
FOREIGN JURISDICTION ACT, 1947**47 of 1947****[24th December, 1947]****CONTENTS**

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FOREIGN JURISDICTION ACT, 1947**47 of 1947****[24th December, 1947]**

STATEMENT OF OBJECTS AND REASONS "The Central Government have 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 have 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", --- Gazette of India, 1947, Part V, page 471.

1. Short title :-

This Act may be called The ¹ [Foreign] Jurisdiction Act. 1947.

1. Substituted for the words "Extra Provincial" by A.L.O., 1950.

2. Definitions :-

In this Act.---

(a) "¹[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 ² [India];

(b) "jurisdiction" includes rights, powers and authority.

1. Substituted for the words "Extra-Provincial" by A.L.O., 1950.

2. Sustituted for the words, "the Provinces", Substituted for the words "Extra-Provincial" by A.L.O., 1950.

3. Exercise of jurisdiction :-

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

(2) The Central Government may delegate² any such jurisdiction as aforesaid to any officer or authority in such manner .and to such extent as it thinks fit.

1. Substituted for "Extra-Provincial" by A.L.O., 1950.

2. For the delegation of jurisdiction to - (a) Governor of Assam - See Gaz. of Ind., 1948, Pt. 1. page 1514; (b) Bihar Government - See Gaz. of India, 1948. Pt. I, page 580; (c) Bombay Government - see Gaz. of Ind., 1948. Extra., page 355;, 1948; Part I, pages 358, 431, 705, 1490, 1949, Extra, page 421; 1949, Pt. I, page 582. (d) Madhya Pradesh Government - See Gaz. of Ind. 1948, Pt. I, page 358. (e) Madras Government- See Gaz. of Ind., 1948, Pt. I, pages 312, 358;Extra., page 355; 1949, Pt. I, page 518.- (f) Orissa Government - See Gaz. of Ind., 1948, Pt. I, page 358. (g) Punjab Government - See Gaz. of Ind., 1948, Extra., page 355; 1948, Pt., I, pages 358, 358, 431, 705; (h) Saurashtra Government "- See Gaz. of Ind., 1948, Extra., page 1209 and Pt. 1. pages 281, 547. (Saurashtra now forms part of Gujarat- See Act II of 1960). (i) Uttar Pradesh Government - See Gaz. of Ind., 1949, Extra., page 1373.

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 ¹(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,² 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.

1. Substituted for the words "Extra-Provincial" by A.L.O. 1950.

2. H.P. (Administration) Order, 1948; H.P. (Courts) Order, 1948; H.P. Refugees Registration Order, 1948 - all published in Gaz. of Ind., 1948, Pt. I, pages 454, 1027 and 1614 respectively, Manipur (Dominion Reserve) Application of Laws Order, 1948, Gaz of Ind., 1949, Ext., Pt. I, page 2015, Manipur (Administration) Order, 1949, and Tripura (Administration) Order, 1949, published in Gaz. of Ind., 1949, Pt. I, pages 1435 and 2043 respectively, Tripura (Courts) Order, 1950, Gaz. of Ind., 1950, Ex-1., page 45; French Establishments (Administration) Order, 1954, Gaz. of Ind., 1954, Ext.: Pt. II S. 3. Page 2137; French Establishments (Change of Name) Order, 1954, Gaz. of Ind. 1955 Ext., Pt. II S. 3 page 1; Himachal Pradesh (Application of Laws) Order, 1948, Gaz. of Ind., 1949, Pt. I, S. I, page 922, are some of the orders passed under the provisions.

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 ¹[foreign] jurisdiction of the Central Government in an area outside ² [India] shall be as valid as if it had been done according to the local law then in force in that area.

1. Substituted for the words "Extra-Provincial" by A.L.O. 1950.

2. Substituted for the words "the Provinces", Substituted for the words "Extra-Provincial" by A.L.O. 1950.

6. Evidence as to existence or extent of jurisdiction :-

(1) If in any proceeding, civil or criminal, in a Court established in

¹[India] or by the authority of the Central Government outside ¹[India], any question arises as to the existence or extent of any ³ [foreign] 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.

1. Substituted for the words "the Provinces" by A.L.O., 1950.

3. Substituted for the words "Extra-Provincial", Substituted for the words "the Provinces" by A.L.O., 1950.

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.