

# THE NORTH-WESTERN PROVINCES AND OUDH ACT, 1890

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## ARRANGEMENT OF SECTIONS

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### SECTIONS.

1. Title.

### PART I THE NORTH-WESTERN PROVINCES

2. Commencement of Part I.
3. 3 and 4 [*Repealed*].
5. Laws in force in certain districts of the Allahabad Division to apply to Jhansi.
6. [*Repealed*].
7. Discharge of functions assigned to Deputy Commissioner and Commissioner by Act 17 of 1866.
8. Jhansi Division to cease to be a Scheduled District.
9. Application of Act 12 of 1887 to Jhansi, and disposal of pending cases.

### PART II OUDH

10. Commencement of Part II.
11. Board of Revenue of the North-Western Provinces to be the Board of Revenue of, and Chief Revenue-authority in, Oudh.
12. [*Repealed*].
13. [*Repealed*].
14. [*Repealed*].
15. [*Repealed*].
16. [*Repealed*].
17. [*Repealed*].
18. [*Repealed*].
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21. [*Repealed*].
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33. [*Repealed*].
34. [*Repealed*].
35. [*Repealed*].
36. [*Repealed*].

- 37. [Repealed.].
- 38. [Repealed.].
- 39. [Repealed.].
- 40. [Repealed.].
- 41. [Repealed.].
- 42. [Repealed.].
- 43. [Repealed.].
- 44. [Repealed.].
- 45. [Repealed.].
- 46. [Repealed.].
- 47. [Repealed.].
- 48. [Repealed.].
- 49. [Repealed.].
- 50. [Repealed.].
- 51. [Repealed.].
- 52. [Repealed.].
- 53. [Repealed.].
- 54. Pending appeals.
- 55. [Repealed.].
- 56. [Repealed.].
- 57. [Repealed.].
- 58. [Repealed.].
- 59. [Repealed.].
- 60. [Repealed.].
- 61. [Repealed.].

### PART III

#### THE NORTH-WESTERN PROVINCES AND OUDH

- 62. Commencement of Part III.
- 63. Place where the Board may sit.
- 64. [Repealed.].

# THE NORTH-WESTERN PROVINCES AND OUDH ACT, 1890

ACT NO. 20 OF 1890

[16th October, 1890.]

An Act to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh.

WHEREAS it is expedient to provide for the better administration of the territories respectively administered by the Lieutenant Governor of the North-Western Provinces and the Chief Commissioner of Oudh, and for that purpose to amend certain enactments which are in force in the said Provinces and in Oudh; It is hereby enacted as follows:—

**1. Title.**—This Act may be called the North-Western Provinces and Oudh Act, 1890.

## PART I

### THE NORTH-WESTERN PROVINCES

**2. Commencement of Part I.**—This Part shall come into force on such day<sup>1</sup> as the said Lieutenant-Governor may, by notification in the Official Gazette, direct.

**3. and 4.** [*Amendment of Act 19 of 1873.*] *Rep. by the United Provinces Land-revenue Act, 1901 (U.P. Act 3 of 1901).*

And whereas it has been determined to annex the Jhansi Division, comprising the districts of Jhansi, Jalaun and Lalatpur, to the Allahabad Division;

And whereas the said Jhansi Division is a Schedule District under the Scheduled Districts Act, 1874; (14 of 1874);<sup>2</sup>

And whereas it is expedient that the law in force in the same division should, on such annexation, be the same as the law in force in the temporarily-settled districts comprised in the Allahabad Division, and that the said division should cease to be a Schedule District;

It is hereby enacted as follows:—

**5. Laws in force in certain districts of the Allahabad Division to apply to Jhansi.**—(1) All enactments which shall on the day<sup>3</sup> when this Part comes into force be in force in the said temporarily-settled districts and not in the said Jhansi Division shall be deemed to come into force in that Division on and from the said day.

(2) Except the Jhansi Encumbered Estates Act, 1882, (16 of 1882)<sup>4</sup> and the Jhansi and Morar Act, 1886, (17 of 1886)<sup>5</sup> all enactments which shall on the said day<sup>3</sup> be in force in the said division and not in the said temporarily settled districts, including the Jhansi Courts Act, 1867 (18 of 1867), and Act No. 27 of 1867, shall be deemed to be repealed on and from the said day<sup>3</sup> in the said division.

1. The 1st April, 1891, *see* North-Western Provinces and Oudh Gazette, 1891, Pt. I, p. 130.

2. Since rep. by the A.O. 1937.

3. That is, the 1st April, 1891.

4. Since rep. by the Bundelkhand Encumbered Estates Act, 1903 (U.P. 1 of 1903).

5. Rep. by Act 42 of 1953.

6. [Amendment of Act 16 of 1882.]—Rep. by the Bundelkhand Encumbered Estates Act, 1903 (U.P. Act 1 of 1903).

**7. Discharge of functions assigned to Deputy Commissioner and Commissioner by Act 17 of 1886.**—The functions assigned to the Deputy Commissioner and the Commissioner by the Jhansi and Morar Act, 1886<sup>1</sup> (17 of 1886), shall be discharged by the District Judge and the High Court, respectively, and references to Courts in the Jhansi district subordinate to the Commissioner shall be deemed to apply to the Civil Courts established in that district under the Bengal, <sup>2</sup>North-Western Provinces and Assam Civil Courts Act, 1887 (12 of 1887).

**8. Jhansi Division to cease to be a Scheduled District.** — (1) On and from the said day<sup>3</sup> the said division shall cease to be a Schedule District <sup>4</sup>\*\*\*.

**9. Application of Act 12 of 1887 to Jhansi, and disposal of pending cases.**—<sup>5</sup>\*\*\*

(2) All cases or proceedings pending in any Civil Court in the said division on the said day<sup>3</sup> shall be disposed of as follows:—

(a) if pending in the Court of a Tahsildar or of an Assistant Commissioner of the second class—by the Munsif;

(b) if pending in the Court of an Assistant Commissioner of the first class—by the Subordinate Judge;

(c) if pending in the Court of a Deputy Commissioner—by the District Judge;

(d) if pending in the Court of the Commissioner—by the District Judge, unless the case pending is an appeal from a decree or order of the Deputy Commissioner, in which case the appeal shall be disposed of by the High Court.

(3) For the purposes of sections 20 to 22, both inclusive, of the Bengal, <sup>2</sup>North-Western Provinces and Assam Civil Courts Act, 1887 (12 of 1887), all decrees and orders passed by Civil Courts in the said division and not appealed against before the said day<sup>3</sup> shall be deemed—

(a) if passed by the Court of a Tahsildar or an Assistant Commissioner of the second class—to have been passed by a Munsif;

(b) if passed by the Court of an Assistant Commissioner of the first class—to have been passed by a Subordinate Judge;

(c) if passed by the Court of a Deputy Commissioner or the Commissioner—to have been passed by a District Judge.

(4) Where any Civil Court ceases by reason of the passing of this Act to have jurisdiction with respect to any case, any proceeding in relation to that case which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former

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1. Rep. by Act 42 of 1953.

2. “Agra” has been subs. for “North-Western Provinces” by Act 16 of 1911.

3. That is, the 1st April, 1891.

4. The second clause of sub-section (1), and sub-section (2) were rep. by Act 1 of 1938, s. 2 and Sch.

5. Sub-section (1) rep., *ibid*.

Court is transferred by sub-section (2); but this sub-section shall not apply to cases for which provision is made in section 623 or section 649 of the Code of Civil Procedure<sup>1</sup> (14 of 1882).

(5) In the case of appeals from the decrees and orders mentioned in sub-section (3) the period of limitation shall be calculated in accordance with the provisions of section 15 of the Jhansi Courts Act, 1867<sup>2</sup> (18 of 1867), as though this Act had not been passed.

## PART II OUDH

**10. Commencement of Part II.**—This Part shall come into force on such day<sup>3</sup> as the Chief Commissioner of Oudh may, by notification in the Official Gazette, direct.

**11. Board of Revenue of the North-Western Provinces to be the Board of Revenue of, and Chief Revenue authority in, Oudh.**—(1) On and from the day on which this Part comes into force the Board of Revenue constituted under the North-Western Provinces Land-revenue Act, 1873<sup>4</sup> (19 of 1873), shall be deemed to be also the Board of Revenue for the territories administered by the Chief Commissioner of Oudh, and shall be known and designated as the Board of Revenue of the North-Western Provinces and Oudh<sup>5</sup>.

(2) All references made in any enactment as amended by this Part to the Board of Revenue shall be deemed, so far as they relate to Oudh, to refer to the said Board.

(3) In any enactment for the time being in force in the territories administered by the Chief Commissioner of Oudh, in which the expression “Chief Revenue-authority” or “Chief Controlling Revenue-authority” is used, the expression shall, subject to the provisions of any enactment passed after the said day<sup>3</sup>, be construed, so far as the said territories are concerned, as referring to the Board of Revenue of the North-Western Provinces and Oudh<sup>5</sup>.

**12. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

**13. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

**14. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

**15. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

**16. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

**17. [Repealed.]**—Rep. by the Repealing and Amending Act, 1891 (12 of 1891).

**18. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

**19. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

**20. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

**21. [Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).

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1. See now the Code of Civil Procedure, 1908 (5 of 1908).

2. Act 18 of 1867 rep. by s. 5 (2) of this Act.

3. 1st January, 1891, see the North-Western Provinces and Oudh Gazette, 1890, Pt. I, p.661.

4. Since rep. by the U.P. Land-revenue Act, 1901 (U.P. 3 of 1901), s. 2, but not so as to affect anything done under Act 19 of 1873, see s. 3.

5. Now the Board of Revenue of the U.P.

22. **[Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).
23. **[Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).
24. **[Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).
25. **[Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).
26. **[Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).
27. **[Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).
28. **[Repealed.]**—Rep. by the U.P. Act, 1899 (3 of 1899).
29. **[Repealed.]**—Rep. by the U.P. Act, 1899 (3 of 1899).
30. **[Repealed.]**—Rep. by the U.P. Act, 1899 (3 of 1899).
31. **[Repealed.]**—Rep. by the U.P. Act, 1899 (3 of 1899).
32. **[Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).
33. **[Repealed.]**—Rep. by the U.P. Act, 1901 (3 of 1901).
34. **[Repealed.]**—Rep. by the U.P. Act ,1901 (3 of 1901).
35. **[Repealed.]**—Rep. by the Repealing and Amending Act, 1891 (12 of 1891).
36. **[Repealed.]**—Rep. by the U.P. Act, 1894 (5 of 1894).
37. **[Repealed.]**—Rep. by the U.P. Act, 1894 (5 of 1894).
38. **[Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).
39. **[Repealed.]**—Rep. by the U.P. Act, 1925 (4 of 1925).
40. **[Repealed.]**—Rep. by the U.P. Act, 1925 (4 of 1925).
41. **[Repealed.]**—Rep. by the U.P. Act, 1925 (4 of 1925).
42. **[Repealed.]**—Rep. by the U.P. Act, 1925 (4 of 1925).
43. **[Repealed.]**—Rep. by the Repealing and Amending Act, 1891 (12 of 1891).
44. **[Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).
45. **[Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).
46. **[Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).
47. **[Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).
48. **[Repealed.]**—Rep. by the Repealing and Amending Act, 1891 (12 of 1891).

**49. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**50. [Repealed.]**—Rep. by the Repealing and Amending Act, 1891 (12 of 1891).

**51. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**52. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**53. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**54. Pending appeals.**—All appeals pending when this Part comes into force<sup>1</sup> from decrees or orders passed under the same Act shall be disposed of as if this Act had not been passed:

Provided that the <sup>2</sup>[State Government] may, by order, transfer to the District Judge any appeals then pending before the Commissioner or Collector in cases in which the appeal will, under the Oudh Rent Act, 1886, (22 of 1886) as amended by this Part, lie to the District Judge.

**55. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**56. [Repealed.]**—Rep. by the Repealing and Amending Act, 1891 (12 of 1891).

**57. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**58. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**59. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**60. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

**61. [Repealed.]**—Rep. by the Repealing Act, 1938 (1 of 1938).

### PART III THE NORTH-WESTERN PROVINCES AND OUDH

**62. Commencement of Part III.**—This part shall come into force on such day<sup>3</sup> as the Lieutenant Governor of the North-Western Provinces and Chief Commissioner of Oudh may, by notification in the Official Gazette, direct.

**63. Place where the Board may sit.**—(1) Notwithstanding anything <sup>4\*\*\*</sup> in section 128 of the Oudh Rent Act, 1886 (22 of 1886), the Board of Revenue of the North-Western Provinces and Oudh shall, for the disposal of cases under those Acts, sit in such place or places in the North-Western Provinces or Oudh as <sup>5</sup>[the State Government] may, by notification in the Official Gazette, <sup>6</sup>appoint in respect to cases under either of those Acts.

(2) For the disposal of cases other than those referred to in sub-section (1) the said Board may, subject to the orders of <sup>5</sup>[the State Government], sit in any place in the North-Western Provinces or Oudh that the Board thinks fit.

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1. That is, the 1st January, 1891.

2. Subs. by the A.O. 1937 for “Chief Commissioner”.

3. 1st January, 1891, *see* the North-Western Provinces and Oudh Gazette, 1890, Pt. I, p. 661.

4. Section 63, so far as it relates to Act 12 of 1881, that is the words “in s. 152 of the North-Western Provinces Rent Act, 1881, or” were rep. by the Agra Tenancy Act, 1901 (U.P. 2 of 1901).

5. Subs. by the A.O. 1937 for “the said Lieutenant-Governor and Chief Commissioner”.

6. For notification declaring that the Board of Revenue may sit at the head-quarters of any district of the United Provinces, *see* U.P. Local Rules and Orders.

**64.** [*Amendment of section 4, Act 19 of 1873.*] *Rep. by the United Provinces Land-revenue Act, 1901 (U.P. Act 3 of 1901).*