

**Bill No. 171 of 2016**

THE HIGH COURTS (ALTERATION OF NAMES) BILL, 2016

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BILL

*to alter the names of the High Courts of Bombay, Calcutta and Madras.*

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

1. (1) This Act may be called the High Courts (Alteration of Names) Act, 2016.

Short title  
and  
commencement.

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

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

Definitions.

(a) “appointed day” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

10 (b) “appropriate Government” means, as respects a law relating to a matter enumerated in List I—Union List in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(c) "law" includes any enactment, Ordinance, order, bye-law, rule, regulation, notification, scheme or other instrument having the force of law under the respective jurisdictions of the High Courts of Bombay, Calcutta and Madras.

Alteration of names of High Courts of Bombay, Calcutta and Madras. **3.** As from the appointed day, the High Courts of Bombay, Calcutta and Madras shall be known as the High Courts of Mumbai, Kolkata and Chennai, respectively. 5

Power to adapt laws. **4.** (1) For the purposes of giving effect to the alteration of the names of the High Courts of Bombay, Calcutta and Madras by section 3, the appropriate Government may, before the expiration of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made. 10

(2) Nothing in sub-section (1) shall be deemed to prevent a competent Legislature or other competent authority from repealing or amending any law adapted or modified by the appropriate Government under the said sub-section.

Power to construe laws. **5.** Notwithstanding that no provision or insufficient provision has been made under section 4 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law, may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority. 15

Legal proceedings. **6.** Where immediately before the appointed day any legal proceedings are pending to which the High Courts of Bombay, Calcutta and Madras are parties, the High Courts of Mumbai, Kolkata and Chennai shall respectively be deemed to have been substituted for the High Courts of Bombay, Calcutta and Madras in those proceedings. 20

## STATEMENT OF OBJECTS AND REASONS

The High Courts of Bombay, Calcutta and Madras were established in pursuance of Letters Patent issued by the Queen in terms of the Indian High Courts Act, 1861 passed by the British Parliament. The High Court of Judicature at Madras was established by Letters Patent on 26th June, 1862, while the High Court of Judicature at Calcutta and High Court of Judicature at Bombay were established by Letters Patent on 28th December, 1865. After the Constitution of India came into force, these High Courts have continued to exist and exercise their jurisdiction in terms of article 225 of the Constitution.

2. The High Courts were named after the cities in which they were located. Consequence to the change in the names of these cities, there has been demands for change in the names of High Courts of Bombay, Calcutta and Madras as High Courts of Mumbai, Kolkata and Chennai respectively. At present, there is no central law under which the proposal to change the names of these High Courts can be addressed. The proposed legislation is to address this requirement. It is appropriate and logical that the names of these High Courts are also changed as per the request of the State Governments.

3. In view of the above, it has been decided to change the names of the High Courts of Judicature at Bombay, Calcutta and Madras as the High Court of Judicature at Mumbai, Kolkata and Chennai, respectively.

4. The High Courts (Alteration of Names) Bill, 2016 will bring uniformity between the names of the cities and the names of the High Courts. It will also fulfil the aspiration of the people of the concerned States.

5. The Bill seeks to achieve the above objectives.

RAVISHANKER PRASAD

NEW DELHI;  
*The 15th July, 2016*

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*(Shri Ravi Shanker Prasad, Minister of Law and Justice and  
Electronics and Information Technology)*