

The Judicial Commissioners' Courts (Declaration As High Courts) Act, 1950

UNION OF INDIA

India

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Act 15 of 1950

- Published on 10 March 1950
- Commenced on 10 March 1950
- [This is the version of this document from 10 March 1950.]
- [Note: The original publication document is not available and this content could not be verified.]

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1403.

Article 241(1) of the Constitution provides that Parliament may by law declare any Court in a Part C State to be a High Court for all or any of the purpose of the Constitution. In the absence of such a declaration no appeal will lie in the Supreme Court from the decision of Judicial Commissioners' Courts in Part C States. It is necessary that the Supreme Court should be in a position to exercise the same appellate jurisdiction in regard to the Judicial Commissioners' Courts of the Part C States other than Delhi and Coorg, as it has in regard to Part A State. As Parliament was not in session at the commencement of the Constitution, and in order to avoid anomalies and difficulties, the Judicial Commissioners' Courts (Declaration as High Courts) Ordinance, 1950, was promulgated declaring the Judicial Commissioners' Courts of Part C States to be High Court for purposes of Articles 132, 133 and 134 of the Constitution and providing for certain exceptions and modifications in the application of Chapter V of Part VI of the Constitution to them. The Ordinance will expire within six weeks of the commencement of the present session of the Parliament, and it is necessary to retain its provisions permanently. The Bill incorporates the provisions of the said Ordinance. - Gazette of India, 1950, Pt. V, p. 155. [10th March, 1950] An Act To Declare [Certain Judicial Commissioners' Courts] [Substituted by the Adaptation of Laws (No. 2) Order, 1956, for "the Judicial Commissioners' Courts in Part C States"] To Be High Court Be It Enacted By Parliament As Follows:-

1. Short title and commencement.

This Act may be called the Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950.(2)It shall be deemed to have come into force on the 26th day of January, 1950.

2. Definition.

In this Act, " article " means an article of the, Constitution.

3. [Declaration of certain Judicial Commissioner's Courts as High Courts for certain purposes. [Substituted Adaptation of Laws (No. 2) Order, 1956, for the original section.]

The Courts of the Judicial Commissioners for [* * *] [The words "Himachal Pradesh" omitted by Act 26 of 1966, Section 19 and Sch. (w.e.f. 1-5-1967).] Manipur and Tripura (each of which is hereinafter referred to as a Judicial Commissioner's Court) is hereby declared to be a High Court for the purposes of articles 132, 133 and 134] [Substituted Adaptation of Laws (No. 2) Order, 1956, for the original section.]

4. Appeals to the Supreme Court not to be barred on ground of judgment etc., being of a single Judge.

An appeal shall lie to the Supreme Court under the provisions of article 133 from any judgment, decree or final order of a Judicial Commissioner's Court notwithstanding that such judgment, decree or final order is that of a single Judge.

5. Appeals to lie to the Supreme Court from judgment, decree, etc., whether passed or made before or after the commencement of the Act.

Subject to any rules made under article 145 or any other law as to the time within which appeals to the Supreme Court are to be entered, an appeal shall lie to that Court from a judgment, decree or final order of a Judicial Commissioner's Court, under the provisions of article 132 or article 133, or from a judgment, final order or sentence of such Court under the provisions of article 134 whether such judgment, decree, final order or sentence, as the case may be, was passed or made before or after the commencement of this Act.

6. Exceptions and modifications subject to which the provisions of Chapter V of Part VI of the Constitution apply to the Judicial Commissioner's Courts.

The provisions of Chapter V of Part VI of the Constitution shall in their application to a Judicial Commissioner's Court have effect subject to the following exceptions and modifications, namely :- (a) the provisions of articles 216, 217, 218, 220, 221, 222, 223, 224 [230 and 231] [Substituted by

the Adaptation of Laws (No. 2) Order. 1956, for "230, 231 and 232".] shall not apply ;(b)references in article 219, in the proviso to clause (3) of article 227 and in article 229 to the Governor shall be construed as references to [the administrator of the Union territory] [Substituted by the Adaptation of Laws (No. 2) Order. 1956, for "the Chief Commissioner of the State".] in relation to which that Court exercises jurisdiction.