

[THE] JUDGES (PROTECTION) ACT, 1985

(ACT NO. 59 OF 1985)^a

[6th September, 1985]

[a] For Statement of Objects and Reasons, see Gaz. of Ind., 22-8-85, Pt. II, sec.2, Ext., p. 8 (No. 48).

An Act for securing additional protection for Judges and others acting judicially and for matters connected therewith.

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

1. Short title and extent.— (1) This Act may be called The Judges (Protection) Act, 1985.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definition.— In this Act, “Judge” means not only every person who is officially designated as a Judge, but also every person—

(a) who is empowered by law to give in any legal proceeding a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive; or

(b) who is one of a body of persons which body of persons is empowered by law to give such a judgment as is referred to in Cl. (a).

3. Additional protection to Judges.— (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of sub-sec. (2), no Court shall entertain or continue any civil or criminal proceeding against any person who is or was a Judge for any act, thing or word committed, done or spoken by him when, or in the course of, acting or purporting to act in the discharge of his official or judicial duty or function.

Section 2

(1) As assessing authority under Kerala Building Tax Act determines annual value of building and consequently tax, observing legal requirements under Act, he is entitled to protection under S. 2 of 1985 Act. (1991) 1 Ker LT 586 (590): (1991) 1 Ker LJ 418.

Section 3

(1) There is no bar under the 1850 Act or 1985 Act to departmental proceedings being initiated against a judicial or quasi-judicial authority if there is prima-facie evidence of misconduct on the part of the authority. (1990) 13 ATC 192 (207) (CAT) (Delhi).

[The] Judicial Commissioners' Courts (Declaration etc.) Act, 1950

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(2) Nothing in sub-sec. (1) shall debar or affect in any manner the power of the Central Government or the State Government or the Supreme Court of India or any High Court or any other authority under any law for the time being in force to take such action (whether by way of civil, criminal, or departmental proceedings or otherwise) against any person who is or was a Judge.

4. Saving.— The provision of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force providing for protection of Judges.