

# The Acting Judges Act, 1867

[ACT NO. 16 OF 1867 ]

( 1st March, 1867)

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*As modified up to 1950*

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***An Act to authorize the making of acting appointments 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 divers enactments to appoint the Judges of certain Courts \*[\* \* \* \*] 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:-

\* The words "in the Provinces" were omitted by Adaptation of Laws Order, 1950

**1. Power to appoint acting Judges.-** In every case in which the \*[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 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.

\* Substituted for the word "Governor-General of India in Council" by A.I.O. 1937

# Substituted for the words "Legal Government" by A.I.O. 1937

@ Substituted for the word "Provincial" by A.I.O. 1950.

\$ The words "in British India" were omitted by A.C.A.O. 1948

**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.

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