

THE CUTCHI MEMONS ACT, 1938

[ACT NO.10 OF 1938] 1

[8th April, 1938.]

1. The Act has been applied to the Sonthal Parganas district and the Chota Nagpur division subject to certain modifications by Bihar Government Notifn., No.1089/A-15/40-J.R., dated 31st August, 1940. It has also been applied to all the partially-excluded areas of the Province of Orissa by Orissa Government Notifn, No.2266-111C-14/41-Com., dated 23rd July, 1942.

An Act to provide that all Cutchi Memons shall be governed in matters of succession and inheritance by the Muhammadan Law.

WHEREAS it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Muhammadan Law; It is hereby enacted as follows :-

STATEMENT OF OBJECTS AND REASONS

Sufficient time has passed since passing of the Cutchi Memons Act of 1920 and large numbers of people of the Cutchi community have taken advantage of the same. However, there is a minority which still persist in being governed by the customary laws and that tends to complicate matters. In order to bring about uniformity it is highly desirable that the entire Cutchi Memon community be governed by the Muhammadan Law. The Cutchi Muhammadan are good Muhammadans and there is a general desire in the community to be governed by the Muhammadan Law. This Bill if enacted will go a great way in bringing about the desired uniformity all over British India so far as the Cutchi Memons are concerned in matters of succession and inheritance and this will also facilitate administration of civil justice by the law courts in British India, as they will have to adjudicate through an established code, while under the present circumstances a wide field of custom and usage has to be traversed for a proper determination of the case. Therefore it is desirable that the Bill be enacted.

2. Cutchi Memons to be governed in certain matters by Muhammadan Law.

Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by the Muhammadan Law.

3. Savings.

Nothing in this Act shall affect any right or liability acquired or incurred before its commencement. or any legal proceeding or remedy in respect of any such right or liability; and any such legal proceeding or remedy may be continued or enforced as if this Act had not been passed.

4. Repeal.

Rep, by the Repealing and Amending Act, 1942 (25 of 1942), s.2 and Sch.I.