

# THE CUTCHI MEMONS ACT, 1938

## SYNOPSIS

	Page
<i>Introduction</i>	8.1261
Sections	
1. Short title and commencement	8.1262
2. Cutchi Memons to be governed in certain matters by Muhammadan Law	8.1262
3. Savings	8.1262
4. Repeal	8.1262

# THE CUTCHI MEMONS ACT, 1938

## INTRODUCTION

The Cutchi Memons Community was being governed by the Cutchi Memons Act, 1920. But a minority of Cutchi Memons was persisting being governed by the Customary Laws. In order to bring about uniformity it was desirable that the entire Cutchi Memons Community be governed by the Muhammadan law. Accordingly the Cutchi Memons Bill was introduced in the Legislature.

## STATEMENT OF OBJECTS AND REASONS

Sufficient time has passed since passing of the Cutchi Memons Act of 1920 and large numbers of Cutchi Memon 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 Memons 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.

## ACT 10 OF 1938

The Cutchi Memons Bill having been passed by the Legislature received its assent on 8th April, 1938. It came on the Statute book as THE CUTCHI MEMONS ACT, 1938 (10 of 1938) (*Came into force on 1-11-1938*).

## AMENDING ACT

The Repealing and Amending Act, 1942 (25 of 1942).

# THE CUTCHI MEMONS ACT, 1938

(10 of 1938)

[8th April, 1938]

*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:—

**1. Short title and commencement.**—(1) This Act may be called the Cutchi Memons Act, 1938.

(2) It shall come into force on the 1st day of November, 1938.

**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.

## COMMENTS

In matters of succession and inheritance Cutchi Memons are to 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), sec. 2 and Sch. I.]