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Public Suits Validation Act, 1932

Section 1 - SHORT TITLE AND EXTENT

PUBLIC SUITS VALIDATION ACT, 1932 PUBLIC SUITS VALIDATION ACT, 1932 11 of 1932 8th April, 1932 STATEMENT OF OBJECTS AND REASONS " Sections 91and92 of the Code of Civil Procedure, 1908, empower the Advocate - General to institute, or to give consent to the institution of certain suits relating to public matters. In order to provide for provinces where there is no Advocate General, or for remoter areas in the Presidencies. Section 93 of the Code provides that these powers of the Advocate-General may be exercised, with the previous sanction of the Local Government, by the Collector or by such officer as the Local Government may appoint in this behalf. Local Governments have taken the view that it is sufficient under this section for them to give previous sanction to the Collector, or to the special officer, generally, and not in respect of each particular suit. Their Lordships of the Privy Council, however, have in a recent case held that the previous sanction of the Local Government must be recorded in respect of each particular suit. - An appeal from Allahabad The result of this decision is that a large number of pending suits will be rendered subject to dismissal through no fault of plaintiffs. The Bill is intended to remove this hardship. It validates all such-suits now pending, and also provides for the retrial of a claim which may have been in the meantime dismissed, whether in the Court instance or in the Court of appeal on the ground of the absence of the requisite sanction." -Gazette of India, 1932. Part V. page 135. An Act to validate certain suits relating to public matters. WHEREAS it is expedient to validate certain suits relating to public matters which may be or have been held to be invalid by reason of the previous sanction of the Local Government in respect thereof not having been obtained as required by Section 93 of the Code of Civil Procedure. 1908It is hereby enacted as follows: - 1) This Act may be called The Public Suits Validation Act, 1932. (2) It extends to all parts of 2[India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States] to which Sections 91-,92-and93 of the Code of Civil Procedure, 1908-, extend.