

## **PUBLIC SUITS VALIDATION ACT, 1932**

**11 of 1932**

**[8th April, 1932]**

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## **PUBLIC SUITS VALIDATION ACT, 1932**

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STATEMENT OF OBJECTS AND REASONS "Sections 91 and S.92 of the Code of Civil Procedure, 1908, empower the Advocate-General to institute, or to give consent to the institution of certain suits relating to public matters. In order to provide for provinces where there is no Advocate-General, or for remoter areas in the Presidencies. Section 93 of the Code provides that these powers of the Advocate-General may be exercised, with the previous sanction of the Local Government, by the Collector or by such officer as the Local Government may appoint in this behalf. Local Governments have taken the view that it is sufficient under this section for them to give previous sanction to the Collector, or to the special officer, generally, and not in respect of each particular suit. Their Lordships of the Privy Council, however, have in a recent case held that the previous sanction of the Local Government must be recorded in respect of each particular suit. (Prem Narayan v. Ram Charan and others - An appeal from Allahabad [see AIR 1932 PC 51 (54). ] The result of this decision is that a large number of pending suits will be rendered subject to dismissal through no fault of plaintiffs. The Bill is intended to remove this hardship. It validates all such-suits now pending, and also provides for the re-trial of a claim which may have been in the meantime dismissed, whether in the Court of first instance or in the Court of appeal on the ground of the absence of the requisite sanction." -Gazette of India, 1932. Part V.

**1. Short title and extent :-**

(1) This Act may be called The Public Suits Validation Act, 1932.

(2) It extends to all parts of <sup>1</sup> [India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States] to which Sections 91, 92 and Section 93 of the Code of Civil Procedure, 1908 , extend.

1. Substituted for "Part A States and Part C States" by 3 A. L. O., 1956 (with retrospective effect from 1-11-1956).

**2. Validation of certain pending public suits :-**

Where a suit relating to any of the public matters specified in Sections 91 and Section 92 of the Code of Civil Procedure, 1908 , is pending at the commencement of this Act, the institution of such suit shall not be deemed to be invalid on the ground that the previous sanction of the <sup>1</sup> [State Government] in respect of such suit has not been obtained as required by Section 93 of that Code. Explanation.- For the purposes of this section a suit pending at the commencement of this Act includes a suit in respect of which an appeal lies or is pending at the commencement of this Act.

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

**3. Restoration of certain dismissed public suits :-**

Where any suit relating to any such public matter has, after the 30th day of November, 1931. and before the commencement of this Act, been dismissed by a Court of first instance solely on the ground that the sanction of the <sup>1</sup> [State Government] in respect of such suit has not been obtained as required by S.93 of the Code of Civil Procedure, 1908. the Court shall, on application made within six months from the commencement of this Act, make an order setting aside its decree and shall proceed with the suit.

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

**4. Re-trial of certain appeals relating to public suits :-**

Where, in any appeal arising from a suit relating to any such public matter, a decree has been passed after the 30th day of November, 1931. and before the commencement of this Act, dismissing the appeal or dismissing the suit from which the appeal arose, solely on

the ground that the previous sanction of the <sup>1</sup> [State Government] in respect of the suit had not been obtained as required by Section 93 of the Code of Civil Procedure, 1908 , the Appellate Court shall, on application made within six months from the commencement of this Act, make an order setting aside its decree and shall proceed with the appeal.

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