

Rules for the Regulation of the Procedure of Officers Appointed to Administer Justice in the Lushai Hills

MIZORAM

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Rule

RULES-FOR-THE-REGULATION-OF-THE-PROCEDURE-OF-OFFICERS of 1937

- Published on 25 March 1937
- Commenced on 25 March 1937
- [This is the version of this document from 25 March 1937.]
- [Note: The original publication document is not available and this content could not be verified.]

Rules for the Regulation of the Procedure of Officers Appointed to Administer Justice in the Lushai HillsPublished vide Notification No. 2530 (a) AP, dated the 25th March, 1937Last Updated 18th February, 2020No. 2530 (a) AP, dated the 25th March, 1937. - In exercise of the powers conferred by Section 6 of the Scheduled Districts Act, 1874 (XIV of 1874), the Governor of Assam is pleased to prescribe the following revised rules for the regulation of the procedure of officers appointed to administer the Lushai Hills. This cancels all previous Orders on the subject:I. General

1.

The administration of the district known as the Lushai Hills is vested in the Governor of Assam, and the Deputy Commissioner of the Lushai Hills and the Assistants and in the chiefs and headmen of villages.

2.

The chiefs and headmen of villages are held responsible for the behaviour of their people, and the Deputy Commissioner and his Assistants will uphold the authority of the chiefs to the best of their ability. All litigation should be discouraged, and appeals should not be admitted against the orders of the chiefs in petty cases.

3.

It shall be the duty of the chiefs and the headmen of villages to report to the Deputy Commissioner or his Assistants all heinous crimes, violent deaths, and serious accidents occurring within their jurisdiction, and all the inhabitants of the Lushai Hills are bound to give aid, when required to do so, for the maintenance of order or the apprehension of offenders.

4.

Subject to the general control of the Governor of Assam, and due regard being had to Lushai or other tribal custom and the hereditary rights of existing families of chiefs, the Deputy Commissioner shall have authority to regulate the succession to villages of deceased chiefs, to appoint authority guardians to minor chiefs, to authorise the partition of existing, and the formation of new villages and to appoint chiefs or headmen to, and fix the number of houses in, such villages. The Deputy commissioner is also empowered to determine the boundaries of lands to be occupied by chiefs and to settle disputes between them regarding such lands. The Deputy Commissioner shall have authority to punish chiefs and headmen, and subject to confirmation by the Governor to depose them for misconduct. The formation of new villages, without the previous sanction of the Deputy Commissioner is forbidden.

II. Taxes, Tribute and Labour

5.

Taxes and Tribute shall be levied at such rates and in such manner as the Governor of Assam may prescribe.

6.

Every chief and headman shall be bound to supply labour for public purposes on the requisition of the Deputy Commissioner or his assistants at the rate of payment as may be fixed by the Deputy Commissioner, with the sanction of the Governor.

III. Arms and Ammunition

7.

(1)The Deputy Commissioner may fix the number and description of fire-arms and the quantity and description of ammunition which may be possessed by any person, village, or community and issue licences accordingly. He may also fix the periods for which such licences shall be valid.(2)The Deputy Commissioner may, if he thinks fit, declare the licences of person residing temporarily in the Lushai Hills who possesses licences under the Arms Act issued in other parts of India to be valid in the Lushai Hills for such periods as he shall decide and may fix the limits of ammunition to be held by such person.(3)All fire-arms for which licences have been issued shall be stamped with the letters L.P. and with a number and the make the description of the weapons shall be entered in a register. This rule, however, does not apply to weapons held under licences made valid under Rule 2; provided that such weapons bear maker's name and number, in which case the maker's name and

number and the description of the weapon will be registered.(4)The number of fire-arms authorised for each village rs one to every fifteen houses with a maximum of 25 for any one village. This limit may at the discretion of the Deputy Commissioner be modified in cases where its strict enforcement would produce hardship.(5)Licences shall be granted in Form XVI or XVI-A or XIX of the Indian Arms Rules, 1951, subject to such alterations and modification as the Deputy Commissioner may decide.(6)There shall be no fee for the issue of licences, or for the renewal of licences of muzzle loading weapons.The initial fee for the grant of a licence for a breech loading weapon shall be Rs. 10 in the case of a pistol or revolver, and Rs. 5 for any other weapon.The annual renewal fee shall be Rs. 5 for a pistol or revolver and Rs. 2-8 for any other breech-loading weapon. Provided that the Deputy Commissioner may permit the holder of a breech-loading weapon to renew his licence for any period upto to 3 years on payment of the combined renewal fees for the period.(7)The following additional instruction shall be inserted in each licence:This gun may be used by all adult made members of the village. The gun shall not be used beyond the boundary of the Chief in whose village the licence-holder lives. If used beyond the village boundaries the gun will be confiscated. No birds shall be shot between April and October, Rhinoceros, elephant and Milhan shall not be shot.(8)The Deputy Commissioner may grant licences to approved persons for the sale of ammunition. The form of vendor's licence shall correspond as far as possible to Form X of the Indian Rules, 1951, and the fee for such licences shall be Rs. 10 annually. Such persons shall sell ammunition in accordance with instructions issued from to time by the Deputy Commissioner.(9)All persons holding licences issued under Rule 7 (1) shall purchase ammunition only at the shops and from the person approved by the Deputy Commissioner under Rule 7 (8) and on written authority from the Deputy Commissioner or Assistant to the Deputy Commissioner, Aijal, or from the Sub-divisional Officer, Lungleh.The Commandant and the Assistant Commandants may issue written authorities on the Assam Rifles' Canteen to supply ammunition up to the limit of the yearly prescribed maximum allowance per weapon held by the Battalion under licence.(10)Rules for the sale of ammunition and for its check from time to time: (i) Licensed vendors will maintain a register in the attached form for all receipts and sales of ammunition, all receipts must be shown in red ink.(ii)Shop licences will on receipt of ammunition inform the Deputy Commissioner, and the Deputy Commissioner will send an officer to supervise the unpacking and verify the contents, after which the receipts will be immediately entered in the. register and initialled by the verifying officer.(iii)The Deputy Commissioner or his Assistant will hold a quarterly check of all ammunition held by vendors. The Sub-Inspector, Aijal will make a surprise check once in a month of all ammunition shops and initial the register in token of having done so.(iv)Ships for ammunition will be destroyed after verification by Deputy Commissioner or Assistant to the Deputy Commissioner, but not by the Sub-Inspector when he inspects the shops.(v)Issue should not be made by vendor on slips when the calendar year for which the slips are issued has expired.(vi)Vendors are responsible that not more is issued than the slips authorize. In the case of gunpowder, shots and caps, issues should not be made by instalments.(vii)Vendors must endorse issues on licences at the time they are made.Name of Month.....

Date	Name of person to whom issued	No. of licence and slips	Gun-powder	Caps	Shot	22 bore	12 bore cartridges
Buck-shot	Ball	Shot	Remarks				

Balance from last
month (in red ink)

Total issues for the
month:

Closing balance for the
month (in red ink)

Note. form is not exhaustive for ammunition of all denominations, hence columns may be inserted or omitted according to stock.(11)The Deputy Commissioner may delegate to Commandant, 1st Assam Rifles or his Assistants, the Sub-divisional Officer, Lungleh, or the Assistant to the Deputy Commissioner Aijal, and may withdraw any or all of the powers given by these Rules.(12)The Deputy Commissioner may, from time to time, issue instructions in conformity with these Rules for the purpose of the control and supervision of arms and ammunition within the district.Care of Ammunition(13)(i)Not more than 100 lbs. at one time will be kept in the Canteen; any surplus will be stored in the magazine under charge of Quarter Master Havildar who will be personally responsible for it.(ii)All gunpowder and caps stored in the Canteen must be kept under lock and key at all times, the key being kept by the Canteen Havildar who will be responsible for the safe keeping of the ammunition and that the rules regarding issues are strictly adhered to.IV. Criminal Justice

8.

Criminal justice shall be ordinarily administered by the Deputy Commissioner and his Assistants.

9.

The Deputy Commissioner shall be competent to pass sentence of death, transportation or imprisonment up to the maximum amount provided for the offence, of whipping, and of fine up to any amount: provided that all sentence of death, transportation or imprisonment of seven years and upwards shall be subject to the confirmation by the Assam High Court.The Assam High Court hereinafter referred to as the High Court or Deputy Commissioner may call for the proceedings of any officer subordinate to him, and may reduce, enhance or cancel any sentence passed or remand the case for retrial but no offence shall be punished by a sentence exceeding that awardable under the Indian Penal Code.Assistants to the Deputy Commissioner shall exercise such powers as they may be invested with the Governor of Assam not exceeding those of a Magistrate of the first class, as defined in the Criminal Procedure code.

10.

An appeal shall lie to the Deputy Commissioner against any order passed by any of his Assistants.An appeal shall lie to the High Court for any sentence passed by the Deputy Commissioner.In respect of magisterial decisions of the Commandant of the Assam Rifles, the Superintendent shall exercise the appellate revisional powers conferred upon the Court of Sessions or the District Magistrate by the Code of Criminal Procedure in the case of decisions of the class of Magistrates with the powers of which the Commandant of Assam Rifles has been invested.

10A.

All appeals must be presented within thirty days from the date of the order appealed against excluding the time taken in proceeding a copy of the order: Provided that an appeal for a sentence of death shall be preferred within seven days from the date of the sentence.

10B.

The Governor may direct an appeal to be presented to the High Court from an original or appellate order of acquittal passed by the Court other than the High Court. Such an appeal shall be presented within thirty days from the date of the order of acquittal excluding the time needed for obtaining a copy of the order.

11.

The procedure of the High Court, Deputy Commissioner and all Magistrates shall be in the spirit of the Code of Criminal Procedure as far as it is applicable to the circumstances of the Lushai Hills and consistent with these Rules. The administration of justice is always to be conducted in the most expeditious and most simple manner compatible with the attainment of the object.

11A.

(i) Whenever, in the course of an inquiry, trial or other proceeding under these Rules, it appears to the High Court or the Court of the Deputy Commissioner that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, express or inconvenience which, under the circumstances of the case would be unreasonable, such Court may dispense with such attendance and may issue a commission for the examination of the witness following the spirit of the Code of Criminal Procedure, 1898.

12.

Whenever, in the course of an inquiry, trial or other proceeding under these Rules before the Court of an Assistant to the Deputy Commissioner, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which under the circumstances of the case, would be unreasonable, such Court shall apply to Deputy Commissioner stating the reasons for the application and the Deputy Commissioner may either issue a commission or reject the application. A note of the substance of all the proceedings in cases tried before them must be kept by the Superintendent and the Magistrates in the form prescribed by Act V of 1898, except in cases requiring a sentence exceeding three years, when a full note of the evidence and proceedings must be kept. Examinations and proceedings shall ordinarily be recorded in English only.

13.

[Omitted].

14.

The Deputy Commissioner and all Magistrates shall keep such registers of criminal cases and submit such returns as the High Court shall from time to time prescribe.

14A.

(1)When the Deputy Commissioner passes sentence of death, the proceedings shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court.(2)The Deputy Commissioner shall inform the accused of the period (namely 7 days) within which, if he wishes to appeal, his appeal should be preferred.(3)In any case submitted under Clause (1) the High Court-(a)may confirm the sentence or pass any other sentence warranted by law, or(b)may annul the conviction and convict the accused of any offence of which the Deputy Commissioner might have convicted him, or order a new trial on the same or an amended charge, or(c)may acquit the accused person :Provided that no order of confirmation shall be made under this clause until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.(4)When a sentence of death passed by the Deputy Commissioner is submitted to the High Court for confirmation, the Deputy Commissioner shall, on receiving the order of confirmation or other order of the High Court thereon cause such order to be carried into effect by issuing a warrant in the form given in Schedule V, No. XXXV, of the Criminal Procedure Code, or similar form, or taking such other steps as may be necessary.(5)The Deputy Commissioner shall fix the time and place of execution, and the time fixed shall not be less than 21 or more than 28 days from the date of issue of warrant.Explanation. - This rule does not affect Rule 853 of the Assam Jail Manual.

14B.

(a)The President or the Governor of Assam, may either upon conditions or without conditions, suspend the execution of any sentence or remit any punishment.(b)If any sentence has been suspended or remitted upon conditions, and in the opinion of the President or the Governor of Assam, as the case may be, those conditions are not fulfilled, the President or the Governor of Assam may cancel the remission and order the sentence to be carried out, and there-upon the person in whose favour the sentence has been suspended or remitted, may, if at large, be arrested by any police officer without warrant and remanded to undergo the unexpired portion of the sentence.

14C.

The President or the Governor of Assam may commute any one of the following sentences for any other mentioned after it:death, confiscation of property, imprisonment, whipping, fine.V. Civil

Justice

15.

The administration of civil justice in the Lushai Hills is entrusted to the Deputy Commissioner and his Assistants, who shall take special cognizance of well established Lushai customs.

16.

No stamp shall be required in any suit brought by house tax paying natives of the Lushai Hills district before the Deputy Commissioner or any of his Assistants, and the parties, if house tax paying natives of the Lushai Hills district, shall be put to no cost further than their own actual expenses. All parties other than house tax paying natives of the Lushai Hills district shall pay fees according to the scales fixed in the Court-fees Act of 1870, No pleaders or mukhtars are to be allowed in any matter between villager and villager; and in all cases where the chiefs are personally concerned they are, as far as possible, to be personally dealt with Agents are only to be allowed when the personal presence the chiefs is inconvenient or impracticable. But chiefs should not be called for appeals of no great importance when a proper record of the chief's orders with reason is before the appellate Court.

17.

There shall be no imprisonment for debt, except in cases where the Deputy Commissioner is satisfied that fraudulent disposal or concealment of property has taken place.

18.

The High Court, or Deputy Commissioner may, on application or otherwise, call for the proceedings of any case decided by any other subordinate to him and pass such orders as he may deem fit. An appeal shall lie to the Deputy Commissioner against any decision of any of his Assistants, and to the High Court against a decision of the Deputy Commissioner, original or appellate, if the value of the suit be rupees five hundred or over, or, if the suit involves a question of tribal rights or customs, or of right to, or possession of, immovable property : Provided that the petition of appeal, accompanied by a copy of the order appealed against and by a clear statement of the grounds of appeal, be filed within thirty days from the date of decision, excluding the time required for obtaining a copy of the decision. An appeal which lies to the High Court may be presented to the Deputy Commissioner, who shall, if it be in order and presented in due time, endorse upon it the date of receipt and transmit it with the records of the case to the High Court. The decree of the appellate Court shall be transferred to the Court passing the original order for execution as a decree of its own.

19.

The High Court and the Courts of the Deputy Commissioner and his Assistant? shall be guided by the spirit of the Code of Civil Procedure, so far as it is applicable to the circumstances of the Lushai

Hills and consistent with these Rules.

20.

[Omitted]

21.

Although the Indian Limitation Act, 1908 (Act IX of 1908), has been barred by Notification No. 5868-A. P., dated the 8th September, 1934, the principles of the Act should be closely followed in dispute between persons not belonging to a Scheduled tribe or tribes specified in items 1 and 2 of Part I, Assam, of the Schedule to the Constitution (Schedule Tribes) Order, 1950.