THE PUNJAB LAWS ACT, 1872

An Act for declaring which of certain rules, laws and regulations have the force of law in the Punjab and for other purposes.

Preamble.

WHEREAS certain rules, laws and regulations, made heretofore for the Punjab, acquired the force of law under the provisions of section 25 of the 1*Indian Councils Act, 1861; (24 & 25 Vict., c. 67.) and whereas it is expedient to declare which of the said rules, laws and regulations shall henceforth be in force in the Punjab, and to amend, consolidate or repeal others of the said rules, orders and regulations; It is hereby enacted as follows:—

1. Short title. This Act may be called the Punjab Laws Act, 1872.

2. Local extent. It extends to the territories 2*[which, immediately before the 1st November, 1956, were comprised in the States of Punjab and Delhi], but not so as to alter the effect of any regulations made for any parts of the said territories under the 1*Statute 33 Viet, ch. 3, section 1;

Commencement.

and it shall come into force on the first day of June, 1872.

3. Enactments in force. The Regulations, Acts and Orders specified in the First Schedule hereto annexed are in force in the 3*[territories to which this Act extends] to the extent specified in the third column of the said Schedule.

4. Enactments repealed.

4. [Enactments repealed.] Rep. by the Second Repealing and Amending Act, 1914 (17 of 1914), s. 3 and Sch. II. Civil Judicature

5. Decisions in certain cases to be according to Native law.

4*[5. Decisions in certain cases to be according to Native law. 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—

(a) any custom applicable to the parties concerned, which is not contrary to justice, equity or good conscience, and

1. Rep. by the Government of India Act, 1915.2. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "constituting the States of Punjab and Delhi".
3. Subs., ibid., for "States of Punjab and Delhi".
4. Subs. by Act 12 of 1878, s. 1, for the original s. 5. The provisions of this section have been
rep. in so far as they are inconsistent with those of the Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937): see s. 6, ibid.
16. has not been, by this or any other enactment, altered or abolished, and has not been declared to be void by any competent 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. Decisions in cases not specially provided for. In cases not otherwise specially provided for, the Judges shall decide according to justice, equity and good conscience.

7. Local customs and mercantile usages when valid. 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.

8. Repealed.
8, 8A to 8C. [Repealed.] 1*

Pre-emption

9 to 20. (Rep. by the Punjab Pre-emption Act, 1905) (Punjab Act 2.of 1905), s. 2(1).

Decrees concerning land


22 to 32. Insolvency Rep. by the Provincial Insolvency Act, 1907.(3 of 1907).

33. [Saving of previous insolvency proceedings.] Rep. by the Amending Act, 1891 (12 of 1891).

34 Minors and the Court of Wards
Rep. by the Punjab Court of Wards Act, 1903.34 to 38. Rep. by the Punjab Court of Wards Act, 1903 (Punjab Act 2 of 1903), s. 2 (1).

1. Ss. 8, 8A, 8B and 8C, which had been subs. for s. 8 by the Punjab Descent of Jaghirs Act, 1900 (Pun. 4 of 1900), s. 2, and the heading "Descent of Jaghirs", rep. by the Punjab Jaghirs Act, 1941 (Pun. 5 of 1941), s. 13.17.39.Indian Penal Code to apply to offences committed previous to 1stJanuary, 1862.39. Indian Penal Code to apply to offences committed previous to 1st January, 1862. The provisions of the Indian Penal Code, with the exception of Chapter VI, shall be applicable to all offences committed before first January, 1862 (45 of 1860), in territory which was, at the time of the commission of such offence, subject to the State Government of the Punjab:

Saving of privileges conferred on certain Chiefs. Provided that nothing contained in this section shall affect any privilege conferred on certain Chiefs in the Punjab by the Central Government, or by the Board of Administration for the affairs of the Punjab, nor any indemnity or pardon granted by competent authority.

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39A. **Power to establish system of village-watchmen** and municipal-watchmen, and to make rules.

1*[39A. Power to establish system of village-watchmen and municipal-watchmen, and to make rules. The State Government may establish a system of village-watchmen or municipal watchmen in any part of the territories under its administration, and in furtherance 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 State 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 watchmen, of any of the duties of a village-watchman in aid of, or substitution for, such watchman;

Provided—first, 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 manner and subject to such

1. Ss. 39A and 39B were subs. by Act 24 of 1881, s. 2, for ss. 39A and 39B.

18.(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 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 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—first, 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 manner and subject to such
reasonable conditions as may be prescribed by such rules; secondly, 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.

39B **Obligation to assist watchmen and headmen.** Every person is bound to render to a village-watchman, or municipal watchman, or village-headman 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.

19. Person obstructing watchman or headman may be arrested without warrant.

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 State Government.

39C. **Power to direct local taxation for payment of police enrolled under Act 5 of 1861.** Whenever it seems to the State Government expedient that the duties of watch-and-ward and other internal police-service of any town or village not comprised within the limits of a municipality or within the limits of a village watchman’s beat as defined under the power conferred by section 39A should be performed by police-officers enrolled under Act V of 1861, the State Government may direct that the said service shall be so performed, and may also 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.

39D. **Notice of taxes proposed to be levied.** When the State Government has, under section 39C, 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.

**Objections to taxation.** 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.

**Procedure thereon.** After the expiry of fifteen days from the publication of the notice, the Deputy Commissioner may submit for the information of the State 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 report, been approved by the State Government.

39E. **Power to fix rates of tax.** When any such tax has been so approved by the State Government, the Deputy Commissioner may from time to time, subject to such rules consistent with this Act as the State Government may from time to time prescribe, determine the rates at which it is to be levied.

39F. **Power to make rules for collection of taxes.** The State Government may from time to time make rules to provide for the collection of such taxes by any process available.

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1. Ss. 39C to 39G were ins. by Act 12 of 1878, s. 5.21. tracker such fee, not exceeding one-fourth part of the value of the stolen property, as to the said Magistrate seems fit.

43. Control of slaughter of kine and sale of beef. The slaughter of kine and the sale of beef shall not take place, except 1*** subject to rules to be from time to time, either generally or in any particular instance, prescribed by the State Government.

44. Control of entry into towns of bands of armed men. No band of armed men shall enter into any city or town, except 1*** subject to rules to be from time to time, either generally or in any particular instance, prescribed by the State Government.

45. Powers of Magistrate of district as to foreign vagrants. The Magistrate of the district may, if he considers that any band of foreign vagrants is likely to occasion a breach of the
peace or to commit any offence under the Indian Penal Code (45 of 1860), 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.

46. **Surveillance, etc., of band failing to comply with Magistrate's order.** If any such band fail to comply with the orders of the said Magistrate within the prescribed period, he shall report the matter to the State Government, and the State Government may give such directions for the surveillance, control or deportation of such band, as to it seems fit.

47. **Crossing of streams on buoys or skins.** No person shall cross any river or stream on a buoy or inflated skin, 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 State Government.

48. **Use of pasturage or natural product of Government land.** No person shall make use of the pasturage or other natural product of any land being the property of the Government, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the State Government.

1. The words "with the consent and" omitted by Act 12 of 1878, s. 6.2. Subs. by the A. O. 1950, for "the Govt. for whose purposes the land is vested in His Majesty".

49. **Growing, selling or keeping opium.** Rep. by the Opium Act, 1878 (1 of 1878), s. 2 and Sch.

50. **Power to make rules as to matters mentioned in sections 43 to 48.** The State Government may from time to time make rules as to the matters mentioned in section 43 to 48 inclusive. Existing rules.

All existing rules upon such matters, which might have been made under this section had it been in force, shall be deemed to have been made hereunder.

50A. **Conditions of validity of rules hereafter made under this Act.** Rules made under this Act shall not be valid unless:

(a) they are consistent with the laws for the time being in force in the territories to which this Act extends;

(b) they are published in the Official Gazette;

50B. **Penalty for contravention of rules.** If any person contravenes the provisions of any rule made by the State Government under this 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.]

51. **Republication of rules and orders.** All rules which the State Government is empowered to issue under this Act, and all circulars issued by the High Court of Punjab, shall be republished from time to time by the State Government, 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 necessary or advisable, shall be embodied therewith, and upon
such republication all such rules and circulars previously issued shall be repealed.]

52. [Recovery of advances made by Government.] Rep. by the Northern India Takkavi Act, 1879 (10 of 1879).

1. Ss. 50, 50A and 50B subs. by Act 15 of 1875, s. 3, for the original s. 50,
2. Subs. by Act 12 of 1891, s. 2 and Sch. II, for "sections forty-three to forty-nine".
3. Subs. by the A. O. 1937, for "All rules hereafter made by the L. G. under any power conferred by this Act shall be subject to the control of the G. G. in C. and no such rules shall be valid unless".
4. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "States of Punjab and Delhi".
5. Cl. (c) rep. by Act 4 of 1914.6. Subs. by Pun. Act 15 of 1961, s. 2, for s. 50B.
6. Subs. by Pun. Act 1 of 1910, for the original s. 51.23.

1*SCHEDULE I

ENACTMENTS DECLARED TO BE IN FORCE
Explanation.--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 year Title Extent to which the enactment is in force

2*Reg. I of 1798 . A Regulation to prevent The whole, except
Fraud and Injustice in such parts as rel-Conditional Sales of Land under Deeds of bai-bil-wuffa, or other
Deeds of the same nature.

3* * * *
2* Reg. XVII of A Regulation for extending Sections 7 and 8.1806. to the State of Benares the Rates of Interest on future Loans and Provisions relative thereto, contained in Regulation XV, 1793; also for a general extension of the period fixed by Regulat-ions I, 1798, and XXXIV, 1803, for the redemption of Mortgages and Conditional Sales of Land, under Deeds of baibilwuffa Kutcubaleb, or other similar designation.

4* * * *
Reg. XI of 1825 A Regulation for declaring The whole.the Rules to be observed in determining Claims to Lands gained by alluvion or by dereliction of a river or the sea.

1* * * *
Rules for the conservancy The whole.of 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. 1789, 21st May, 1855.------------------------------------------------------

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SCHEDULE II
Enactments Repealed.


1. As so much of Act 4 of 1872 as related to Bengal Regulations 5 of 1817 and 20 of 1825 and Acts 40 of 1858 and 17 of 1861 was repealed by Acts 6 of 1878, 10 of 1882, 8 of 1890 and 12 of 1891, respectively, the reference to those Regulations and Acts in this Schedule are omitted.

2. See the Transfer of Property Act, 1882 (4 of 1882), ss. 1, 2 and sch.

3. So much of the First Schedule as relates to Bengal State Offences Regulation, 1804 (10 of 1804), was repealed by Act 4 of 1922.4. Entry relating to Bengal Regulation 3 of 1818 was omitted by Act 42 of 1953, s. 4 and Sch. III.

3. As so much of Act 4 of 1872 as related to Bengal Regulations 5 of 1817 and 20 of 1825 and Acts 40 of 1885 and 17 of 1861 was repealed by Acts 6 of 1878, 10 of 1882, 8 of 1890 and 12 of 1891, respectively, the references to those Regulations and Acts in this Schedule are omitted.