

The North Cachar Hills Autonomous Districts (Administration of Justice) Rules, 1955

ASSAM

India

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Rule

THE-NORTH-CACHAR-HILLS-AUTONOMOUS-DISTRICTS-ADMINISTRATION of 1955

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The North Cachar Hills Autonomous Districts (Administration of Justice) Rules, 1955Published vide Notification No. LB 3/55, dated 22nd February, 1955Last Updated 10th February, 2020Notification No. L-B/3/55. - In exercise of the powers conferred under sub-paragraph (4) of Paragraph 4 of the Sixth Schedule to the Constitution of India, the North Cachar Hills District Council, with the previous approval of the Governor of Assam, is pleased to make the following rules, namely-

Chapter I Preliminary

1.

(1)These Rules may be called the North Cachar Hills Autonomous District (Administration of Justice) Rules, 1955.(2)These Rules shall apply to the whole of the North Cachar Hills Autonomous District.(3)They shall come into force at once but the Courts constituted under these rules shall commence functioning on such date as the Executive Committee may, by notification in the Gazette, appoint in this behalf, hereinafter referred to as "the appointed day".

2.

(1)In these rules, unless there is anything repugnant or the context otherwise requires,-(a)"adult" means a person belonging to a Scheduled Tribe who is not less than twenty-one year years of age on

such date as may be fixed in that behalf by the District Council;(b)"appointed day" means the date appointed under sub-rule (3) of Rule 1 of these Rules;(c)"Autonomous District" means a Tribal Area deemed as such under Paragraph 1 (1) of the Sixth Schedule to the Constitution of India, and the term "District" shall be construed accordingly;(d)"Constitution" means the Constitution of India;(e)"Deputy Commissioner" includes the Sub-Divisional Officer, North Cachar Hills;(f)"District Council" means the District Council of the North Cachar Hills Autonomous District constituted under the provisions of the Sixth Schedule to the Constitution, and in accordance with the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951;(g)"Executive Committee" means the Executive Committee of the North Cachar Hills District Council constituted under the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951, and the terms "Chief Executive Member" and "Member of the Executive Committee" shall be construed accordingly;(h)"Gazette" means the Assam Gazette;(i)"Governor" means the Governor of Assam;(j)"High Court" means the High Court of Assam;(k)"Schedule Tribe or Tribes" means such tribe or tribes as are specified by the President of India under Article 342 (1) of the Constitution as modified by law made by Parliament from time to time in so far as the specification pertains to the Autonomous Districts of Assam;(l)"Village" means an area declared as such by the District Council.(2)"Village Council" means a Village Council Constituted for a village under Rule 4.Note. - Any expressions not defined in these rules but occurring therein, shall be deemed to have the same meanings in which they are used in the Constitution, or in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1898 or the Code of Civil Procedure, 1908, as the case may be; in so far as they are consistent with the circumstances of the particular case or cases.

3.

Except where the context otherwise requires, the General Clauses Act, 1897 and the Assam General Clauses Act, 1915, shall apply for the interpretation of these rules, as they apply for the interpretation of these rules, as they apply for the interpretation of an Act of Parliament or of the Legislature of the State of Assam, as the case may be.

Chapter II

Constitution of Village Councils

4.

(1)There shall be a Village Council for each Village within the jurisdiction of the District Council, to be composed in the manner hereinafter provided in sub-rule (2) of this rule.(2)Each Village Council shall be composed of not less than seven and not more than nine members. Two-thirds of the members shall be elected by the adult members of the Village and one-third shall be nominated by the Executive Committee.(3)Subject to the provision of sub-rule (2), the District Council shall decide as to how many members shall constitute the Village Council in respect of each village.(4)There shall be a President and a Vice-President of each Village Council. The President shall be nominated by the Executive Committee and the Vice-President shall be elected by the members from amongst themselves.(5)Every Village Council shall have a life of five years from the date of its first meeting

unless dissolving earlier by the District Council.(6)For the purpose of this rule, the District Council shall publish in the Gazette a list of Villages within its jurisdiction.

Chapter III

Constitution of Courts

5.

There shall be three classes of Courts, as specified below, in the areas within the North Cachar Hills Autonomous Districts, to be constituted by the District Council for the trial of suits and cases between the parties all of whom belong to a Scheduled Tribes within such areas, other than suits and cases to which the provisions of sub-paragraph (1) of Paragraph 5 of the Sixth Schedule to the Constitution apply-(1)Village Courts.(2)Subordinate District Council Court.(3)District Council Court.I. Village Courts

6.

(1)The Village Council for each village or a smaller body consisting of not less than three members of the Council as elected by the Council in this behalf shall sit as the Village Court:Provided that where the Village Council sits itself as a Court the quorum to constitute a Court shall be three members or one- fifth of the total number of members of such Council, whichever is greater:Provided further that until a Village Court is constituted under this rule, such Chief Village authority as may be appointed by the District Council shall exercise the powers of a Village Court constituted under these Rules.(2)The jurisdiction of a Village Court shall extend to the hearing and trial of suits and cases arising within the territorial limits of the village.II. Subordinate District Council Court

7.

(1)There shall be one Subordinate District Council Court at Haflong. The Court shall be presided over by one or more judicial officers as may be prescribed and appointed by the District Council with the approval of the Governor and such Judicial Officer, or if there is more than one Judicial Officer, such as may be nominated by the District Council, shall act as the President and the Recorder of the Court:Provided that the Chief Executive Member or a Member of the Executive Committee or any Member of the District Council shall not be eligible to hold office as such Judicial Officer.(2)The jurisdiction of the Court at Haflong shall extend to the hearing and trial of suits and cases arising within the North Cachar Hills Autonomous Districts.(3)The Executive Committee of the District Council shall provide the Subordinate District Council Court with such clerical staff as may be required to enable the Court to keep all necessary records and registers and to issue summons in the name of the Court.

8.

(1)Notwithstanding anything contained in Rule 7, the District Council with the previous approval of the Governor, may-(a)Constitute by order notified in the Gazette an Additional Subordinate District Council Court or Courts with such powers, jurisdiction and seat as may be specified in the order, in respect of areas within the Autonomous District and make consequential alteration in the jurisdiction of the Courts established under Rule 7;(b)appoint a single Judicial Officer for the trial of a particular class or classes of suits and cases or for the trial of cases generally in any area within the jurisdiction of the District Council.

9.

The conditions of service of Judicial Officers of the Subordinate District Council Court and the staff appointed therefor shall be regulated by the rules or orders made or issued, as the case may be, under Rule 15 of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951.III.
District Council Court

10.

(1)There shall be one District Council Court for the North Cachar Hills Autonomous District which shall be called the North Cachar Hills District Court. The Court shall consist of one or more Judicial Officers as may be prescribed by the District Council with the approval of the Governor. The Judicial Officer as may be nominated by the District Council shall also act as a President and Recorder of the Court.(2)In the event of the District Council Court consisting of more than one Judicial Officer, the District Council may direct any two or more Judicial officers to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferable by or under these rules on Judicial Officer, and direct it to exercise such powers in such class or classes of cases only, and within such local limits as the District Council thinks fit:Provided that in the case of difference of opinion between the two Judicial Officers sitting together as a Bench the case shall be referred to the third Judicial Officer and the opinion of the majority shall prevail.

11.

The District Council shall appoint Judicial Officer or Officers of the District Council Court subject to the approval of the Governor;Provided that the Chief Executive Member or a Member of the Executive Committee or any Members of the District Council shall not be entitled to hold office as Judicial Officer.

12.

The District Council Court shall ordinarily sit at Haflong. The Court may sit at such other place or places as may be directed by general or special order by the District Council for the disposal of a particular case or cases or class or classes of cases specified in the order.

13.

The conditions of service of Judicial Officers of the District Council Court shall be regulated by the rules or orders made or issued, as the case may be, under Rule 15 of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951.

Chapter IV

Powers of Courts

I. Village Courts

14.

A Village Court shall try suits and cases of the following nature in which both the parties belong to a Scheduled Tribe or Tribes resident within its jurisdiction-(a)Cases of civil and miscellaneous nature falling within the purview of village or tribal laws and custom;(b)Criminal cases falling within the purview of tribal laws and customs and offences of petty nature such as petty theft and pilfering, mischief and trespass of petty nature, simple assault and hurt, affront and affray of whatever kind drunken or disorderly brawling, public nuisance and simple cases of wrongful restraint:Provided that the Village Court shall not be competent to try offences in respect of which the punishment of imprisonment is obligatory under the Indian Penal Code.

15.

(1)A Village Court shall not be competent to pass a sentence of imprisonment in any criminal case. It shall power to impose a fine for any offence it is competent to try, upto a limit of Rs. 50.00 (Rupees fifty). It may award payment in restitution or compensation to the aggrieved or injured party in accordance with the customary law.(2)In a civil case a Village Court shall have power to award all costs, as also compensation to those against whom unfounded or vexatious suits and cases have been instituted before the Court.(3)The fines and payments imposed and ordered under sub-rules (1) and (2) may be enforced by distraint of the property of the offender.

16.

A Village Court shall have power to order attendance of the accused and the witnesses to be examined in the case and to impose a fine not exceeding Rs. 25.00 (Rupees Twenty five only) on any person wilfully failing to attend when so ordered.

17.

If any person on whom a fine, or any payment has been imposed by a Village Court fails to deposit the amount at once or within such time as the Village Court may allow, the Court shall report the

matter to the District Council for necessary action to realise the fine or dues in such manner as it may deem fit unless the accused persons give notice to appeal against such decision.

18.

Where a Village Court is of opinion that the sentence it is competent to pass is insufficient in the circumstances of the case it shall without delay refer the case to the competent Court, and that Court shall dispose of the case in accordance with these rules.

19.

Subject to Rule 31, an appeal shall lie to the Subordinate District Council Court or Additional Subordinate District Council Court, as the case may be, from a Village Court within the jurisdiction of the Subordinate District Council Court or Additional Subordinate District Council Court concerned against any order or sentence in a criminal case, or against any decision in any other case, provided the appeal is preferred within sixty days of the conviction or sentence or decision of the Village Court, excluding the time for getting copies of the order or decision appealed against. The Subordinate District Council Court or the Additional Subordinate District Council Court while hearing the appeal may either decide the appeal after perusal of the records of the case or may try the case de novo.

20.

Save as otherwise provided in the Constitution and in these rules the Subordinate District Council Court shall exercise such powers as defined in Chapter III of the Code of Criminal Procedure, 1989, as it may be invested with by the Executive Committee of the District Council with the approval of the Governor.

21.

The Subordinate District Council Court shall have original jurisdiction in all suits and cases in which both the parties do not fall within the local jurisdiction of the same Village Court, but within the areas under the jurisdiction of the Subordinate District Council Court and also in cases and suits referred to it by a Village Court under Rules 18.

22.

The Subordinate District Council Court shall be competent to try all suits and cases in which both the parties belong to a Scheduled Tribe or Tribes resident within the jurisdiction of the Subordinate District Council Court, other than the suits and cases referred to in Rule 23.

23.

(1)The Subordinate District Council Court shall not be competent to try suits and cases-(a)to which the provisions of sub-paragraph (1) of Paragraph 5 of the Sixth Schedule to the Constitution apply, unless the Court has been authorised by the Government to exercise such powers for the trial of particular class or classes of cases and suits specified in that behalf by the Governor as required under the said sub-paragraph (1) of Paragraph 5 of the Sixth Schedule;(b)in which one of the parties is a person not belonging to a Schedule Tribe;(c)in respect of offences-(i)under Sections 124-A, 147 and 163 of the Indian Penal Code;(ii)under Chapter X of the same Code in so far as they relate to the competent of a lawful authority other than an authority constituted by the District Council;(iii)of giving or fabricating false evidence, as specified in Section 193 of the Same Code, in any case triable by a Court other than a Court constituted by the District Council under these rules.(2)Unless specially empowered by the Governor by notification in the Gazette, the Subordinate District Council Court shall not be competent to exercise powers in-(a)cases relating to the security for keeping the peace and good behaviour similar to those contemplated under Section 107 of the Code of Criminal Procedure, 1898;(b)cases relating to the security for good behaviour from persons disseminating seditious matter similar to those contemplated under Section 108 of the same Code;(c)cases relating to the security for good behaviour from vagrants and suspected persons similar to those contemplated under Section 109 of the same Code;(d)cases relating to the security for good behaviour from habitual offenders similar to those contemplated under Section 110 of the same Code;(e)urgent cases of nuisance or apprehended danger similar to those contemplated under Section 144 of the same Code;(f)disputes as to immovable property of the nature similar to that contemplated under Section 145 of the same Code;(g)cases in which a public servant who is not removable from his office save by or with the sanction of the Government of Assam or some higher authority is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty.

24.

(1)Suits and cases referred to in Rule 23 shall continue to be tried and dealt with by the existing Courts until such time as the Governor deems fit to invest the Subordinate District Council Court with such powers by notification in the Gazette.(2)For the purposes of this rule the existing Courts means the Courts of the Deputy Commissioner and his Assistants.

25.

Whenever, there is any likelihood or breach of peace or whenever any person accused of any offence involving breach of peace, or of abetting the same or any person accused of committing criminal intimidation is convicted of such offence by any Court of the District Council and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace, the matter shall be referred to the Deputy Commissioner who shall take necessary action in accordance with law.

26.

Whenever, any Court of the District Council is informed that-(a)any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of peace, or disturb the public tranquillity;(b)there is within the limits of its jurisdiction any person who within or without such limits, either orally or in writing or in any other manner intentionally disseminates or attempts to disseminate, or in any way abets the dissemination of, -(i)any seditious matters, that is to say, any matter the publication of which is punishment under Section 124-A or Section 153-A of the Indian Penal Code; or(ii)any matter concerning a Judge which amounts to criminal intimidation or defamation under the Indian Penal Code;(c)any person is taking precautions to conceal his presence within the local limits of such Court's jurisdiction, and there is reason to believe that such person is taking such precautions with a view to committing any offence; or there is any person within limits a person who has no ostensible means of subsistence or who can not give a satisfactory account of himself;(d)any person while the local limits of the Court's jurisdiction-(i)is by habit a robber, house-breaker, thief or forger; or(ii)is by habit a receiver of stolen property knowing the same to have been stolen; or(iii)habitually protects or harbours thieves or aids in the concealment or disposal of stolen property; or(iv)habitually commits, or attempts to commit or abets the commission of the offence of kidnapping, abducting, extortion, cheating or mischief or any offence punishable under Chapter XII of the Indian Penal Code or under Section 489-A Section 489-B; Section 489-C or Section 489-D of that Code;(v)habitually commits, or attempts to commit or abets the commission of offences involving a breach of the peace; or(vi)is so desperate and dangerous as to render his being at large without security hazardous to the community, the Court shall refer the matter to the Chief Executive Member for reference to the Deputy Commissioner who shall, on such reference being made to him, deal with the case in accordance with law.

27.

In case whether, in the opinion of the Court of the District Council is sufficient ground for proceeding under Section 144 of the Code of Criminal Procedure, 1898 and immediate preventive or speedy remedy is desirable, such Court shall refer the matter to the Chief Executive Member for making a reference to the Deputy Commissioner who shall on such a reference being made to him take such action as he considers necessary under the said Section.

28.

Whenever a Court of the District Council is satisfied that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within the local limits of its jurisdiction, such Court shall refer the matter to the Deputy Commissioner through the Chief Executive Member and the Deputy Commissioner, whenever such a reference is made to him shall take such action as he considers necessary under the law.

29.

In criminal cases, the Subordinate District Council Court or Additional Subordinate District Council Court may, subject to the provisions of the Constitution and of these rules, pass any sentence authorised by any law for the time being in force. Whenever such a Court is of opinion, after hearing the evidence for the prescription and the accused, that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than that which it is empowered to inflict it may record the opinion and submit its proceedings to the competent Court.

30.

An appeal shall lie to the District Council Court from the decision of the Subordinate District Council Court in any case, civil or criminal: Provided that such appeals are accompanied by a copy of the order appealed against and a clear statement of the grounds of appeal and are filed within sixty days of the date of the order, excluding the time required for obtaining a copy of the order appealed against.

31.

Subject to the provisions of Rules 33 and 34, the District Council Court shall be a Court of Appeal in respect of all suits and cases triable by the Subordinate District Council Court and Additional Subordinate District Council Courts.

32.

(1) The District Council Court may, subject to the provisions of these rules, pass any order on appeal authorised by any law for the time being in force. (2) The District Council Court may call for and examine the record of any proceedings of the Subordinate District Council Court or a Village Court and may enhance, reduce, cancel or modify and sentence or finding passed by such Court or remand the case for retrial.

33.

(1) If it appears to the District Council Court—(a) that a fair and impartial inquiry or trial can not be held in any Village Court or Subordinate District Council Court; (b) that some question of law, tribal or otherwise, of unusual difficulty is likely to arise; or (c) that such an order is expedient for the ends of justice or is required by any provisions of these rules or any law applicable to the case; It may order—(i) that any offence be inquired into or tried by another Village Court of the Subordinate District Council Court; (ii) that any particular case or class of cases be transferred from one Village Court to another Village Court or from one Village Court to the Subordinate District Council Court; (iii) that any particular case be transferred to and tried before itself. (2) When the District Council Court withdraws for trial before itself any case from any Court other than Court of origin it shall observe in such trial the same procedure which that Court would have observed, if the case had

not so been withdrawn.(3)The District Council Court may an either on the report of the lower Court or on the application of a petty interested or on its own initiative.

34.

(1)When any person is convicted of an offence which the District Council Court is competent to try under these rules, and no previous conviction is proved against the offender, if it appears to that Court, regard being had to the age, character or antecedents of the offender, and to the circumstances, in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties to appear and receive sentence when called upon during such period not exceeding three years as the Court may direct and in the meantime to keep the peace and be of good behaviour:Provided that, where any first offender is convicted by a Subordinate District Council Court and the Court is of opinion that the powers conferred by this rule should be exercised, it shall record its opinion to that effect, and submit the proceedings to the District Council Court forwarding the accused to or taking bail for his appearance before such Court which shall dispose of the case in the manner provided by Rule 35.(2)in any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Indian Penal Code punishable with not more than two years imprisonment and no previous conviction is proved against him, the District Council Court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents, or physical or mental condition of the offender and to the tribal nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him any punishment release him after due admonition.Provided that, where a personal is convicted of such offence by the Subordinate District Council Court and no previous conviction is approved against him, and the Court is of opinion that the powers conferred by this rule should be exercised, it shall record its opinion to that effect and submit the proceedings to the District Council Court forwarding the accused to, or taking bail for his appearance before such Court which shall dispose of the case in the manner provided by Rule 35.(3)The provisions of Sections 122, 126-A and 406-A of the Code of Criminal Procedure shall apply mutatis mutandis in the case of sureties offered in pursuance of the provisions of this rule.

35.

Where proceedings are submitted to the District Council Court under Rule 34 such Court may thereupon pass such sentence or make orders as it might have passed or made if the case had originally been heard by it and, if it thinks further inquiry or additional evidence on any point to be necessary, it may make such inquiry or take such evidence itself or direct such inquiry or evidence to be made or taken.

36.

(1)If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the

conditions of his recognisance, it may issue a warrant for his apprehension.(2)An offender when apprehended on any such warrant shall be brought before the Court issuing the warrant as soon as may be within a period of twenty-four hours of apprehension excluding the time necessary for the journey from the place of apprehension to such Court and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence. Such Court may, after hearing the case, pass sentence.(3)A warrant for the apprehension of an offender under sub-rule (1) shall ordinarily be directed to the Deputy Commissioner through the Chief Executive Member but the Court may, if its immediate execution is necessary, direct it to any other person or persons, and such person or persons shall execute the same.

37.

The Court directing the release of an offender under sub- rule (1) of Rule 34 shall be satisfied that the offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

38.

Subject to the provisions of these rules, the District Council Court may adjudicate any civil case arising within its jurisdiction provided both the parties to the case belong to a Scheduled Tribe or Tribes resident in the district.

39.

(1)In a Criminal case the District Council or the Governor may direct an appeal to be presented to the District Council Court from any order passed by a Village Court or the Subordinate District Council Court.(2)An appeal under sub-rule (1) shall be presented within 90 days of the date of order appealed against excluding the time needed for obtaining a copy of the order.

Chapter V Procedure

I-Village Courts

40.

A Village Court shall try all suits and cases in accordance with the customary laws of the Village.

41.

A Village Court shall try all cases in open Darbar in the presence of at least three witnesses and of the complainant and the accused and shall decide the issue by a simple majority of votes. After hearing both parties and their witnesses, if any, it shall pronounce a decision forthwith.

42.

Except where a Village Court otherwise decides, only verbal notice is required to be given by the Village Court to parties to a suit and their witnesses and for a fixed day not exceeding eight days from the day it is given. If a case be postponed, it shall be fixed for a day not exceeding 15 days from the date of the order of postponement, and the case may be subsequently adjourned for a period not exceeding 7 days at a time on good cause shown. The order shall be made known to the person concerned or to some adult members of his family, and failing this, shall be openly proclaimed at the place where he is or was known to be, or shall be communicated to him or any member of his family by a written notice in sufficient time to allow him. to appear.

43.

(1)The proceedings of a Village Court need not be recorded in writing but the Subordinate District Council Court may require a Village Court or Courts to report its or their proceedings in any way which appears to its suitable.(2)Registers of all suits and cases disposed of by a Village Court shall be kept by the Court in the Forms in Appendix I.

44.

A Village Court may carry out its decision or may, subject to the provisions of Rule 57 order attachment of property as soon as judgement is pronounced but in no case property so attached is to be sold, if the party concerned claim to appeal within 60 days, without the orders of the District Council.II-Subordinate District Council Courts and District Council Court

45.

(1)In Criminal cases the procedure of the Subordinate District Council Court and the District Council Court shall, subject to the provisions of this rule be in the spirit of the Code of Criminal Procedure, 1898, so far as it is applicable to the circumstances of the district and not inconsistent with these rules. The Chief exceptions are-(2)Where a Court constituted under these rules requires in course of the discharge of its functions, the service of the regular police which is at the disposal of the Deputy Commissioner, that Court may send a requisition for such services to the Deputy Commissioner who will generally comply with such requisition unless he considers the compliance to be not possible for any special reasons.(3)Summons on any person residing outside the jurisdiction of the North Cachar Hills Autonomous district or on a person who does not belong to a Scheduled Tribe shall be issued by a Court through the Deputy Commissioner of the District.(4)A

note on the substance of all the proceedings in cases tried before them must be kept by the District Council Court and the Subordinate District Council Court in the Forms prescribed in Appendix II. In cases in which a sentence of imprisonment of not less than three months is imposed full note of the evidence and proceeding must be kept. (5) There shall be no preliminary enquiries by regular or village police unless the District Council Court or subordinate District Council Court sees fit to direct one. (6) Recognisance to appear need not be taken unless it seems necessary to the District Council Court. (7) Examinations and proceedings in the Subordinate District Council Court or District Council Court generally shall be in English or in any of the recognised languages of the district. (8) It shall not be necessary to examine witnesses upon oath or affirmation unless the accused so desires. It shall suffice if the District Council Court or the Subordinate District Council Court at the commencement of any trial, informs the accused that, if he so desires, the witnesses, will be put on oath. It is, however, at all times optional with the Court to put the witnesses, on oath or affirmation, but witnesses, whether on oath or affirmation or not, shall be punishable for giving false evidence.

46.

In addition to such other Registers as may be directed by the High Court, the following Registers shall be kept in the District Council Court and the Subordinate District Council Court in the Forms prescribed in Appendix III.

1. Registers of petitions.

2. Registers of crimes.

3. Registers of criminal cases disposed of.

4. Registers of fines.

47.

(1) In all civil cases the District Council Court and the Subordinate District, Council Court shall adjudicate according to law, justice and equity and good conscience consistent with the circumstances of the case. (2) It shall be discretionary to examine witnesses on oath or affirmation in any form or to warn them that they are liable to punishment for perjury if they state that which they know to be false.

48.

Any Court before which an appeal in a civil suit is filed, may before admitting the appeal, order the deposit by the appellant of all reasonable expenses likely, in the opinion of the Court, to be incurred by the respondent in the hearing of the appeal or may order security to be given for such expenses, and if the appellant be a judgement-debtor may also order security to be given for part or the whole of the decretal amount.

49.

In civil cases, the procedure of the District Council Court or the Subordinate District Council Court shall be guided by the spirit, but not be bound by the latter of the Court of the Civil Procedure, 1908 in all matters not covered by recognised customary laws or usages of the District.

50.

The decree of the appellate Court in a Civil case shall be transferred to the Court passing the original order for execution as a decree of its own.

51.

There shall be no imprisonment for debt, exception in cases where the District Council Court or the Subordinate District Council Court is satisfied that fraudulent disposal or concealment of property has taken place and in such cases the debtor may be detained for a period not exceeding six months.

52.

Any Legal Practitioner, may appear in any case before the District Council Court or the Subordinate District Council Court: Provided that in cases where an accused is not arrested, the Legal Practitioner shall take previous permission of the District Council for such appearance.

53.

Whenever, in the course of an enquiry, trial or other proceedings under these rules before any Court it appears that a commission ought to be issued for examination of a witness whose evidence is necessary for the ends of justice and that the attendance of such witness can not 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.

Chapter VI

Execution of Sentences, Decrees and Orders

54. Execution.

(1) Whenever a Village Court has sentence an offender to pay a fine in a criminal case or has passed an order for the payment of any money by a person in a civil suit the Court may, subject to the provisions of Rule 39-(a) issue a parwana for the payment of the amount by the offender of the person concerned; (b) may apply, in writing, to the Chief Executive Member of the District Council to

realise the amount of execution according to the Civil process against the movable or immovable property, or both of the defaulter.(2)Where an application is made, under clause (b) of sub-rule (1) to the Chief Executive Member, the application shall be deemed to be a decree and the Chief Executive Member to be the decree holder. He shall get the decree executed according to the spirit of the Civil Procedure Code.(3)In the event of the non-recovery of the amount of execution the Chief Executive Member may, by an application, move the Subordinate District Council Court for the arrest and detention of the offender or the person concerned in execution of the decree.(4)Whenever an application is made under sub-rule (3) the said Court may order the arrest and detention of the offender or the person concerned in execution of the decree according to the spirit of the Criminal Procedure Code.

55.

(1)Subject to the provisions of Rules 45 and 49 the Subordinate District Council Court or Additional Subordinate District Council Court or the District Council Court shall cause a sentence, order or decree passed by it, to be carried into effect in accordance with the procedure prescribed by the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, as the case may be, references therein to the "Collector of the District" being constructed as referring to the "Chief Executive Member of the District Council".(2)Every warrant for the execution of a sentence of imprisonment shall be directed to the Officer-in-Charge of the Jail by the State Government in which the prisoner is, or is to be confined through the Deputy Commissioner.(3)When the prisoner is to be confined in a Jail, the warrant shall be lodged with the Jailor through the Deputy Commissioner.

56.

Whenever a Parwana (Warrant) is issued by a Court against a person who is absconding or is concealing himself in connection with any criminal proceedings, any property, movable or immovable belonging to him is liable to attachment according to the civil process prescribed in Rule 57 of these rules.

57. Attachment of Property.

(1)Property, movable or immovable, belonging to the judgement-debtor, ever which or the profits of which he has a disposing power which he may exercise for is own benefit, whether the same he held in the name of the judgement-debtor or by another person in trust for him or in his behalf is liable to attachment and sale in execution of a decree:Provided that houses, needful clothing, cooking utensils or implements whereby the owner subsists should not be attached or sold in execution of a decree unless themselves the subject matter of the case or suit. Land may be sold or temporarily transferred where custom admits of individual right in it being transferred.(2)Nothing in this rule shall be deemed to exempt houses and other buildings (with the materials and the sites thereof and the lands immediately appurtenant thereto and necessary for their enjoyment) from attachment or sale in execution of a decree for rent of any such house, building, site or land or if themselves the subject of the suit.(3)Subject to the provisions of Rules 44 and 55 the procedure for the attachment of the property shall be in the spirit of the Code of the Criminal Procedure, 1898, or the Code of Civil

Procedure, 1908, as the case may be.

58. Miscellaneous.

- Whenever, any Court passes any order for the detention of a lunatic accused the District Council shall refer the matter to the Deputy Commissioner, who shall deal with the case following the spirit of the Code of Criminal Procedure, 1898 and in accordance with rules made by the Government of Assam under the Indian Lunacy Act, 1912.

59.

No Judicial Officer shall, except with the permission of the Court to which and appeal lies from his Court, try, or commit for trial any case to or in which he is a party, or personally interested, and no Judicial Officer shall hear an appeal from any judgement or order passed or made by himself. Explanation. - A Judicial Officer shall not be deemed to be a party or personally interested within the meaning of this rule to or in any case by reason, only that he is a Member of any Town Committee or otherwise concerned therein in a public capacity or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

60. Repeal and Saving.

(1) The provisions of the Rules for the Administration of Justice in the North Cachar Hills Sub-Division published under the Government of Assam Notification No. 2530 (c)-A.P., dated the 25th March, 1937, as subsequently modified and adopted, in so far as they relate to the matters dealt with in these Rules, are hereby repealed with effect from the appointed day. (2) Notwithstanding such repeal every suit, appeal, application for revision, proceedings and other business relating to both Civil and Criminal justice, pending on appointing day before the Court of the Deputy Commissioner, United District of Mikir and North Cachar Hills or his Assistants or the Sub-Divisional Officer, North Cachar Hills shall be transferred or deemed to have been transferred for disposal to the Court which would have been competent to entertain and dispose of such suit, appeal, application for revision, proceedings or business, had these rules been in force on the date of institution or commencement of the same and the latter Court shall deal with and dispose of the same in accordance with law. Appendix I [Vide Rule 43(2)] I-Registers of Petitions

1. Date.

2. Name of Petitioner.

3. Subject of Petition.

4. Name of defendant.

5. Date for hearing.

6. Date of disposal and how disposed of, viz.

Decree for plaintiff or decree for defendant, or withdrawn, as the case may be. II-Register of Cases Name of parties. Subject of claim. Before what Court tried. In case proceeded with ex-parte whether notice on defendant is proved or, where both or all parties are present or represented, that they are so present or represented. Statement of plaintiff. Statement of defendant. Evidence for plaintiff. Evidence for defendant. judgement and finding of the Court. Order as to costs. III-Register for Execution

1. Date.

2. Name of decree holder.

3. Name of judgement-debtor.

4. Name of property to the attached.

5. Date of issue of attachment.

6. Date fixed for sale (and date to which sale may be postponed).

7. Date of satisfaction of decree by sale of property or payment of the amount due and receipt of decree-holders.

Appendix II[Vide Rule 45(4)]Criminal Cases

Serial No.	Date of commission of the offence	Date of report or complaint	Name of complainant, if any	Name, parentage and residence of the accused	Offence complained of	Finding, and in case of conviction, reasons therefor	Sentence or other final order	Date on which the proceeding terminated
1	2	3	4	5	6	7	8	9

Civil Suits

Serial No.	Date of filing the suits	Name and address of plaintiff(s)	Name and address of defendant(s)	Claim	Findings of the Court	Date on which the proceedings terminated
Particulars	Amount or value					
1	2	3	4	5	6	7
						8

Appendix III(Vide Rule 46)I-Register of Petition, etc.

Date	Serial No.	No. of case, if any, to which petition relates	Nature of document, if a petition, what for	Name of petitioner	Address of petitioner	Remarks
1	2	3	4	5	6	7

Note 1. In column 4 for stating nature of document use P. for petitions PI. for plaints, E.P. for Execution petitions, O.P. for original petitions, Ap. for appeals. A. for affidavits, v. for Vakalatnama, etc. Note 2. Petitions, etc. returned should be noted in the remarks column with date. II-Register of Crimes

Serial number, dated and section of First Information Report, name (and if necessary address) of complainant	Date and time of occurrence with phase of moon and day of week	Offence, modus operandi, cause or object of crime, nature of weapons and implements used	Value of property	Name with aliases, parentage, caste and residence of persons accused or suspected, with full grounds for suspicion and cross references, if any	Full name and rank of Investigating Officer, result of cases with name of Judicial Officer and date of disposal
Stolen	Recovered				
1	2	3	4	5	6
					7

III-Register of Criminal Cases Disposed of

Serial No. of record	Name of judicial Officer	Serial No. of case in the
Register of Complaints or Offences	Judicial Officer's General Register of Cases cognizable by the Police	Register of Unimportant Cases cognizable by the Police in which the First Information Report is not used
1	2	3
		4
		5 6

Name of complainants	Name of accused	Nature of the case with Section of the Penal Code or other Act	Final order passed and details of	Result of appeal or revision	Date of decision
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7	8	9	10	11	12
Names of proclaimed offenders nor arrested	Date when disposed of and shelved in the Record-room	No. of shelf and rack in the Record-room	Date of destruction of files, and initials of officers superintending destruction	Remarks	
13	14	15	16	17	

N.B. This list to be written in English

Date of despatch..... Signature of the Officer of Despatching Court

Date of receipt..... Signature of District Record-keeper

IV-Register of Fines

Consecutive No. in month	No. of case	Name of officer imposing	Name and place of residence of offender	Offence and date of sentence	Amount of fine	Imprisonment
Substantive	In default of fine					
1	2	3	4	5	6	7

Amount remitted or written-off	Date of issue of warrant	Thana to which issued	Date of return of warrant	Amount realized and date of realization	Balance	Amount paid into District Fund and date of payment	Signature of Cashier
8	9	10	11	12	13	14	15

Signature of clerk in charge of the Fine Register	Signature of Fine Muharrir of Court to which the entry relates	Signature of Judicial Officer	Date on which the notice of realization of fine is sent to Jail	Date on which the notice is received back from jail after amendment of warrant	Remarks
16	17	18	19	20	21

S.R. Thaosen. Executive Member, in charge, North Cachar Hills District Council.