

ACT No. XI OF 1910.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]

(Received the assent of the Governor General on the 18th
March 1910.)

An Act to amend the Central Provinces Courts Act, 1904.

WHEREAS it is expedient to amend the Central Provinces Courts Act, 1904; It is hereby enacted II of 1904.
as follows:—

Short title.

1. This Act may be called the Central Provinces Courts (Amendment) Act, 1910.

Substitution
of new
Chapter for
Chapter II
of Act II,
1904.

2. For Chapter II of the Central Provinces Courts Act, 1904, the following shall be substituted, II of 1904.
namely:—

“ CHAPTER II.

“ THE COURT OF THE JUDICIAL COMMISSIONER.

Jurisdiction
of Court of
Judicial
Commis-
sioner.

3. The Court of the Judicial Commissioner of the Central Provinces shall be the highest Civil Court of Appeal, and, except in reference to proceedings against European British subjects and persons jointly charged with European British subjects, the highest Court of Criminal appeal and revision in and for the territories to which this Act extends.

Constitution
of Court of
Judicial
Commis-
sioner.

4. (1) The Court of the Judicial Commissioner shall consist of three or, with the sanction of the Governor General in Council, more Judges, one of whom shall be the Judicial Commissioner of the Central Provinces who shall be appointed by the Governor General in Council, and the others Additional Judicial Commissioners who shall be appointed by the Local Government with the previous sanction of the Governor General in Council.

(2) Every

(2) Every person appointed under this section shall hold his office during the pleasure of the Governor General in Council.

"4A. (1) The Judicial Commissioner, whether permanent or officiating, shall have rank and precedence before the other Judges of his Court. Rank and precedence of Judges.

(2) The Additional Judicial Commissioners shall have rank and precedence among themselves according to the seniority of their appointment as such Additional Judicial Commissioners :

Provided that an Additional Judicial Commissioner permanently appointed shall be deemed to be senior to and to have rank and precedence before an officiating Judge.

(3) In this Act the expression 'the senior Judge' shall mean the Judge for the time being entitled to the first place in rank and precedence.

" 5. (1) Except as otherwise provided by this Act or by any other enactment for the time being in force, and subject to any rules made under this Act, the jurisdiction of the Court of the Judicial Commissioner may be exercised by a single Judge of the Court. Exercise of jurisdiction by Judges of Court of Judicial Commissioner.

(2) The Court of the Judicial Commissioner may, with the sanction of the Local Government, make rules to provide, in such manner as it thinks fit, for the exercise of any of its powers by a bench of two or more Judges of the Court.

" 5A. (1) The Court of the Judicial Commissioner may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court of the Judicial Commissioner, and may by such rules prescribe the mode of determining which Judges shall sit as a full bench when a full bench sitting becomes necessary. Constitution of full bench and other benches.

(2) Subject to the provisions of sub-section (1), the Judicial Commissioner may determine which Judge in each case or class of cases shall sit alone and which Judges shall constitute any bench.

" 5B. The

Power of
Judicial Com-
missioner
to transfer
cases.

" 5B. The Judicial Commissioner may transfer any case, whether the hearing has or has not commenced, from the file of any Judge sitting alone to his own file or to that of any other Judge of the Court.

Power to
refer
question to
full bench.

" 5C. Any single Judge of the Court of the Judicial Commissioner, and any bench of Judges thereof not being a full bench, may refer for the decision of a bench of two Judges or of a full bench any question of law or custom having the force of law, or of the construction of any document, or of the admissibility of any evidence, arising in any case before the Judge or bench, and shall dispose of the case in accordance with the decision of the bench to which the question has been referred.

Appeals.

" 6. A Judge of the Court of the Judicial Commissioner shall when sitting in a bench of three or more Judges of that Court, but not otherwise, be competent to try any appeal from a decree, order or sentence passed by himself, whether in a civil or criminal matter, and to adjudicate upon any proceeding connected with or arising out of such decree, order or sentence notwithstanding anything contained in section 556 of the Code of Criminal Procedure, 1898.

V of 1898.

Rule of
decision
where
Judges
differ.

" 6A. Except as otherwise provided by any enactment for the time being in force,—

- (a) where there is a difference of opinion among the Judges composing any bench of the Court of the Judicial Commissioner, the decision shall be in accordance with the opinion of the majority of those Judges;
- (b) if there is no such majority, then,—
 - (i) if the bench is a full bench, the decision shall be in accordance with the opinion of the senior Judge of the bench;
 - (ii) in other cases, the bench before which the difference has arisen shall

shall refer it to another Judge of the Court and shall dispose of the case in accordance with the decision of such Judge.

" 7. (1) The Registrar of the Court of the Judicial Commissioner shall be appointed by the Local Government.

Registrar and ministerial officers of Court of Judicial Commissioner.

(2) The ministerial officers of the said Court shall be appointed by the Judicial Commissioner.

" 8. (1) In addition to any other powers to make rules expressly or by implication conferred by this Act, the Court of the Judicial Commissioner, with the previous sanction of the Local Government, may, from time to time, by notification in the local official Gazette, make rules consistent with this Act and any other enactment for the time being in force,—

Power to Court of Judicial Commissioner to make rules.

- (a) declaring what persons shall be permitted to practise as petition-writers in the Courts, regulating the conduct of the business of persons so practising and determining the authority by which breaches of rules under this clause shall be tried;
- (b) providing for the translation of any papers filed or produced in the Court of the Judicial Commissioner, and for the payment of the expenses thereby incurred;
- (c) regulating the procedure in cases where any person applies to inspect a record of any Court or to obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;
- (d) prescribing the travelling and other expenses to be allowed to witnesses in civil cases, and the fees to be allowed to Commissioners appointed by Civil Courts;
- (e) conferring and imposing on the ministerial officers of the Court of the Judicial Commissioner and of the Courts subordinate thereto such powers and duties of

a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

- (f) prescribing forms to be used in the subordinate Courts for such proceedings, books, entries, statistics and accounts as it thinks necessary;
- (g) providing for the visitation and inspection of the subordinate Courts, and the supervision of the working thereof; and
- (h) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of the Court of the Judicial Commissioner and of the subordinate Courts and maintaining proper discipline among those officers.

(2) Whoever commits a breach of any rule made under sub-section (1), clause (a), shall be punishable with fine which may extend to fifty rupees.

Registers,
books
and accounts,
returns,
statements
and reports.

"9. The Court of the Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall comply, in such form and manner as the Local Government may deem proper, with any requisitions which the Local Government may make for records of, or papers belonging to, the Court of the Judicial Commissioner or any Civil Court subordinate thereto, or for certified copies of, or extracts from, such records or papers, or for returns, statements or reports."

Amendment
of Act II,
1904, section
13, sub-sec-
tion (1).

3. In section 13, sub-section (1), of the said Act, the following alterations shall be made, namely:—

- (i) in sub-clause (a), for the words "five hundred" the words "one thousand" shall be substituted; and
- (ii) in sub-clause (b), for the word "five" the word "ten" shall be substituted.

4. For

4. For section 14 of the said Act the following section shall be substituted, namely :—

Substitution of new section 14 of Act II of 1904.

ix of 1887. “ 14. The Local Government may, by notification in the local official Gazette, invest any District Court or any Court of a Subordinate Judge or of a Munsif with the powers of a Court of Small Causes under the Provincial Small Causes Courts Act, 1887, up to such value not exceeding five hundred rupees in the case of a District Court or of the Court of a Subordinate Judge or one hundred rupees in the case of the Court of a Munsif as it thinks fit, to be exercised in cases arising within the limits of the Court's jurisdiction or in any specified area within such limits, and may withdraw any powers so conferred.”

Power to invest certain Courts with Small Cause Court jurisdiction.

5. For section 15, clause (b), of the said Act, the following shall be substituted, namely :—

Amendment of Act II, 1904, section 15, clause (b).

“ (b) an appeal from the decree or order of the Court of a Subordinate Judge shall lie—

- (i) where the value of the suit in such Court does not exceed one thousand rupees, to the District Court;
- (ii) where the value of such suit exceeds one thousand rupees but does not exceed five thousand rupees, to the Divisional Court; and
- (iii) where the value of such suit exceeds five thousand rupees, to the Court of the Judicial Commissioner.”

6. In section 17 of the said Act, the following shall be inserted as sub-section (2), the present sub-section (2) being renumbered as sub-section (3), namely :—

Addition of new sub-section to section 17, Act II, 1904.

“ (2) The Judicial Commissioner or an Additional Judicial Commissioner appointed by

by him shall from time to time visit, and inspect the proceedings of, the Civil Courts subordinate to the Court of the Judicial Commissioner, and shall give such directions on matters not provided for by law as may be necessary to secure the due administration of justice."

Amendment
of sections 22
and 26, Act
II, 1904.

7. In section 22, sub-section (2), and section 26, sub-section (1), of the said Act, for the words "the Judicial Commissioner" the words "the Court of the Judicial Commissioner" shall be substituted.