

The Foreign Jurisdiction Act, 1947

UNION OF INDIA

India

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Act 47 of 1947

- Published on 24 December 1947
- Commenced on 24 December 1947
- [This is the version of this document from 24 December 1947.]
- [Note: The original publication document is not available and this content could not be verified.]

The Foreign Jurisdiction Act, 1947(47 OF 1947)

11.

/586Statement of Objects and Reasons.-The Central Government has acquired by agreement, treaty, usage, etc., certain powers and jurisdiction in the non-jurisdictional and semi-jurisdictional States and Talukas of Western India and Gujarat, Manipur, etc., the Central Government has in consequence assumed certain functions in relation to the administration of these areas. In order to provide legal machinery for the exercise of these functions, the Extra-Provincial Jurisdiction Ordinance was promulgated. It is now proposed to replace the Ordinance by an Act of the Dominion Legislature. The present Bill empowers the Central Government to exercise in the areas outside the Provinces jurisdiction and powers acquired, or that may be acquired, by the Central Government, by treaties, agreement, etc., and validates, action already taken by the Central Government and its officers.[24th December, 1947]An Act to provide for the exercise of certain [foreign] [Substituted by A.O. 1950, for " Extra Provincial" .] jurisdiction of the Central Government.Whereas by treaty, agreement, grant, usage, sufferance and other lawful means, the Central Government has, and may hereafter acquire, jurisdiction in and in relation to areas outside [* * *] [The words " the Provinces of" omitted by A.O. 1950.]India;It is hereby enacted as follows:-

1. Short title .-This Act may be called The [Foreign] Jurisdiction Act, 1947.

2. Definitions .-In this Act,-

(a)["foreign] jurisdiction" means any jurisdiction which by treaty, agreement, grant, usage, sufferance or other lawful means the Central Government has for the time being in or in relation to any area outside [India] [Substituted by A.O. 1950, for " the Provinces" .];(b)"jurisdiction" includes rights, powers and authority.

3. Exercise of jurisdiction .-(1) It shall be lawful for the Central Government to exercise [foreign] jurisdiction in such manner as it thinks fit.

(2)The Central Government may delegate any such jurisdiction as aforesaid to any Officer or authority in such manner and to such extent as it thinks fit.

4. Power to make orders .-(1) The Central Government may, by notification in the Official Gazette, make such orders as may seem to it expedient for the effective exercise of any [foreign] jurisdiction of the Central Government.

(2)Without prejudice to the generality of the powers conferred by sub-section (1), any order made under that sub-section may provide-(a)for determining the law and procedure to be observed, whether by applying with or without modifications all or any of the provisions of any enactment in force in any State or otherwise;(b)for determining the persons who are to exercise jurisdiction, either generally or in particular cases or classes of cases, and the powers to be exercised by them;(c)for determining the Courts, Judges, Magistrates and authorities by whom, and for regulating the manner in which, any jurisdiction auxiliary or incidental to or consequential on the jurisdiction exercised under this Act is to be exercised within any State; and(d)for regulating the amount, collection and application of fees.

5. Validity of acts done in pursuance of jurisdiction .-Every act and thing done, whether before or after the commencement of this Act, in pursuance of any [foreign] jurisdiction of the Central Government in an area outside [India] [Substituted by A.O. 1950, for " the Provinces" .] shall be as valid as if it had been done according to the local law then in force in that area.

6. Evidence as to existence or extent of jurisdiction .-(1) If in any proceeding, civil or criminal, in a Court established in [India] or by the authority of the Central Government outside [India] [Substituted by A.O. 1950, for " the Provinces" .], any question arises as to the existence or extent of any [foreign] [Substituted by A.O. 1950, for " Extra Provincial" .] jurisdiction of the Central Government, the Secretary to the Government of India in the appropriate department shall, on the application of the Court, send to the Court the decision of the Central Government on the question, and that decision shall for the purposes of the proceeding be final.

(2)The Court shall send to the said Secretary, in a document under the seal of the Court or signed by a Judge of the Court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned to the Court by the Secretary and those answers shall on production thereof be conclusive evidence of the matters therein contained.

7. Repeal and saving .-(1) The Extra-Provincial Jurisdiction Ordinance, 1947 is hereby repealed.

(2) Any order made, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 27th day of August, 1947.