



The Punjab Custom (Power to Contest) Act, 1920

Act 2 of 1920

Keyword(s):

Alienation, Appointment of an Heir

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**THE PUNJAB CUSTOM (POWER TO CONTEST)
ACT, 1920.**

PUNJAB ACT 2 OF 1920.

[Received the assent of the Lieutenant-Governor of the Punjab on the 6th April, 1920, and that of the Governor-General on the 1st May, 1920, and was first² published in the Punjab Gazette of the 28th May, 1920.]

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|---------|-----|---|---|
| Year | No. | Short title | Whether repealed or otherwise affected by legislation |
| 1920 .. | II | The Punjab Custom (Power to Contest) Act, 1920, | Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) order of 1948 (G. G. O. 40) Amended by the Adaptation of Laws Order, 1950 Extended to Pepsu Territory by Punjab Act 43 of 1960 ³ |

PUNJAB ACT 2 OF 1920.

An Act to restrict the power of descendants or collaterals to contest an alienation of immoveable property or the appointment of an heir on the ground that such alienation or appointment is contrary to custom.

WHEREAS it is expedient to enact certain restrictions on the power of descendants or collaterals to contest an alienation of immoveable property or the appointment of an heir on the ground that such alienation or appointment is contrary to custom: And whereas

Preamble.

¹For Statement of Objects and Reasons, see *Punjab Gazette, 1919, Part V, pages 24-25*, for Proceedings in Council, see *ibid.*, 1919, Part V, pages 73-82, 424 and *ibid.*, 1920, Part V, pages 103-119.

²See *Punjab Gazette, 1920, Part V, page 255*.

³For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary), 1960, page 2010*.

the previous sanction of the Governor-General has been accorded under section 79(2) of the Government of India Act, 1915, to the passing of this Act; It is hereby enacted as follows:—

Title and extent.

1. (1) This Act may be called the Punjab Custom (Power to Contest) Act, 1920.

(2) It extends to Punjab.

Definitions.

2. In this Act—

“Alienation” includes any testamentary disposition of property.

“Appointment of an heir” includes any adoption made or purporting to be made according to custom.

Scope of Act.

3. This Act shall apply only in respect of alienations of immoveable property or appointments of heirs made by persons who in regard to such alienations or appointments are governed by custom.

Savings.

4. This Act shall not affect any right to contest any alienation or appointment of an heir made before the date on which this Act comes into force.

Rights of females.

5. Nothing in this Act shall apply to any alienation or appointment of an heir by a female.

Limitation on the right to contest alienations and appointments of heirs.

6. Subject to the provisions contained in section 4 and notwithstanding anything to the contrary contained in section 5, Punjab Laws Act, 1872,¹ no person shall contest any alienation of ancestral immoveable property or any appointment of an heir to such property on the ground that such alienation or appointment is contrary to custom, unless such person is descended in male lineal descent from the great-great-grandfather of the person making the alienation or appointment.

Alienation of non-ancestral property.

7. Notwithstanding anything to the contrary contained in section 5, Punjab Laws Act, 1872,¹ no person shall contest any alienation of non-ancestral immoveable property or any appointment of an heir to such property on the ground that such alienation or appointment is contrary to custom.

¹Substituted for the words “East Punjab” (which had been inserted for the word “Punjab” by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948) by the Adaptation of Laws Order, 1950.

²See Vol. I.