



The Punjab Laws Act, 1872

Act 4 of 1872

Keyword(s):

Indian Councils Act, 1861, Civil Judicature, Criminal Judicature

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ACT NO. IV OF 1872.
[THE PUNJAB LAWS ACT, 1872].
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'THE PUNJAB LAWS ACT, 1872.

[ACT IV OF 1872.]

[28th March, 1872.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1872..	IV	The Punjab Laws Act, 1872	<p>Rep. in part, Act I of 1878 Rep. in part, Act VI of 1878 Rep. in part, Act X of 1879 Rep. in part, Act IV of 1882 (When extended to the Punjab) Rep. in part, Act X of 1882 Rep. in part, Act XVII of 1887 Rep. in part, Act VIII of 1890 Rep. in part, Punjab Act II of 1903 Rep. in part, Punjab Act II of 1905 Rep. in part, Act III of 1907 Rep. in part, Punjab Act I of 1910 Rep. in part, Act XVII of 1914 Rep. in part, Act IV of 1922 Rep. in part and Amended— Rep. in part, by Punjab Act V of 1941 Act XII of 1878¹ Act XII of 1891 Act VII of 1895 Amended, Act XV of 1875 Amended, Act XXIV of 1881 Amended, Punjab Act 4 of 1900 Amended, Punjab Act IV of 1914 Amended, Punjab Act II of 1920 Amended, in part, Government of India (Adaptation of Indian Laws) Order, 1937 Amended in part, by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948 Amended in part, by the Adaptation Law, Order, 1950 Amended in part, the Adaptation of Laws (No. 2) Order, 1956 Extended to the territories which immediately before the 1st November, 1956 were comprised to the State of Patiala and East Punjab States Union by Punjab Act No. 18 of 1958 Amended, Punjab Act No. 15 of 1958² Amended, Punjab Act No. 15 of 1961⁴ Haryana Adaptation of Laws (State and Concurrent subjects) Order, 1968⁵</p>

1. For Statement of Objects and Reasons, see "Gazette of India", 1871, Pt. V.P. 387, for Proceedings in Council, see *ibid.*, 1871, Supplement, pp. 1603, 1292, 1296 and 1542; and *ibid.*, 1872, Supplement, p. 303.
2. Section 7 of Act XII of 1878, prescribes penalty for breach of rules under Act IV of 1872. see footnote on page 74 *infra*.
3. For I Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1958, page 546 K.
4. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1961, page 188.
5. For Statement of Objects and Reasons, see *Haryana Gazette (Extraordinary)*, dated the 29th October, 1968.

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 'Indian Councils Act, 1861; and whereas it is expedient to declare which of the said rules, laws and regulations shall henceforth be in force in ²Punjab, and to amend, consolidate or repeal others of the said rules, orders and regulations; It is hereby enacted as follows :—

24 and
25 Vict
c. 67

Short title.

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

Local extent.

2. It extends to the territories ³[which immediately before the 1st November, 1956 were comprised in the ⁴(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 Statute 33, Vict., Cap. 3, section 1 ;

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 ⁶[territories to which this Act extends], to the extent specified in the third column of the said Schedule.

Enactments in force.

4. [Enactments repealed.] Repealed Act 17 of 1914, s. 3 and Second Sch.

CIVIL JUDICATURE.

Decisions in certain cases to be according to Native law.

⁷[5. In questions regarding succession, special property of females, betrothal, marriage, divorce, dower,

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1. Repealed by the Government of India Act, 1919
 2. Substituted for "East Punjab" by Adaptation of Laws Order, 1950. The word "East Punjab" had been substituted for "the Punjab" by the Indian Independence (Adaptation of Central Acts and Ordinances) order, 1948.
 3. Substituted for the words "Constituting the States of Punjab and Delhi" by the Adaptation of Laws (No. 2) Order, 1956.
 4. Substituted for the word "Provinces" by the Adaptation of Laws Order, 1950.
 5. Substituted for the words "East Punjab" by the Adaptation of Laws Order, 1950.
 6. Substituted for the words "States of Punjab and Delhi" by the Adaptation of Laws (No. 2) Order, 1956.
 7. Substituted for the old section by the Punjab Laws (Amendment) Act, 1878 (12 of 1878), Section 1.

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 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 laws 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 Judges shall decide according to justice, equity and good conscience.

Decisions in cases not specially provided for.

7. All local customs and mercantile usage 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.

Local customs and mercantile usages when valid.

*	*	*	*	1	*	*	*
8.	*	*	*	*	1	*	*
8-A.	*	*	*	*	1	*	*
8-B.	*	*	*	*	1	*	*
8-C.	*	*	*	*	1	*	*

PRE-EMPTION.

9 to 20.	*	*	*	*	*	2	*
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Decrees concerning Land.

21. [Copy of decrees affecting land to be forwarded to Deputy Commissioners.] * * * * 3 *

1. Sections 8, 8-A, 8-B and 8-C, substituted for the original section 8 by section 2 of the Punjab Jagirs Act, 1900 (Punjab Act 4 of 1900), were repealed together with the heading thereto by the Punjab Jagirs Act, 1941 (Punjab Act 5 of 1941), section 13.
 2. Repealed by Punjab Act 11 of 1905, section 2 (1).
 3. Repealed by Act XVII of 1887, schedule.

*

INSOLVENCY.

22 to 32. * * * * *

33. *[Saving of previous insolvency proceedings.]*

* * * * * 2 * * *

Minors and the Court of Wards.

34 to 38. * * * * * 3

* * *

CRIMINAL JUDICATURE.

Indian Penal Code to apply to offences committed previous to 1st January, 1862.

39. The provisions of the "Indian Penal Code, with the exception of Chapter VI, shall be applicable to all offences committed before first January, 1862, in territory which was, at the time of the commission of such offence, subject to the ⁵[State] Government of ⁶Punjab :

Saving of privileges conferred on certain Chiefs.

Provided that nothing contained in this section shall affect any privilege conferred on certain Chiefs in ⁶Punjab by the ⁷[Central Government], or by the Board of Administration for the affairs of the Punjab, nor any indemnity or pardon granted by competent authority.

Power to establish a system of village watchmen and municipal watchmen, and to make rules.

⁸[39-A. The ⁵[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 :—

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1. Repealed by Act 3 of 1907, schedule.
 2. Repealed by Act 12 of 1891, schedule.
 3. Repealed by Punjab Act 2 of 1903, schedule S. 2(1).
 4. Unrepealed Central Acts, vol. I.
 5. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
 6. Substituted for the words "East Punjab"— which had been inserted for the word "the Punjab" by the India (Adaptation of Existing Indian Laws) Order, 1947— by the Adaptation of Laws Order, 1950.
 7. Substituted for the words "Governor-General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.
 8. Sections 39-A to 39-G were inserted by Act 15 of 1875, section 2. Original 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.

- (a) the definitions 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 ;
- (i) the exercise, by such village- headmen for the purposes; referred to in a 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

1. Substituted for the word "Provincial" by the Adaptation of Laws Order. 1950.

village-watchmen-system shall be provided for, whether out of cesses of 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 realization 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.

Obligation to assist watchmen and headmen.

39-B. 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.

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.]

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²[39-C. Whenever it seems to the ¹[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 39-A should be performed by Police-officers enrolled under Act V of 1861³, the ¹[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 ¹[State] Government on account of such service shall by defrayed by taxes to be levied in such town or village.

Power to direct local taxation for payment of police enrolled under Act 5 of 1861.

39-D. When the ¹[State] Government has, under section 39-A, 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.

Notice of taxes proposed to be levied.

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.

Objection to taxation

After the expiry of fifteen days from the publication of the notice, the Deputy Commissioner may submit for the information of the ¹[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.

Procedure thereon.

No such tax shall be levied until it has, upon such report, been approved by the ¹[State] Government.

39-E. When any such tax has been so approved by the ¹[State] Government, the Deputy Commissioner may from time to time, subject to such rules consistent with this Act as the ¹[State] Government may from time to time prescribe, determine the rates at which it is to be levied.

Power to fix rates of tax.

39-F. The ¹[State] Government may from time to time make rules to provide for the collection of such taxes by any process available for the realisation of the land-revenue and to regulate the application

Power to make rules for collection of taxes.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. Ss. 39-C to 39-G were inserted by Act XV of 1875; s. 2.

3. Unrepealed Central Acts, Vol. I.

4. 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.

and mode of accounting for the same.]

39-G [Validation clause]. * * * * *

HONORARY POLICE-OFFICERS.

State Govern-
ment may confer
powers of police-
officer.

40. The '[State] Government may, if it thinks fit, confer on any person any of the powers which may be exercised by a Police-officer under any Act for the time being in force, '[and may withdraw any powers so conferred].

TRACK LAW.

Trackers may call
for assistance in
carrying on
tracks.

41. When an offence is, has been, or may reasonably be supposed to have been committed, and the tracks of the persons, who may reasonably be supposed to have committed such offence, or of any animal or other property reasonably supposed to be connected with such offence, are followed to a spot within the immediate vicinity of a village, the person following such tracks may call upon any headman or village-watchman in such village to assist in carrying on the tracks.

Penalty for
withholding
assistance or
conniving at
offence or
escape.

42. If such headman or watchman do not forthwith give such assistance, or if the inhabitants of such village do not afford full opportunity for search in their houses for the offenders, or if, from the circumstances of the case, there shall appear good reason to believe that the inhabitants of such village, or any of them, were conniving at the offence or at the escape of the offenders, and such offenders can not be traced beyond the village, the Magistrate of the District may, with the previous sanction of the Commissioner of the Division inflict a fine upon such village not 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.

Limit to fine.

Appeal to High
Court.

An appeal against all convictions under this section shall lie to the '[High Court of Punjab and Haryana].

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
2. Repealed by Act XII of 1891, Schedule.
3. Added by the Punjab Laws (Amendment) Act, 1878 (XII of 1878), section 5.
4. Substituted for the words "High Court of Punjab" by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

The Magistrate may direct that the fine imposed under this section or any part thereof shall be awarded to any persons injured by such offence in compensation for such injury; and, in the case of stolen property recovered through the agency of a tracker, may direct that such property 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.

Fine may be awarded to injured parties, and fee to tracker.

SLAUGHTER OF KINE.

43. 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 ²[State] Government.

Control of slaughter of kine and sale of beef.

ARMED MEN AND FOREIGN VAGRANTS.

44. 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 ²[State] Government.

Control of entry into towns of bands of armed men.

45. The Magistrate of the District may, if he considers that any band of foreign vagrants is likely to occasion of breach of the peace or to commit any offence under the ³Indian 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.

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Powers of Magistrate of District as to foreign vagrants.

46. 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 ²[State] Government, and the ²[State] Government may give such directions for the surveillance, control or deportation of such band as to it seems fit.

Surveillance, etc., of band failing to comply with Magistrate's order.

1. The words "with the consent and" were omitted by the Punjab Laws (Amendment) Act, 1878 (XII of 1878), section 6.

2. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. Unrepealed Central Acts, Vol. I.

MISCELLANEOUS.

Crossing of streams on buoys or skins.

47. 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 ⁶[State] Government.

Use of pasturage or natural product of Government land.

48. No person shall make use of the pasturage or other natural product of any land being the property of the ¹[Government] except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by ²[the Government concerned].

Power to make rules, as to matters mentioned in sections 43 to 48.

49. [Growing, selling or keeping opium.] * * * *
⁵50. The ⁶[State] Government may from time to time make rules⁷ as to the matters mentioned in ⁸[sections 43 to 48] inclusive.

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.

Conditions of validity of rules hereafter made under this Act.

50-A ⁹[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 ¹⁰[territories to which this Act extends.]

1. Substituted for the word "Crown" by the Adaptation of Indian Laws Order, 1950.
2. Substituted for the words "the Government for whose purpose the land is vested in His Majesty" by the Adaptation of Laws Order, 1950, First Schedule.
3. The words "with the consent and" were omitted by the Punjab Laws (Amendment) Act, 1878 (XII of 1878), section 6.
4. Repealed by Act 1 of 1878.
5. Ss. 50, 50A and 50B were substituted for the original s. 50 by s.3 of the Punjab Laws (Amendment) Act, 1875 (15 of 1875).
6. Substituted for the word "Provincial" by Adaptation of Laws Order, 1950.
7. For rules under s. 50 in conjunction with s. 50B, to regulate the use of pasturage and other natural products, see *Punjab Gazette*, 1900, Pt. I, p. 620 and *ibid*, 1003 Pt. I, p. 563.
8. Substituted for the original reference by the Amending Act, 1891 (12 of 1891).
9. Substituted for the words "All rules hereafter made by the Local Government under any power conferred by this Act shall be subject to the control of the Governor-General in Council and no such rules shall be valid unless" by the Government of India (Adaptation of Indian Laws) Order, 1937.
10. Substituted for the words "States of Punjab and Delhi" by the Adaptation of Laws (No 2) Order, 1956.

- (b) they are published in the Official Gazette; * * * *
* 1 * * *

²[50-B. If any person contravenes the provisions of any rule made by the ³[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.]

Penalty for
contravention of
rules.

⁴51. All rules which the ³[State] Government is empowered to issue under this Act, and all circulars issued by the ⁵[High Court of Punjab and Haryana], shall be republished from time to time by the ³[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.

Republication of
rules and orders.

52. [Recovery of advances made by Government.] * * * * *
* 6 * * * * *

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1. Clause (c) of section 50 A was omitted by the Decentralization Act, 1914 (4 of 1914).
 2. Substituted by Punjab Act 15 of 1961.
 3. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
 4. Substituted for the old section by Punjab Act I of 1910.
 5. Substituted for the words "High Court of Punjab" by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
 6. Repealed by Act 10 of 1879.

PUNJAB LAWS

'SCHEDULE

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. of year	Title	Extent to which the enactment is in force
¹ Reg. I of 1798 ..	A Regulation to prevent Fraud and Injustice in Conditional Sales of Land Under Deeds of bai-hil-wuffa, or other Deeds of the same nature	The whole, except such parts as relate to interest
¹ Reg. XVII of 1800 ..	A Regulation for extending to the province 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 Regulations I, 1798, and XXXIV, 1803, for the redemption of Mortgages and Conditional Sales of Land, under Deeds of bai-hil-wuffa, Kutenbaleh, or other similar designation	Sections 7 and 8
Reg. XI of 1825	A Regulation for declaring the Rules to be observed in determining Claims to Lands gained by alluvion or by dereliction of a river or the sea	The whole
	Rules for the conservancy 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, dated 21st May, 1855	The whole

1. As so much of Act 4 of 1872 as related to Bengal Regulations V of 1817 and XX 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 references to those Regulations and Acts in this Schedule are omitted.
2. So much of Act 4 of 1872 as relates to Bengal Regulation, I of 1798 and XVII of 1806 will be repealed when the Transfer of Property Act, 1882 (4 of 1882) is extended to the Punjab, see ss. 1, 2 and Sch. of Act 4 of 1882, Unrepealed Central Acts, Vol. III.
3. So much of the first Schedule as relates to Bengal State Offences Regulations, 1804 (Regulation X of 1804) was repealed by Act 4 of 1922.
4. The entry relating to the Bengal State Prisoners Regulation, 1818 (Bengal Regulation III of 1818), was omitted from the Schedule I by Act 42 of 1953, Section 4 and Schedule III.