

**JUDICIAL COMMISSIONERS' COURTS(DECLARATION AS
HIGH COURTS) ACT, 1950**

15 of 1950

[10th March, 1950]

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"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 purposes 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. All the Part C States, except Delhi and Coorg, have Judicial Commissioners' Courts as the highest Court of Appeal within the State. 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 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.

1. Short title and commencement :-

(1) 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 Courts as High Courts for certain purposes.] :-

The Courts of the Judicial Commissioners for¹ [* * * *], Manipur and Tripura (each of which is hereafter 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].

1. Words 'Himachal Pradesh' omitted by Delhi High Court Act, 1966 (26 of 1966), section 19 (1-5-1967), Himachal Pradesh is a State from 25-1-1971 having a separate High Court. (See Act 53 of 1970, section 21).

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 altered, 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. Exception and modification subject to which the provisions of Chapter V of Part VI of the Constitution apply to the Judicial Commissioners 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 ¹[230 and 231] 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 ² [the administrator of the Union territory] in relation to which that Court exercises jurisdiction.

1. Substituted for "230, 231 and 232" by 2 A.L.O., 1956.

2. Substituted for "the Chief Commissioner of the State", A.L.O., 1956.