

THE JUDICIAL OFFICERS PROTECTION ACT, 1850

ARRANGEMENT OF SECTION

Preamble

SECTION

1. Non-liability to suit of officers acting judicially, for official acts done in good faith, and of officers executing warrants and orders.

¹[THE JUDICIAL OFFICERS PROTECTION ACT, 1850]

ACT NO. 18 OF 1850

[4th April, 1850.]

An Act for the protection of Judicial Officers.

Preamble.—For the greater protection of Magistrates and others acting judicially; It is enacted as follows:—

1. Non-liability to suit of officers acting judicially, for official acts done in good faith, and of officers executing warrants and orders.—No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: Provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.²

1. Short title given by the Indian Short Titles Act, 1897 (14 of 1897).

The Act has been declared to be in force in all the Provinces of India, except the Scheduled Districts, by the Laws Local Extent Act, 1874 (15 of 1874), s. 3.

It has been declared in force in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), s. 3; in the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), s. 3 and Sch.; in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch.; and in Panthiploda by the Panthiploda Laws Regulation, 1929 (1 of 1929), s. 2.

It has also been declared by notification under s. 3(a) of the Scheduled Districts Act, 1874 (14 of 1874) to be in force in the following Scheduled Districts, namely:—

The Taluqs of Bhadrachalam, Rakapilli and the Rampa Country..... See Gazette of India, 1879, Pt. I, p. 630.

The Scheduled Districts in Ganjam and Vizagapatam..... Ditto and Fort St. George Gazette, 1898, Pt. I, P. 870.
1898, Pt. I, p. 666.

The Districts of Hazaribagh,

Lohardaga (now the Ranchi District,

see Calcutta Gazette, 1899, Pt. I, p. 44),

and Manbhum, and Pargana Dhalbhum and

the Kolhan in the District of Singhbhum.

See Gazette of India,

1881, Pt. I, 504.

West Jalpaiguri and the Western

Hills of Darjiling, the Darjiling

Tarai and the Damsom

Sub-Division of the Darjiling Districts.

Ditto

1881, Pt. I, p. 74.

Kumaon and Garhwal.....

Ditto

1876, Pt. I, p. 605.

The Scheduled portion of the Mirzapur

District

Ditto

1879, Pt. I, 383.

Jaunsar Bawar

Ditto

1879, Pt. I, 382.

The District of Lahaul

Ditto

1886, Pt. I, 301.

The Scheduled Districts of the

Central Provinces

Ditto

1879, Pt. I, 360.

Coorg.

Ditto

1879, Pt. I, 747.

The Districts of Kamrup,

Nowgong, Darrang, Sibsagar,

Lakhimpur, Goalpara

(excluding the Eastern Duars) and

Cachar (excluding the North Cachar Hills)

Ditto

1878, Pt. I, 633.

The Garo Hills, the Khasi

and Jaintia Hills, the Naga Hills,

the North Cachar Hills

in the Cachar District and the

Eastern Duars in the Goalpara district.

Ditto,

1897, Pt. I, 299.

The Porahat Estate in the Singhbhum District

Ditto

1879, Pt. I, 1059.

It has been extended, by notification under s.5 of the last-mentioned Act, to the following Scheduled District, namely:—

The Tarai of the Province of Agra

See Gazette of India,

1876, Pt. I, 505.

Ajmer and Merwara

Ditto.

1879, Pt. I, 380.

It has been extended to the new Provinces and Merged States, see Act 59 of 1949.

2. As to procedure for instituting criminal prosecution against judges and public servants, see the Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 197.

STATE AMENDMENTS

Karnataka

Amendment of Central Act XVIII of 1850.—Section 1 of the Judicial Officer's Protection Act, 1850 (Central Act XVIII of 1850) shall be renumbered as section 1A and before the section 1 A as so renumbered, the following section shall be inserted, namely: —

“1. Short title and extent.—(1) This Act may be called the Judicial Officer's Protection Act, 1850.

(2) It extends to the whole of the State of Karnataka”.

[*Vide* Karnataka Act 33 of 1978, s.3].
