

The Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act 1964

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THE GOA, DAMAN AND DIU JUDICIAL COMMISSIONER'S COURT (DECLARATION AS HIGH COURT) ACT, 1964

No. 16 OF 1964

[16th May, 1964]

An Act to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes of the Constitution.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act, 1964.

(2) It shall be deemed to have come into force on the date of commencing of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 (10 of 1963).

2. Definition.— In this Act, “air” means and article of the Constitution.

3. Declaration of Goa, Daman and Diu Judicial Commissioners Court as High Court for certain purposes.— The Court of the Judicial Commissioner for the Union territory of Goa, Daman and Diu (hereinafter referred to as the Judicial Commissioner's Court) is hereby declared to be a High Court for the purposes of articles 132, 133 and 134.

4. Appeals to the Supreme Court not to be barred on account of judgement, etc., being of a single Judge.— An appeal shall lie to the Supreme Court under the provisions of article 133 from any judgement, degree or final order of the Judicial Commissioner's Court notwithstanding that such judgement, degree or final order is that of a single Judge.

5. Appeals to Supreme Court from judgement, decree, etc., passed or made by Judicial Commissioners Court.— Subject to any rules made under article 145 or any other law as to the time within appeals to the Supreme Court are to be entered, an appeal shall lie to that Court from as judgement, degree or final order of the Judicial Commissioner's Court, under the provisions of article 132 or article 133, or from a judgement, final order or sentence of such Court under the provisions of article 134:

Provided that an appeal may be preferred within ninety days from the date of passing of this Act from a judgement, degree, final order or sentence passed or made by the Judicial Commissioner's Court before that date.

6. Exceptions and modifications subject to which the provisions of Chapter V of Part VI of the Constitution apply to the Judicial Commissioners Court.— The provisions of Chapter V of Part VI of the Constitution shall in their application to the 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, 224A, 225, 230 and 231 shall not apply ;

(b) references-

(i) 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 the administrator of the Union territory of Goa, Daman and Diu;

(ii) in articles 219 and 229 to the State (except in the expression "the State Public Service Commission") shall be construed as references to the Union territory of Goa, Daman and Diu;

(c) the reference to the State Public Service Commission in the proviso to clause (1) of article 229 shall be construed as a reference to the Union Public Service Commission.

7. Appeals to lie to the Supreme Court from judgement, decree etc. passed or made by Tribunal de Relacao.— Any person aggrieved-

(a) by any judgement, degree, order or sentence of the Tribunal de Relacao passed or made before the 20th December, 1961, against which an appeal would lie to a superior court in Portugal in accordance with law but could be preferred by reason of Goa, Daman and Diu becoming part of the territory of India, or against which an appeal having been preferred to a superior court in Portugal in accordance with law and not been disposed of before the said date; or

(b) by any judgement, degree, order or sentence of the Tribunal de Relacao passed or made on or after the 20th December, 1916,

may, within ninety days from the date of passing of this Act, prefer an appeal from such judgement, degree, order or sentence to the Supreme Court as if such judgement, degree, order as sentence had been passed or made by the Judicial Commissioner's Court.

8.Repeal of section 7 of Act 1 of 1962.- Section 7 of the Goa, Daman and Diu (Administration) Act, 1962, is hereby repealed.