

## **ACTING JUDGES ACT, 1867**

**16 of 1867**

**[1st March, 1867]**

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## **ACTING JUDGES ACT, 1867**

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An Act to authorise the making of acting appointment to certain Judicial Offices. Preamble. - WHEREAS, the Governor-General of India in Council or the Local Government, as the case may be, is empowered by diverse enactments to appoint the Judges of certain Courts b[\* \* \*]; And whereas it has been doubted whether he or it is empowered to appoint persons to act temporarily as such Judges, and it is expedient to remove such doubts; It is hereby enacted as follows :- 2 This Act has been declared, by notification under S. 3(a) of Scheduled Districts Act, 1874 (XIV of 1874), to be in force in the following Scheduled Districts, namely:- The Districts of Hazaribagh, Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p. 44), and Manbhum, and Pargana Dhalbhum and the Kolhan in the Districts of Singbhum - See Gazette of India, 1881, Pt. I, p. 504. This Act has been extended to the new Provinces and Merged States by Merged States (Laws) Act (59 of 1949), S. 3 (1-1-1950) and to the States of Manipur, Tripura and Vindhya Pradesh by UNION TERRITORIES (LAWS) ACT, 1950 (30 of 1950), S. 3 (16-4-1950). This Act is extended to merged States in Bombay: See Bom. Act 4 of 1950, S. 3(1) (30-3-1950). The Act as adapted and applied by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1947, has been repealed in Saurashtra area by the Bombay Repealing and Amending Act, 1959 (LXIII of 1959), S.2 and First Schedule (29-10-1959).

### **1. Power to appoint acting Judges :-**

In every case in which the <sup>1</sup>[Central Government] or the [[State] Government], as the case may be, has power under any Act or Regulation to appoint a Judge of any Court [\*\*], such power shall be taken to include the power to appoint any person capable of being appointed a permanent Judge of such Court, to act as Judge of the same Court for such time as the <sup>1</sup> [Central Government] or the [[State] Government], as the case may be, shall direct. Every person so appointed to act temporarily as a Judge of any such Court shall have the powers, and perform the duties, which he would have had and been liable to perform in case he had been duly appointed a permanent Judge of the same Court.

1. Short title given by the Indian Short Titles Act, 1897 (XIV of 1897).

### **2. Certain enactments to be construed as if they contained a clause like Section 1 of this Act :-**

Every such Act and Regulation shall be construed as if it contained a special clause to the purport or effect of the first section of this Act.