- <sup>1</sup>[17 "Government".—The word "Government" denotes the Central Government or the Government of a <sup>2</sup>\*\*\*State.]
  - <sup>3</sup>[18. "India".—"India" means the territory of India excluding the State of Jammu and Kashmir.]
- **19. "Judge"**.—The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person.

who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or

who is one of a body or persons, which body of persons is empowered by law to give such a judgment.

## **Illustrations**

- (a) A Collector exercising jurisdiction in a suit under Act 10 of 1859, is a Judge.
- (b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appear, is a Judge.
- (c) A member of a panchayat which has power, under <sup>4</sup>Regulation VII, 1816, of the Madras Code, to try and determine suits, suits, is a Judge.
- (d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.
- **20.** "Court of Justice".—The words "Court of Jutsice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

## Illustration

A Panchayat acting under <sup>4</sup>Regulation VII, 1816, of the Madras Code, having power to try and determine suits, is a Court of Justice.

**21. "Public servant".**—The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely:—

5\* \* \* \* \* \*

Second.—Every Commissioned Officer in the Military, <sup>6</sup>[Naval or Air] Forces <sup>7</sup>[<sup>8</sup>\*\*\* of India];

<sup>9</sup>[*Third.*—Every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;]

Fourth.—Every officer of a Court of Justice <sup>10</sup>[(including a liquidator, receiver or commissioner)] whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorised by a Court of Justice to perform any of such duties;

Fifth.—Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

<sup>1.</sup> Subs. by the A.O. 1950, for section 17.

<sup>2.</sup> The word and letter "Part A" omitted by Act 3 of 1951, s. 3 and the Sch.

<sup>3.</sup> Subs. by s. 3 and the Sch., ibid., for s. 18 which was ins. by the A.O. 1950. The Original s. 18 was rep. by the A.O. 1937.

<sup>4.</sup> Rep. by the Madras Civil Courts Act, 1873 (3 of 1873).

<sup>5.</sup>Cl. First omitted by the A.O. 1950.

<sup>6.</sup> Subs. by Act 10 of 1927, s. 2 and the First Sch., for "or Naval".

<sup>7.</sup> The original words "of the Queen while serving under the Government of India, or any Government" have successively been amended by the A.O. 1937, the A.O. 1948 and the A.O. 1950 to read as above.

<sup>8.</sup> The words "of the Dominion" omitted by the A.O. 1950.

<sup>9.</sup> Subs. by Act 40 of 1964, s. 2, for cl. Third.

<sup>10.</sup> Ins. by s. 2, *ibid*.