to be appointed a power of nomination, to be exercised in such a manner and subject to such reasonable conditions as may be prescribed by such rules; 2ndly, that the rules to be made under clause (j) of this section with regard to village-watchmen shall include provisions for recording and securing due consideration of the views and opinions on the matters therein referred to of the headmen of the villages comprised in each beat. 1872 : Act IV] PUNJAB LAWS 9 39-B. Every person is bound to render to a village watchman, or municipal watchman, or village-headman assist watchmen and headmen discharging the duties of a Police-officer under the rules made hereunder, all the assistance which he is bound to render to a Police-officer. Any person who obstructs such watchman or headman in the discharge of such duties may be arrested without warrant by a Police-officer or by any watchman or village-headman empowered in this behalf by the [Central Government]. 2[39-C. Whenever it seems to the [Central Government] expedient that the duties of watch-and-ward and maintenance of peace other internal police-service of any town or village not enrolled under the limits of a municipality or within the limits of a village-watchman's beat as defined under the power conferred by section 39-A should be performed by Police-officers enrolled under Act V of 1861, the [Central Government] may direct that the said service shall be so performed, and may also, * * * 4 * * direct that the charges for the time being fixed by such Government on account of such service shall be defrayed by taxes to be levied in such town or village. 39-D. When the [Central Government] has, under Notice taxes proposed to section 39-C, directed that taxes shall be levied in any town or village, the Deputy Commissioner may from time to time issue a public notice in such town or village explaining the nature of the taxes he proposes to levy. Any inhabitant of such town or village objecting to the taxation thus proposed may, within fifteen days from the publication of such notice, send his objection in writing to the Deputy Commissioner. After the expiry of fifteen days from the publication of the notice, the Deputy Commissioner may submit thereon. 1Substituted by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968 for the words "State Government". 2Ss. 39-C to 39-G were inserted by Act XV of 1875, s2.

'Unrepealed Central Acts, Vol. I. The words "Subject to the control of the Governor-General in Council" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937. to 10 PUNJAB LAWS [182: Act IV the information of the IL Central Government] a report of the proposal made by him. Such report shall contain specific mention of the objections (if any) urged to his proposal and his opinion on such objections. No such tax shall be levied until it has, upon such re- port, been approved by the I[Central Government]. 39-E. When any such tax has been so approved DY Power to fix the '[Central Government], the Deputy Commissioner may rates of tax. from time to time, subject to such rules consistent with this Act as the 11 Central Government] may from time to time prescribe, determine the rates at which it is to be levied. 39-F. The '[Central Governmentl may from time to Power to make time make rules to provide for the collection of such taxes rules for collec- tion cf taxes. by any process available for the realisation of the land- revenue and to regulate the application and mode of ac- counting for the same.] 39-G. [Validation clause]. HONORARY POLICE-OFFICERS. 4[Central Govern- 40. The 1[Central Government] may, if it thinks fit, mentJ may con- fer powers of confer on any person any of the powers which may be police officers. exercised by a Police-officer under any Act, for the time being in force, 3 [and may withdraw any powers so con- ferred]. TRACK LAW. Trackers may 41. When an offence is, has been, or may reasonably call for assis- be supposed to have been committed, and the tracks oi the tance in carrying persons who may reasonably be supposed to have commit- on tracks. ted such offence, or of any animal or other property reason- ably supposed to be connected with such offence, are fol- lowed to a spot within the immediate vicinity of a village, ASubstituted by the Punjab Reorgani- sation (Chandigarh) (Adapta- tion of Laws on State and Concurrent Subjects) Order, 1968, for the words "State Government". 2Repealed by Act XII Of 189), Schedule. OAdded by the Punjab (Amendment) (XII of section 5. 1872: Act IVJ Ptm, TAB LAWS 11 the person following such tracks may call upon any head- man or village-watchman in such village to assist in car- vying on the tracks

42. If such headman or watchman do not forthwith for < thholding azis- give such assistance. or if the inhabitants of such village tnncc cor...ni.,_ do not afford full opportunity for search in their houses for ing at offence or the offenders, or if, from the circumstanceg of the case, egcepc. there shall appear good reason to believe that the inhabi- tanls of such village, or any of them, were conniving at the offence or at the escape of the offenders, and such offen- ders cannot be traced beyond the village, the Magistrate of the District may, with the previous sanction of the Corn- missioner of the Division inflict a fine upon such village not Limit to exceeding five hundred rupees, except in the case of stolen property over five hundred rupees in value, in which case the fine shall not exceed the value of such property. An appeal against all convictions under this section Appeal to shall lie to the 11 High Court of Punjab and Haryana]. High Court The Magistrate may direct that the fine imposed Fine may...±e h warded to in: under this section Or aiy baft théFéof shall. bé awarded to jured parties, and- any versons injured by such offence in compensation for fee to tracker. such injury; and. in the case of stolen prdperty recovered through the agency of a tracker, may direct that such pro- oerty be not restored to its owner until he has paid to such tracker such fee, not exceeding one-fourth part of the value of the stolen property, as the said Magistrate deems fit. SLAUGHTER or KINE

43. The slaughter of kine and the sale of beef shall Control o: slau- * * 2 * * subject to rules to ghter of kine and not take place, except l.: from time to tinmc. either generally or in any particular instance, prescribed by the 8(Central Government). 2Substituted for the words "High Court of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent SubJtets) Order, 1360. EThe words "with the consent and" were omitted by the Punjab (Amendment) Act, (XII of 1870), oection G. bSubstituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Con- current Subjects), Order. 1968. 12 PVNJAB LAWS [1872: Act TV Control of en- 44. No band of armed men shall enter into any city try into towns of subject to rules to be bands of an-edor town, except men. from time to time, either generally or in any particular instance. prescribed by the 2(Central Government]. Pove•en of 45. Thr Magistrate of the District may, if he considers Magistrate of to that any band of foreign. vagrants is likely to Occasion a foreign breach of the peace or to commit any offence under the Indian Penal Code, prohibit such band from entering his district; or, if they are already in his district, may require them within a given time to leave it. Surveillance. 46. if any such band fail to comply with the orders etc., Of hand of the said Magistrate within the prescrijbed period, he shall to comp. 'y With report the matter to the 2[Central Government], and the tmte's order. 2[Central Governmentl

may give such directions for the surveillance, control or deportation of such band as to it seems fit.

MISCELLANEOUS

47. No person shall cross any river or stream on a on buoys buoy or inflated skins nor shall have in his possession or custody any buoy or skin for the purpose of being used in crossing any river or stream, except subject to rules to be from time to time, either generally or in any particular instance, prescribed by the 2[Central Government]. vee 48. No person shall make use of the pasturage or age or natural product (Go- other natural product of any land being the property of the ...emment) land. '(GovernmentJ except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by '(the Government concernedJ. 49. (Growing, selling or keeping opinion.) words "with the consent and" were omitted by the Punjab Latars (Amendment) Act. 1878 (XX of 1878), section 6. 2Substituted for the words "State Government" by the Punjab Re• organisation (Chandigarh) (Adaptation of Laws on State and Concur- rent Subjects) Order, 1968. OSub6fituted for the word "Crown" by the Adaptation Of Indian Laws Orde•, 1950. 4Substituted for the words "the Government for whose purpose the land is vested in His Majesty" by the Adaptation of Laws Order, 1950' First Schedule. bRepealed by Act r of 1878. 1872 : Act PUNJAB LAWS 13 The 21 Central Government) may from time to time make rulcsa as to the matters mentioned in 4 [sec- tjons 43 to 48] inclusive. All existing rules upon such matters, which might have boon made uncler this section had it been in force, shall be decmed to have been made hereunder. 50-A. 8(Rules made under this Act shall not be valid unlessl:— (a) they are consistent with the laws for the time boing in force in the 61 Territories to which this Act extends]; (b) they are published in the Official Gazette; '(50B If any person contravenes the provisions of Power to make rules as to matters mentlon• ed in sections 43 to 48. Existing rules. Conditions Of valldity Of rules hereafter mnde under this Act. ter contravention ef anv rule made by the 2[Central Government) under this rules. Act. he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to fifty rupees, or with both.] "Ss. 50. 50A and 50B were substituted for the original s. 50 by s. 3 the Punjab Laws (Amendment) Act, 1875 (XV of 3875). 'Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) I (Adaptation Of Laws on State and Concurrent Subjects) order. 1968. 50 in conjunction with g. 50B. to regulate the Tor rules under use of pasturage and other natural products, see Pltniab Gazette, 1900. Pt. r. p 620. and ibid. 1003. Pt. r, p. 563 'Substituted for the original reference by the Amending Act, 1891 (XIT of 1891). BSubstifuted for the words 'IAII rules hereafter made by the Local Government under anv power conferred by this Act shall be subiect to the control of the Governor-General in Council and no such rules be valid unless" by the Government of India (Adaptation of Indian Order. 1037. 'Substituted hv the AdRDtntion nf Laws (NO. 2) Order. 1956. for the words "States of Punjab and Delhi.". 7C1ause of section 50A Wts omitted by the Decentralization Act, 1914 of 1914). 8Substituted by Punjab Act No. 15 of 1961 14 rules LAWS t18ä2: Act tv it51. All rules which the '(Central Governmentl is empowered to issue under this Act. and ail circulars issued by the % Illich Court of Punjab and Haryana t, shall be republished frotn time to time by the 2 (Central Govern- mentl. and upon such republication. shall be arranged in the order of their subject-matter, and all such alterations or amendments as may have been made since the last preceding publication thereof. or may have become neces- sat-y or advisable. shall be embodied therewith, and upon such republication all such rules and circulars previously issued shall be repealed.] 52. IRecovery of advances made by Government.l. 1Substituted for the old section by Punjab Act I Of 1910. 2Substituted for the words "High COUt•t of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. by Act X of 1879- 1872: Act PUNJAB LAWS SCHEDULE 1.1 ENACTMENTS DECLARED TO IN FORCE. E.rplanation.—This schedule does not refer to any Act which is in its terms applicable to the Punjab, or which has been extended to the Punjab by competent authority. No. and y. ar 'Reg.l *Reg. ot' Reg XI of 1825 lit', Regulation to prevenq and Inj •slice in Conditional Sales Of I. and under Deeds of b.'i-bil• w..ffa. or other Deeds or the same nature. Regulation for extending to the province ot' Benares the Rates of interest on future Loans and Provisions relative thereto, con- tainel in Regulation XV. 17931; also for a general extention of the period fixed by Regulations l, 1798. and xxxrv, If.U3. for lhe redemption of Mortgages and Conditional Sides of Land, under Deeds Of bai-bil-woffa. Kutct.. baleb. or other similar designa- I ion I \tcnt t' which the enactntent is in forec "I whole. pt such pajtS rc!atc to in. terest Sections 7 an(18 A Reg 'l Mion for decl:tring the •the whole Rules to he obselved in determin- ing Claims to Lands gained by all. vion or by dereliction ofa river or the sea 'Rules for I he conservancy of •I

the whole Forests and Jungles in the Hill Districts of the Punjab territories Sanctioned by the Governor. (General in Council in letter of the Secretary to the Government of India. No 1989, dated 21st May, 1911 Repealed by Act XVII of 1914) As so much of Act IV of 1872 as related to Bengal Regulations V of 1817 and XX of 1825 and Acts XL of 1858 and XVII of 1872 was repealed by Acts VI of 1878, X of 1882, VIII of 1890 and XII of 1891, respectively, the references to these Regulations and Acts in this Schedule are omitted. (See the Transfer of Property Act, 1882 (4 of 1882) ss. 1, 2 and Schedule. As so much of the first Schedule as relates to Bengal State Offences Regulations, 1804 (Regulation X of 1804) was repealed by Act IV of 1922. 'Entry relating to Bengal Regulation 3 of 1818 was omitted Act 42 of 1953, section 4 and Schedule III.

