

Rules for the Administration of Justice and Police in Nagaland

NAGALAND

India

Rules for the Administration of Justice and Police in Nagaland

Rule

RULES-FOR-THE-ADMINISTRATION-OF-JUSTICE-AND-POLICE-IN-NA of 1934

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Rules for the Administration of Justice and Police in NagalandPublished vide Notification No. 2530 (b) A.P.Last Updated 15th February, 2020No. 2530 (b) A.P. Under the powers vested in him by Section 6 of the Schedule Districts Act, 1874, the Governor of Assam is pleased to prescribe the following revised rules for the Administration of Justice and Police in [Nagaland] [Substituted for the words 'Naga Hills District' vide Nagaland Act No. 7 of 1974]. This cancels all previous Orders on the subject.I-General

1.

(1)The administration of the district known as the [Nagaland] [Substituted for the words 'Naga Hills District' vide Nagaland Act No. 7 of 1974] is vested (such tribal authorities as may be constituted according to Rules to be made by the Governor of Assam), the Governor of Assam, the Deputy Commissioner, the Additional Deputy Commissioner and Assistants to the Deputy Commissioner, the mauzadars, gaonburas, chiefs, headmen of khels, or such other classes of Officers as the Governor of Assam may deem fit from time to time to appoint in that behalf, subject to the exceptions, restrictions and rules hereinafter recorded.(2)The Deputy Commissioner, the Assistant Commissioner and Assistants to the Deputy Commissioner, shall be appointed by the Governor. The Governor or the Deputy Commissioner, subject to the control of the Governor, may define the jurisdiction within which Assistants to the Deputy Commissioner may exercise all or any of the powers with which they may respectively be invested under these Rules.(3)In these Rules, except where the contrary appears from the context, the term "Deputy Commissioner" shall include an Additional Deputy Commissioner, as and when appointed, who shall exercise all powers of the Deputy Commissioner.II. Police

2.

The police of the Naga Hills shall consist of-(a)Regular police subject to Act V of 1861 and the Assam Rifles Act, 1920.(b)Rural police, consisting of mauzadars, gaonburas, chiefs headmen of khels and other village authorities recognized as such by the Deputy Commissioner, with their subordinate village authorities.

3.

The control of the police of [Kohima, Mokokchung, Tuensang, Wokha, Zunheboto, Phek and Mon] [Substituted for 'Naga Hills' vide Nagaland Act No. 7 of 1974] is vested in the Deputy Commissioner acting under the orders of the Governor of Assam and in such other officers as the Governor may, from time to time, appoint. Misconduct on the part of the regular police shall be punished in accordance with Act V of 1861, the Assam Rifles Act and Penal Code or any other enactment to which they may be subject, misconduct on the part of the rural police is punishable by dismissal or by fine, which may extend to Rs. 500 or by imprisonment to an extent which would be awardable under the Penal Code for a like offence. Imprisonment may be awarded in lieu of fine, but only by the Deputy commissioner or other Officer duly authorised.

3A.

Rural police shall not be deemed to be police officers for the purposes of Section 26 of the Indian Evidence Act or Section 162 of the Code of Criminal Procedure.

4.

An appeal lies from all orders of mauzadars, gaonburas, chiefs, headmen of khels, and other village authorities in police matters to the Deputy Commissioner, whose orders are final but the Governor of Assam may call for the proceedings of any order should he think fit.

5.

The ordinary rules of the police shall, as far as they are applicable, be observed by the regular police and all returns in matters of accounts and all registers required to be kept by the police, as far as they are applicable, shall be made and kept up.[* * * *] [The words 'The Superintendent of Police, Naga Hills-Tuensang Area shall exercise the power of Inspector-General in the Naga Hills' have been deleted by Nagaland Act 7 of 1974.]

6.

The regular police shall only act when required to do so by general or special order of the Superintendent of Police or Deputy Commissioner or other officer duly authorised, who may assign to the force, any portion of the duties of police under Act V of 1861 in any locality.

7.

The ordinary duties of police shall be discharged by the mauzadars, gaonburas, chiefs, headmen of khels and other village authorities. They shall arrest all criminals and repress all disorders within their respective jurisdictions.

8.

It is the duty of the mauzadars, gaonburas, chiefs, headmen of khels or other village authorities to report to the Deputy Commissioner all crimes, violent deaths or serious accidents occurring in their jurisdiction and all occurrences, whether within or beyond their jurisdiction, which may come to their knowledge, likely to affect (law and order or) the public peace, at the earliest possible moment and to deliver up offenders to the Officer authorised to try them as soon as may be within a period of twenty four hours of arrest excluding the time necessary for the journey from the place of arrest to the Court of such Officer. Occurrences affecting law and order would include causing by any one of excitement to disaffection or attempt to excite disaffection towards the Government established by law; intimidation of any public servant to do any act or to forbear to do any act connected with his duties or intimidation of any other person to induce that person to refrain from doing any lawful act or desist from making legal application for protection against any injury to himself, or to other, to any public servant legally empowered to give such protection.

9.

The mauzadars, gaonburas, chiefs and headmen of khels and village authorities shall watch, report, and under the orders of the Deputy Commissioner, apprehend and deliver up all vagrants or bad or suspicious characters found in their jurisdictions.

10.

On the occurrence of any heinous crime in his jurisdiction, any village officer, who may be by custom or appointment charged with the duty of arresting criminals, shall at once apprehend the offender (if able) and in any case at once report to the mauzadar, gaonbura, chief or headman of a khel who, if the offender has not been apprehended will proceed without delay to the place where the crime occurred and enquire into the matter. If a crime beyond jurisdiction has been committed, he will immediately report it to the Deputy Commissioner or other duly authorised officer, whether the offender has been apprehended or not. Heinous crimes: Rebellion, riot, counterfeiting, coin or passing counterfeit coin, murder, wounding to the injury of life or limb, rape, robbery, dacoity, cattle stealing, arson, house-breaking, forgery.

11.

Mauzadars, gaonburas, chiefs, headmen of khels and all other village authorities may pursue with hue and cry an offender fleeing beyond their jurisdiction and arrest him, but ordinarily no

mauzadar, gaonbura, chief headman of a khel or village authority shall attempt to arrest an offender beyond his jurisdiction without the cognizance and co-operation of the mauzadar, gaonbura, chief, headman of a khel, or chief village authority of the jurisdiction to which the offender has fled. When an offender is traced from one jurisdiction to another, it will be sufficient to point him out to the mauzadars, gaonbura, chief, headman of a khel, or other competent authority of the village to which the offender has fled, and request him to make the arrest.

12.

When the mauzadars, gaonburas, chiefs, headmen of khels, or other chief village authorities feel unable to arrest an offender, they must apply to the Deputy Commissioner or any officer duly authorised, to grant them such aid as he or such officer may consider necessary.

13.

The mauzadars, gaonburas, chiefs, headmen of khels, or other village authorities are empowered to arrest or cause to be arrested and to fine all drunkards and other disorderly persons found brawling out of their houses, and all persons found gambling; the fine not to exceed that awardable under their powers in criminal matters as hereinafter defined.

14.

All the inhabitants of the [Kohima, Mokokchung, Tuensang, Wokha, Zunheboto, Phek and Mon] [Substituted for the words 'Naga Hills' by Nagaland Act 7 of 1974.] who are under the administrative control of the Deputy Commissioner are bound to aid the regular police and village authorities when required to do so for the maintenance of order or the apprehension of offenders, or for the performance of customary duties for public purposes like the repair or upkeep of roads, village foot paths, bridge paths, village wells, construction works etc. Any person failing to do so is liable to fine to be adjudged by the mauzadar, gaonbura, chief, headman of a khel or other chief village authority to the extent he is empowered to award in criminal cases or by the Deputy Commissioner [* * *] [Words 'or by the Sub-divisional Officer, Mokokchung so far as the Mokokchung sub-division is concerned' deleted by Nagaland Act 7 of 1974.] if a fine beyond the amount those officers are authorised to impose is considered necessary. When the particular persons blamable for failure to aid in any community cannot be ascertained, the mauzadar, gaonbura, chief, headman of a khel or chief village authority shall be considered responsible and if it appears that the community is to blame and that the particular offender cannot be discovered, a fine may be imposed upon the community but by the Deputy Commissioner only [* * *] [Words 'or by the Sub-divisional Officer, Mokokchung so far as the Mokokchung sub-division is concerned subject to the approval in writing of the Deputy Commissioner' deleted by Nagaland Act 7 of 1974.]

III-Criminal Justice

15.

Criminal justice shall be ordinarily administered by the Deputy Commissioner, Additional Deputy

Commissioner, Assistant to the Deputy Commissioner and by such tribal Courts as may be constituted according to Rules to be made by the Governor of Assam, the mauzadars, gaonburas, chiefs, headmen of khels, [dobhasis] [Inserted by Act No. 4 of 1983.] or other chief village authorities of the different communities: Provided that the Government of Assam shall have the power to invest any officer of the State Government with the powers of the Deputy Commissioner for the trial of any particular case or cases and the officer so empowered shall exercise all powers of the Deputy Commissioner in this behalf.

15A.

The Additional Deputy Commissioner shall exercise all powers conferred on the Deputy Commissioner by these Rules and the term "Deputy Commissioner" wherever it occurs in this rule or these rules, shall include the Deputy Commissioner.

15AA. [[Inserted by Act No. 4 of 1983.]

The Dobhasis henceforward shall try and decide such criminal cases only as they be referred to them by the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner as the case may be],

15B.

The terms "District Magistrate", "Additional District Magistrate" or "Magistrate of a District", and Sub-Divisional Magistrate" or "Magistrate of a Sub-division" referred to in any law for the time being in force in the [Nagaland] [Substituted for the words 'Naga Hills District' vide Nagaland Act 7 of 1974.] shall, unless there is anything repugnant in the subject or context, be construed as referring respectively to the Deputy Commissioner or Additional Deputy Commissioner and the Sub-divisional Officer.

15C.

In respect of all offences under the Indian Penal Code or under any other law, to be investigated, inquired into, tried and otherwise dealt with according to the provisions of these Rules, the words and expressions defined in Section 2 of the Code of Criminal Procedure [1973] [Substituted for the figures '1989' vide Nagaland Act 7 of 1974.] shall unless a different intention appears from the subject or context be deemed to have the same meanings as assigned to them by that Code, references to the Code being construed, as and where necessary, as referring to the Rules for the Administration of Justice and Police in the [Nagaland] [Substituted for the words 'the District' vide Nagaland Act 7 of 1974.] in so far as they may be made applicable to the district: Provided that if "in any other law" any terms and expressions are defined to bear a special meaning in relation to an offence under that law, such terms and expressions shall also be similarly construed in so far as they may be applicable to the District.

16.

(1)The Deputy Commissioner shall be competent to pass any sentence authorised by law, but all sentences of death passed by him shall be subject to the confirmation of the High Court.(2)The Assistants to the Deputy Commissioner shall exercise such powers, not exceeding those of a Magistrate of the First Class as defined in the Criminal Procedure Code as they may be invested with by the Governor of Assam :Provided that the Governor may, when he thinks fit, invest an Assistant to the Deputy Commissioner either generally, or for the trial of a particular case or cases, with all the powers conferred on the Deputy Commissioner by these Rules except to pass a sentence of death.(3)The High Court of Assam hereinafter referred to as the "High Court" or the Deputy Commissioner, may call for proceedings of any Court subordinate to it or him, and reduce, enhance or cancel any sentence passed, or remand the case for re-trial but no offender shall be punished by a sentence exceeding that warranted by law.

16A.

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.

16B.

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.

16C.

In any case submitted under Rule 16-A. the High Court-(a)may confirm the sentence or pass any other sentence warranted by law, or(b)may annul the conviction of the convict, 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 rule until the period allowed for preferring an appeal has expired, or, if any appeal is presented within such period, until such appeal is disposed of.

16D.

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 I. Form No. 42, of the Criminal Procedure Code, or some similar form, or taking such other steps as may be necessary.

16E.

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.

17.

Mauzadars, gaonburas, chiefs, headmen of khels, [dobhasis] [Inserted by Act No. 4 of 1983.] or other village authorities, sitting with the-village elders or council may dispose of cases in which persons are charged with any crime which is not heinous. They may impose a fine for any offence they are competent to try to the extent of Rule 50. They may award restitution or compensation to the extent of the injury sustained and enforce it by distraint of the properties of the offender. In cases in which the fine is not paid or realised, either in whole or in part, they shall represent the facts and send in the offender to the deputy Commissioner, who may re-try the case and impose such other punishment as he is competent to inflict.

17A.

Tribal Courts may exercise such powers not exceeding those of a Magistrate of the First Class as defined in the Criminal Procedure Code as they may be invested with by the Governor of Assam.

18.

Mauzadars, gaonburas, chiefs and headmen of khels [dobhasis] [Inserted by Act No. 4 of 1983.] or other duly recognised village authorities may carry out their decision or order attachment of property as soon as judgement is pronounced, but in no case is property so attached to be sold, if the party convicted claim to appeal within thirty days, without the orders of the Deputy Commissioner. Mauzadars, chiefs, gaonburas, headmen of khels [dobhasis] [Inserted by Act No. 4 of 1983.] and other duly recognised village authorities may not decide in cases-(a) when the defendant is not a native of the [Kohima, Mokokchung, Tuensang, Wokha, Zunheboto, Phek and Mon] [Substituted for the words 'Naga Hills' vide Nagaland Act 7 of 1974.] or is not resident within their jurisdiction; or (b) when the offence is one against the State, or has caused death or danger to life, or amounts to robbery, or concerns the counterfeiting of coin, or the making of fraudulent documents or the like.

19.

The mauzadars, chiefs, and headmen of khels, [dobhasis] [Inserted by Act No. 4 of 1983.] or other duly recognised village authorities shall not decide any case save in open Darbar in the presence of at least three witnesses and the complainant and accused, whose attendance they are empowered to compel. Either party may appeal from the decision at the time the decision is pronounced, or within thirty days thereof, to the Deputy Commissioner or his Assistant, in which case the mauzadar, gaonbura, chief, headman of a khel, [dobhasis] [Inserted by Act No. 4 of 1983.] or other duly recognised authority will take the parties or cause them to be sent before the tribal Court whenever

constituted, or otherwise to the Deputy Commissioner or his Assistant, together with the persons required to attend as witnesses. The case shall be tried de novo.

20.

An appeal shall lie to the Deputy Commissioner from the decision of any of his Assistants (and of any tribal Court): Provided that no appeal shall lie against the sentence of fine only passed by a Magistrate of the First Class when the amount of fine does not exceed Rule 50.

21.

An appeal shall lie to the High Court from any order of conviction passed by the Deputy Commissioner awarding a sentence of imprisonment for six months or more or of a fine of Rs. 1,000 or more. In respect of the decision of the Commandant or Assistant Commandant of the Assam Rifles exercising the powers of a Magistrate, the Deputy Commissioner shall exercise the appellate and revisional powers conferred upon a Court of Sessions or a District Magistrate by the Code of Criminal Procedure.

21A.

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

21B.

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

21C.

(1) 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, expense 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, 1973] [Substituted for the words and figures 'Code of Criminal Procedure, 1898' by Nagaland Act 7 of 1974.]. (2) 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 the Deputy Commissioner stating the reasons for the application, and the Deputy Commissioner may either issue a commission or reject the application.

21D.

Whenever a commission for the examination of a witness issued under the preceding rule or under any law for the time being in the rest of India is received by the Deputy Commissioner, he, or such of his Assistants having the powers of a Magistrate of the First Class as he may appoint in this behalf, shall execute and return the commission following the spirit of the [Code of Criminal Procedure, 1973] [Substituted for the words and figures 'Code of Criminal Procedure, 1898' by Nagaland Act 7 of 1974.].

22.

The procedure of the High Court, Deputy Commissioner and his Assistants shall be in the spirit of the Code of Criminal Procedure, as far as it is applicable to the circumstances of the district and consistent with these Rules; the chief exceptions are-(a)Only verbal order or notice shall be requisite, except when the regular police or employed or the person concerned is not a resident of or in the district at the time; or, if in the district, but resident beyond, it, where his place of abode is not known, the order shall be made known to the person affected or to some adult member of his family, or proclaimed at the place he was last known to be at, in sufficient time to allow him, if he sees fit, to appear.(b)A note of the substance of all the proceedings in cases tried before them must be kept by the Deputy Commissioner and his Assistants as required by Section 264 of the Code of Criminal Procedure. In case requiring a sentence exceeding three years, a full note of the evidence and proceedings must be kept. Examinations and proceedings shall generally be recorded in English only.(c)The proceedings of mauzadars, gaonburas, chiefs, headmen of khels, [dobhasis] [Inserted by Act No. 4 of 1983.] or other duly recognised village authorities need not be in writing.(d)All fines levied by mauzadars, gaonburas, chiefs, headmen of khels [dobhasis] [Inserted by Act No. 4 of 1983.] or other duly recognised village authorities shall be paid to the Deputy Commissioner or his Assistants or other officers empowered to receive them, within eight days from the date of realization, unless they are immediately paid to the aggrieved party as compensation.(e)It shall be discretionary to examine witnesses on oath in any form, or to warn them that they are liable to the punishment for perjury if they state that which they know to be false.

22A.

(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 thereupon the person in whose favour the sentence had 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.

22B.

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. IV-Civil Rule

23.

The Administration of Civil Justice in the [Kohima, Mokochung, Tuensang, Wokha, Zunheboto, Phek and Mon] [Substituted for the words 'Naga Hills' vide Nagaland Act 7 of 1974.] is entrusted to the Deputy Commissioner, his Assistants, such tribal Courts as may be constituted according to Rules to be made by the Governor of Assam and the mauzadars, chiefs' headmen of khels [dobhasis] [Inserted by Act No. 4 of 1983.] and other chief village authorities

23A. [[Inserted by Act No. 4 of 1983.]

The Dobhasis hence forward shall try and decide such civil cases only as may be referred to them by the Deputy Commissioner or Additional Deputy Commissioner or Assistant to the Deputy Commissioner, as the case may be.]

24.

Mauzadars, gaonburas, chiefs, headmen of khels [dobhasis] [Inserted by Act No. 4 of 1983.] and other village authorities sitting with the village elders in council are empowered to try cases without limit as to amount, but with the following reservations : (a) They may not try suits in which a notice of the plains or notice of another village not resident in their jurisdiction is a party. (b) All suits be decided in open Darbar in the presence of the parties and at least three respectable witnesses.

24A.

Tribal Courts may try and hear such cases and appeals as they may be empowered to try and hear by the Deputy Commissioner with the approval of the Governor of Assam.

25.

Mauzadars, gaonburas, chiefs, headmen of kehls [dobhasis] [Inserted by Act No. 4 of 1983.] and other duly recognised village authorities have to compel attendance of parties to any suit and their witnesses, all such persons being resident within their own jurisdiction, and to fine within the limit of Rs. 50, persons wilfully failing to attend. They have power to award all costs, also compensation, to defendants for unfounded or vexatious suits brought against them.

26.

All proceedings shall be viva voce, and the mauzadars, gaonburas, chiefs, headmen of khels [dobhasis] [Inserted by Act No. 4 of 1983.] or other duly recognised village authorities shall not be called upon to make either record or registry of their decision. After hearing both parties and their witnesses, if any, they shall pronounce a decision forthwith.

27.

Mauzadars, gaonburas, chiefs, headmen of khels, [dobhasis] [Inserted by Act No. 4 of 1983.] and other duly recognised village authorities may carry out their decisions at once and order attachment of property to be made, but in no case is property so attached to be sold if the party cast claim to appeal within thirty days. On such appeal be in made they shall send the parties and their witnesses to Deputy Commissioner or his Assistants forthwith, or as soon as may be, and either accompany them or send one respectable person who has been present at the trial with them.

28.

All notices given by mauzadars, gaonburas, chiefs, headmen of khels, [dobhasis] [Inserted by Act No. 4 of 1983.] and other duly recognised village authorities to parties or witnesses shall be verbal : and for a fixed day not exceeding eight days from the day it given. If a case be postponed, it shall be fixed for a day not exceeding eight days from the order, and as the case may be, subsequently adjourned for a period not exceeding eight days on good cause shown.

29.

The Deputy Commissioner and his Assistants shall not ordinarily hear suils triable by tribal Court, mauzadars, gaonburas, chiefs, headmen of khels, [dobhasis] [Inserted by Act No. 4 of 1983.] or other duly recognised village authorities but they have a discretion to do so whey they think right and suits which under these Rules the village authorities and the tribal Courts cannot try must be tried by the Deputy Commissioner or his Assistants. A Register of all suits tried by the Deputy Commissioner and his Assistants shall be kept in such form as the High Court shall direct.

30.

The Deputy Commissioner and his Assistants shall in all cases in which the parties are indigenous inhabitants of the bills endeavour to induce them to submit their case to a Panchayat. If they agree to this, each party shall name an equal number of arbitrators, and shall choose, or leave the arbitrator to choose an umpire. The name and residences of arbitrators and umpire and the matter in dispute must be recorded before tire proceedings commence and the Court will direct the mauzadar, gaonbura, chief, headman of a Khel, [dobhasis] [Inserted by Act No. 4 of 1983.] or some other recognised authority to assemble the Panchayat and witnesses within eight days. When the case has "been decided, the umpire shall appear with the parties before the Court, which shall

proceed to record the decision and enforce it as its own. From such decision there shall be no appeal.

31.

An appeal shall lie from the decisions of the mauzadar, gaonbura, chief, headman of a khel [dobhasis] [Inserted by Act No. 4 of 1983.] or other duly recognized village authorities (to the tribal Court whenever constituted or otherwise) to the Deputy Commissioner or his Assistant. A record shall be made of the matter in dispute and the decision of the village authorities. If necessary, the Court shall examine the parties, and, if the decision appears to be just, shall affirm and enforce it as one of its own. If the Court sees reason to doubt the justice of the decision, it will try the case de novo, or refer it to a Panchayat as above.

32.

Houses, needful clothing, cooking utensils, or implements, whereby the owner subsists, may not be attached, sold or transferred in execution of a decree, unless themselves be the subject of the suit. Land may be sold or temporarily transferred where custom admits of individual right in it being recognised.

33.

There shall be no imprisonment for debt, excepting in cases where the Deputy Commissioner is satisfied that fraudulent disposal or concealment of the property has taken place; in such case the debtor may be detained for a period not exceeding six months.

34.

The High Court or Deputy Commissioner may, on application or otherwise, call for the proceedings of any case decided by any officer sub-ordinate to him and pass such order as he may deem fit. An appeal shall lie to the Deputy Commissioner against the decision of any of his Assistants (and of any tribal Court) and to the High Court against an original decision of the Deputy Commissioner, if the value of the suit be Rs. 500 or over, or if the suit involves a question of tribal rights or customs, or of right, 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 30 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.

35.

The High Court, and the Courts of the Deputy Commissioner and his Assistants shall be guided by the spirit, but not bound by the letter, of the Code of Civil Procedure.

36.

It shall be discretionary to examine witnesses on oath in any form, or to warn them that they are liable to the punishment for perjury, if they state that which they know to be false.

37.

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 Tribes or Tribes specified in items 1 and 2 of Part I-Assam, of the Schedule to the Constitution (Scheduled Tribes) Order, 1950. Office and Penalty

38.

Whoever not being a mauzadar, gaonbura, chief, headman of a khel [dobhasis] [Inserted by Act No. 4 of 1983.] or member of a duly recognised village authority or arbitrator or umpire appointed under Rule 30, hears or dispose of any suit, case or dispute, imposes any fine or penalty or realises any fees for the disposal of such suits, cases or disputes, shall be punishable with imprisonment of either description for a term not exceeding six months or with fine not exceeding Rs. 500 or with both.

38A.

In the case of any offence punishable with imprisonment of one year or upwards, the Deputy Commissioner, the additional Deputy Commissioner or an Assistant to the Deputy Commissioner, may, at any stage of the investigation or inquiry into, or the trial of the offence, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence or abettor, in the commission thereof: Provided that where the offence is under inquiry or trial no Assistant to the Deputy Commissioner shall exercise the powers hereby conferred unless he himself is making the inquiry or holding the trial except with a written order of the Deputy Commissioner; Provided further that where such a person has been tendered pardon in any case by an Assistant to the Deputy Commissioner, the case shall not be tried by the Assistant who has tendered the pardon.

38B.

(1) Where a pardon has been tendered under Rule 38-A and the Public Prosecutor or any other person conducting the case for the State certified that in his opinion any person who has accepted

such tender has either, be wilfully concealing anything essential or by giving false evidence, not complied with the conditions on which the tender was made, such person may be tried for the offence in respect of which the pardon was so tendered or for any other offence of which he appears to have been guilty in connection with the same matter.(2)The statement made by a person who has accepted a tender may be given in evidence against him at such trial.V. Arms and Ammunition

39.

(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, The number of fire-arms to be licensed for each village is ordinarily limited to one to every 15 hours, but the limit may be modified at the Deputy Commissioner's discretion where its strict enforcements would cause hardship.(2)The Deputy Commissioner may if he thinks fit, declare the licences of persons residing temporarily in the [Kohima, Mokokchung, Tuensang, Wokha, Zunheboto, Phek and Mon] [Substituted for tire words 'Naga Hills' vide Nagaland Act 7 of 1974.] who possessed licences under the Arms Act issued in other parts of India to be valid in the [Kohima, Mokokchung, Tuensang, Wokha, Zunheboto, Phek and Mon] [Substituted for tire words 'Naga Hills' vide Nagaland Act 7 of 1974.] for such periods as he shall decide and may fix the limits of ammunition to held by such persons.(3)All fire-arms for which licences have been issued shall be stamped with the letters N.H. and with a number and the make and 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 39 (2); provided that such weapons bear a maker's name and number, in which case the maker's name and number and the description of the weapon will be registered.(4)Licences shall be granted in Form XVI or XVI-A or Form XIX of the Indian Arms Rules, 1951, subject to such alterations and modifications as the Deputy Commissioner may decide.(5)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 breach 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. 2.50 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 up to 3 years on payment of the combined renewal fees for the period.(6)Every licence granted under Rule 39 (1) may contain a clause to the effect that the weapons covered by the licence may be used by all the adult male members of the village, clan or kindred, as the case may be, Rhinoceros, elephant, mithan and buffalo shall not be shot and birds shall not be shot during the close seasons laid in the Schedule to Form XVI.(7)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 Arms Rules, 1951, and the fee for such licences shall be Rs. 10 annually. Such persons shall sell ammunition in accordance with instructions issued from time to time by the Deputy Commissioner.(8)All persons holding licence issued under Rule 39 (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 in the case of Mokokchung Sub-division, from the Sub-divisional Officer.(9)The Deputy Commissioner may delegate to the Sub- Divisional Officer, Mokokchung and withdraw from him any or all of the powers given by these Rules.(10)The

Deputy Commissioner may, from time to time, issue instruction in conformity with these Rules for the purpose of the control and supervision of arms and ammunition within the district.(11)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 licencees will on receipt of ammunition inform the Deputy Commissioner, who 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 one of his Assistants will hold a quarterly check of all ammunitions held by vendors. The Sub-Inspector, Kohima or Mokokchung will make a surprise check once in a month of all ammunition shops and initial the register in token of having done so.(iv)Slips 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 or before the date entered on the slip.(vi)Vendors are responsible that not more is issued than the slips authorize. In the case of gunpowder, shots and caps, issued should not be made by instalments.(vii)Vendors must endorse issue 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 catridges	16 bore catridges
Ball	Shot	Ball	Shot					
	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.