

ACT NO. XVI OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 5th
November, 1897.)*

An Act to amend the Oudh Courts Act, 1891.

WHEREAS it is expedient to amend the Oudh Courts Act, 1891; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Oudh Courts Act (1891) Amendment Act, 1897; and

(2) It shall come into force at once.

Amendment of section 4, Act XIV, 1891.

2. (1) In section 4 of the Oudh Courts Act, 1891 (hereinafter referred to as "the said Act"), after sub-section (1) the following sub-section shall be inserted, namely:—

"(2) The Local Government, with the like sanction and in the like manner, may also appoint such person as it thinks fit to be Second Additional Judicial Commissioner, and to exercise jurisdiction, as such Second Additional Judicial Commissioner, in the said Court."

(2) Sub-section (2) of the same section shall be re-numbered as sub-section (3).

Substitution of new section for section 5, Act XIV, 1891.

3. For section 5 of the said Act the following section shall be substituted, namely:—

Jurisdiction of Additional Judicial Commissioner and distribution of business.

"5. (1) Subject to the other provisions of this Act, an Additional Judicial Commissioner shall exercise the same jurisdiction as the Judicial Commissioner may exercise under any enactment for the time being in force, but only in such cases as the Judicial Commissioner may direct.

"(2) The

“(2) The Judicial Commissioner may, from time to time, transfer any case with respect to which he may have directed an Additional Judicial Commissioner to exercise jurisdiction and of which the hearing before such Additional Judicial Commissioner has not commenced, for hearing and disposal to his own file or to the file of the other Additional Judicial Commissioner (if any).

“(3) Where this Act or any other enactment for the time being in force requires a case to be heard by a bench of two Judges of the Court of the Judicial Commissioner of Oudh and that Court for the time being consists of three Judges, the Judicial Commissioner shall, from time to time, determine what two Judges shall constitute such bench.”

4. In section 6 of the said Act, for the word “the”, where it occurs before the words “Additional Judicial Commissioner”, the word “an” shall be substituted. Amendment of section 6, Act XIV, 1891.

5. In section 7 of the said Act, sub-section (1) is repealed, and, in sub-section (2), for the first fourteen words the following shall be substituted, namely:— Amendment of section 7, Act XIV, 1891.

“If the Court of the Judicial Commissioner of Oudh for the time being consists of only two Judges and any such case as is referred to in section 377 of the Code of Criminal Procedure, 1882,”

X of 1882.

6. In section 8 of the said Act, for the word “the”, where it first occurs before the words “Additional Judicial Commissioner”, the word “an” shall be substituted, and for the words “the Judicial Commissioner and the Additional Judicial Commissioner sitting together” the words “a bench consisting of two Judges of the Court of the Judicial Commissioner of Oudh” shall be substituted. Amendment of section 8, Act XIV, 1891.

7. In section 9 of the said Act, for the word “Whenever” the following shall be substituted, namely:— Amendment of section 9, Act XIV, 1891.

“If the Court of the Judicial Commissioner of Oudh

Oudh for the time being consists of only two Judges and”.

Addition of
new section
after section
11, Act XIV,
1891.

8. After section 11 of the said Act the following section shall be added, namely :—

Power to
make rules as
to judg-
ments, evi-
dence and
affidavits.

“12. The Judicial Commissioner may, from time to time, with the previous sanction of the Local Government, by notification in the official Gazette, make rules to provide for—

(1) the recording of judgments, orders and sentences;

(2) the taking down of the evidence of witnesses; and

(3) the admission of affidavits as evidence of the matters to which such affidavits relate;

and the Court of the Judicial Commissioner of Oudh shall, on the publication of any such rules, be bound thereby instead of by such parts of the Code of Criminal Procedure, 1882, and the Code of Civil Procedure, as relate to the mode of recording judgments, orders and sentences and of taking down the evidence of witnesses, and may, in accordance with such rules, permit the admission of affidavits as evidence of the matters aforesaid.”

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Repeal of
certain other
parts of Act
XIV, 1891.

9. (1) In section 1 of the said Act, the words and figures “and (3) It shall come into force on the first day of April, 1891,” are repealed.

(2) Section 2 and sub-sections (1) and (2) of section 11 of the said Act are repealed.