

सत्यमेव जयते

The High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act, 1981

(ACT NO. 26 OF 1981)

[*As on the* 1*st October*, 2026]

IndiaCode

LIST OF AMENDING ACTS

1. The Repealing and Amending Act,1988 (19 of 1988).

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

IndiaCode

THE HIGH COURT AT BOMBAY (EXTENSION OF JURISDICTION TO GOA, DAMAN AND DIU) ACT, 1981

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Extension of jurisdiction of Bombay High Court to Goa, Daman and Diu.
4. Jurisdiction of Bombay High Court.
5. Chapter VI of Part VI of the Constitution to apply to the Bombay High Court exercising jurisdiction over the Union territory of Goa, Daman and Diu.
6. Special provisions relating to advocates.
7. Transfer of pending proceedings from the Court of the Judicial Commissioner to the Bombay High Court.
8. Right to appear or act in proceedings transferred to the Bombay High Court.
9. Establishment of a permanent bench of Bombay High Court at Panaji**.**
10. Allocation of expenditure of the Bombay High Court.
11. Rule of construction.
12. [*Repealed.*]
13. Power to remove difficulties.
14. Power to adapt laws.

IndiaCode

THE HIGH COURT AT BOMBAY (EXTENSION OF JURISDICTION TO GOA, DAMAN AND DIU) ACT, 1981

ACT NO. 26 OF 1981

[9*th September*, 1981.]

An Act to provide for the extension of the jurisdiction of the High Court at Bombay to the Union territory of Goa, Daman and Diu, for the establishment of a permanent bench of that High Court at Panaji and for matters connected therewith.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. Short title and commencement.—(*1*) This Act may be called the High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act, 1981.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the date on which this Act comes into force;

(*b*) "Court of the Judicial Commissioner" means the Court of the Judicial Commissioner for Goa, Daman and Diu.

3. Extension of jurisdiction of Bombay High Court to Goa, Daman and Diu.—(*1*) On and from the appointed day, the jurisdiction of the High Court at Bombay shall extend to the Union territory of Goa, Daman and Diu.

(*2*) On and from the appointed day, the Court of the Judicial Commissioner shall cease to function and is hereby abolished:

Provided that nothing in this sub-section shall prejudice or affect the continued operation of any notice served, injunction issued, direction given or proceedings taken before the appointed day by the Court of the Judicial Commissioner, abolished by this sub-section, under the powers then conferred upon that Court.

4. Jurisdiction of Bombay High Court.—On and from the appointed day, the High Court at Bombay shall have, in respect of the territories included in the Union territory of Goa, Daman and Diu, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of the said territories by the Court of the Judicial Commissioner.

5. Chapter VI of Part VI of the Constitution to apply to the Bombay High Court exercising jurisdiction over the Union territory of Goa, Daman and Diu.—The provisions of Chapter VI of Part VI of the Constitution shall apply to the High Court at Bombay in relation to the exercise of its jurisdiction to the Union territory of Goa, Daman and Diu, subject to the following exceptions and modifications, namely:—

(*a*) the references in the said Chapter to "State" except where it occurs in the expression "Governor of the State" shall be construed as references to the Union territory of Goa, Daman and Diu;

(*b*) in clause (1) of article 233 and in article 234, the references to the Governor of the State, and in article 237, the reference to the Governor, shall be construed as references to the Administrator of the Union territory of Goa, Daman and Diu;

(*c*) the provisions of article 233A shall not apply;

1. 30th October, 1982, *vide* Notifn. No. G.S.R. 592(E), dated 8th October, 1982, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

(*d*) in article 234, the reference to the State Public Service Commission shall be construed as a reference to the Union Public Service Commission.

6. Special provisions relating to advocates.—Subject to any rule made or direction given by the High Court at Bombay in this behalf, any person who, immediately before the appointed day, is an advocate entitled to practise in the Court of the Judicial Commissioner shall be entitled to practise as an advocate in the High Court at Bombay.

7. Transfer of pending proceedings from the Court of the Judicial Commissioner to the Bombay High Court.—(*1*) All proceedings pending in the Court of the Judicial Commissioner immediately before the appointed day shall stand transferred to the High Court at Bombay.

(*2*) Every proceeding transferred under sub-section (*1*) shall be disposed of by the High Court at Bombay as if such proceeding were entertained by that High Court.

(*3*) Any order made before the appointed day by the Court of the Judicial Commissioner shall, for all purposes, have effect not only as an order of that Court but also as an order of the High Court at Bombay.

8. Right to appear or act in proceedings transferred to the Bombay High Court.—Any person who, immediately before the appointed day, is an advocate entitled to practise in the Court of the Judicial Commissioner and was authorised to appear or to act in any proceedings transferred from that Court under section 7, shall have the right to appear or to act, as the case may be, in the High Court at Bombay in relation to those proceedings.

9. Establishment of a permanent bench of Bombay High Court at Panaji.—On and from the appointed day, there shall be established a permanent bench of the High Court at Bombay at Panaji and such Judges of the High Court at Bombay, being not less than two in number, as the Chief Justice of that High Court may, from time to time, nominate, shall sit at Panaji in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the Union territory of Goa, Daman and Diu:

Provided that the Chief Justice of that High Court may, in his discretion order that any case or class of cases arising in such territory shall be heard at Bombay.

10. Allocation of expenditure of the Bombay High Court.—The expenditure in respect of the High Court at Bombay, including the expenditure in respect of the salaries and allowances of the Judges, officers and servants of the High Court shall, as from the appointed day, be allocated between the State of Maharashtra and the Union in such proportion as the President may, by order, determine.

11. Rule of construction.—References in any law in force in the Union territory of Goa, Daman and Diu to the Court of the Judicial Commissioner shall, on and from the appointed day, be construed in relation to that territory as references to the High Court at Bombay.

12. ***[Amendment of Goa, Daman and Diu Act 16 of 1965].—****Rep. by the Repealing and Amending Act,* 1988 (19 *of* 1988) *s. 2 and the First Schedule* (*w.e.f.* 31-3-1988).

13. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order notified in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

IndiaCode

14. Power to adapt laws.—For the purpose of facilitating the application of any law in relation to the Union territory of Goa, Daman and Diu, the Central Government may, before the expiration of two years from the appointed day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient to give effect to the provisions of this Act and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent legislature or other competent authority.

IndiaCode

STATEMENT OF OBJECTs AND-REASONS

There has been a persistent demand for the extension of the jurisdiction of. a High Court to the Union territory of Goa, Daman and Diu and for the establishment of a permanent bench of that High Court there in lieu of the existing Court of the Judicial Commissioner. Although the Judicial Commissioner's Court functioning at present in that Union territory has been given certain powers of a High Court under the provisions of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963, it is not a full-fledged High Court. The Judicial Commissioner also does not enjoy those constitutional safeguards which protect the independence of a High Court Judge. It is felt that the extension of the jurisdiction of High Court to the Union territory will improve the tone of judicial administration in that Union territory and inspire greater public confidence. It is, therefore, proposed to extend the jurisdiction of the Bombay High Court to the Union territory of Goa, Daman and Diu and abolish the Court of the Judicial Commissioner there. It is also proposed to establish a permanent bench of that High Court at Panaji.

The Bill seeks to achieve the above objects.

NEW DELHI; P. SHIV SHANKER.

The 4*th August*, 1980.

IndiaCode