



THE PUNJAB LAWS ACT, 1872



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THE PUNJAB LAWS ACT, 1872

Act No IV OF 1872

[28th March, 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 (24 & 25 Vict., c. 67.) of the ¹Indian Councils Act, 1861; 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 ²territories ³[comprised in the Punjab], but not so as to alter the effect of any regulations made for any parts of the said territories under the ¹Statute 33 Vict., cap. 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 ⁴[the Punjab] to the extent specified in the third column of the said Schedule.

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 *[Enactments repealed.]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

CIVIL JUDICATURE

⁵**[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) ⁶[Where the parties are not Muslims, any custom] applicable to the parties concerned, 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 competent authority;

(b) ⁷* * *

the Hindu law, in cases where the parties are Hindus, except in so far as such law has been altered or

¹Rep. by the Government of India Act.

²Rep. in the territories now forming the N.W.F.P. by the N.W.F.P. Law and Justice Regulation, 1901 (7 of 1901), s. 5.

³The original words “now under the administration of the Lieutenant Governor of the Punjab” were first subs. by A. O., 1949, Sch. and then amended by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8, to read as above.

⁴Subs. by Act 26 of 1951, s. 8, for “West Punjab” which had been subs. by A.O., 1949, for “the Punjab”.

⁵Subs. by the Punjab Laws (Amdt.) Act, 1878 (12 of 1878), s. 1, for the original section 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 *ibid.*, s. 6.

⁶Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch., for “Any custom”.

⁷Certain words omitted *ibid.*

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.

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¹8, 8A, 8B and 8C. [*Regarding descent of Jaghirs*] Rep. by the Punjab Jaghirs Act, 1941 (*Punjab Act V of 1941*), s. 13.

PRE-EMPTION

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

DECREES CONCERNING LAND

21. [*Copy of decrees affecting land to be forwarded to Deputy Commissioner.*] Rep. by the Punjab Land Revenue Act, 1887 (*XVII of 1887*).

INSOLVENCY

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

33. [*Saving of previous insolvency Proceedings.*] Rep. by the Amending Act, 1891 (*XII of 1891*).

MINORS AND THE COURT OF WARDS

34 to 38. Rep. by the Punjab Court of Wards Act, 1903 (*Punjab Act II of 1903*), s. 2 (I).

CRIMINAL JUDICATURE

²39. [*Pakistan Penal Code to apply to offences committed previous to 1st January, 1862. Saving of privileges conferred on certain Chiefs.*] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (*XXVII of 1981*), s. 3 and IInd Sch.

¹The heading "Descent of Jaghirs" preceding Ss. 8, 8A, 8B and 8C which were subs. by the Punjab Descent of Jaghirs Act, 1900 (*Punjab Act 4 of 1900*), s. 2, for the original section 8, was subsequently repealed, together with the said sections, by the Punjab Jaghirs Act, 1941 (*Punjab Act 5 of 1941*), s. 13.

²This section was previously amended by A.O., 1937.

¹[39A. Power to establish a system of village-watchmen and municipal watchmen, and to make rules. ²[The Provincial Government] may establish a system of village-watchmen or municipal watchmen in any part of the ³[Punjab], 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 ²[the Provincial 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 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-watchman-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

¹ Ss. 39A and 39B were subs. by the Punjab Laws (Amdt.) Act, 1881 (24 of 1881), s. 2, for the ss. 39A and 39B which had been ins. by the Punjab Laws Amdt. Act, 1875 (15 of 1875), s. 2.

² Subs. by A. O. 1937, for "The L.G."

³ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. for "territories under its administration" (with effect from the 14th October, 1955).