

ACT NO. XLVII OF 1947  
The Extra-Provincial Jurisdiction Act, 1947  
(Recd.G.G.'s assent on 24<sup>th</sup> December 1947)

*An Act to provide for the exercise of certain extra-provincial jurisdiction of  
the Central Government.*

Whereas by treaty, agreement, grant, usage, sufferance and other lawful means, the Central Government has, and may hereafter acquire, jurisdiction in and in relation to areas outside the Provinces of India.

It is hereby enacted as follows:-

*Short title.*            1.    This Act may be called the Extra-Provincial  
Jurisdiction Act, 1947

*Definitions.*            2.    In this Act, -

(a) "extra-provincial jurisdiction" means any jurisdiction which by treaty, agreement, grant, usage, sufferance or other lawful means the Central Government has for the time being in or in relation to any area outside the Provinces;

(b) "Jurisdiction" includes rights, power and authority.

3.            (1) it shall be lawful for the Central Government to exercise extra-provincial  
Exercise of            jurisdiction in such manner as it thinks fit.  
Jurisdiction

(2) The Central Government may delegate any such jurisdiction as aforesaid to any officer or authority in such manner and to such extent as it thinks fit.

4.            (1) The Central Government may, by notification in the official Gazette,  
power to make            make such orders as may seem to it expedient for the effective exercise  
orders                      of any extra-provincial jurisdiction of the Central Government

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any order made under that sub-section may provide.

(a) for determining the law and procedure to be observed, whether by applying with or without modifications all or any of the provisions of any enactment in force in any Province or otherwise;

- (b) for determining the persons who are to exercise jurisdiction, either generally or in particular cases or classes of cases, and the powers to be exercised by them;
- (c) for determining the courts, judges, magistrates and authorities by whom and for regulating the manner in which, any jurisdiction auxiliary or incidental to or consequential on the jurisdiction exercise under this Act is to be exercised within any Provinces and;
- (d) for regulating the amount, collection and application of fees.

5. Every act and thing done, whether before or after the commencement of this Act, in pursuance of any extra-provincial jurisdiction of the Central Government in an area outside the Provinces shall be as valid as if it had been done according to the local law then in force in that area.

Validity of acts  
done in pursuance  
of jurisdiction.

6. (1) If any proceeding, civil or criminal, in a Court established in the Provinces or by the authority of the Central Government outside the Provinces, any question arises as to the exercise or extent any extra-provincial jurisdiction of the Central Government, the Secretary to the Government of India in the appropriate department shall, on the application of the Court, send to the Court the decision of the Central Government on the question, and that decision shall for the purposes of the proceeding be final.

Evidence as in  
existence or extent  
of jurisdiction.

(2) The Court shall send to the said Secretary, in a document under the seal of the Court or signed by a judge of the Court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned to the Court by the Secretary and those answers shall on production thereof be conclusive evidence of the matters therein contained.

(1) The Extra-Provincial Jurisdiction Ordinance, 1947 is hereby repealed.

Repeal and  
saving.

(2) Any order made, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 27<sup>th</sup> day of August, 1947.