

ADMINISTRATION OF JUSTICE RULES
AIJAL, the 7th 1953

No. DLAC. 14/53 - In exercise of the powers conferred under sub-paragraph (4) of paragraph 4 of the sixth schedule to the Constitution of India the Lushai Hills District Council with the previous approval of the Governor of Assam, is pleased to mark the following Rules, namely - The Lushai Hills Autonomous District (Administration of Justice) Rules 1953.

Chapter – I
PRELIMINARY

1. (1) These Rules may be called the Lushai Hills Autonomous District (Administration of Justice) Rules 1953.

(2) These Rules shall apply to the whole of the Lushai Hills Autonomous District excluding the Pawi-Lakher Autonomous Region constituted under Government Notification NO. TAD/R/10/50, dated 31st July, 1951, or any other region that may hereafter be constituted an Autonomous region under sub-paragraph (2) of paragraph 1 of the sixth Schedule to the Constitution of India.

(3) They shall come into force on such date as may be notified by District Council in the Gazette, but the Courts Constituted under these rules shall commence functioning from such date as the Executive Committee by notification in the Gazette, appoint in this behalf, here-in-after referred on “the appointed day”

2. (1) In these Rules, unless there is anything repugnant or the context otherwise requires :

(a) “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 constructed accordingly.

(b) “Constitution” means the Constitution of India.

(c) “District Council” means the District Council of the Lushai 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.

(d) “Gazette” means the Assam Gazette;

(e) “Executive Committee” means the Executive Committee of the Lushai Hills District Council constituted under the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951, and terms ‘Chief Executive Member’ and ‘Member of the Executive Committee’ shall be constructed accordingly;

(f) “Governor” means the Governor of Assam.

- (g) “High Court” means the High Court of Assam;
- (h) “Scheduled 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 district of Assam;
- (i) “Village” means an area declared as such by the District Court.
- (j) “Village Council” means a Village Council constituted for a village under rule 4.

Note-Any expressions not defined in these rules by 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 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 interpreting of these rules, as they apply for the interpretation of an Act of Parliament 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 here-in-after provided in sub-rule (2) of this rule.

(2) Each Village council shall be composed of five to eleven members of whom one third or nearest shall be nominated by the Executive committee and the rest elected by the adult members of the village.

Provided that in case the election of members to constitute a Village Council or Councils under this sub-rule cannot be held due to any reason considered unavoidable by the Executive Committee but the circumstances demand the immediate constitution of such Village Council or Councils, the Executive committee may also nominate the remaining number of members of such Council or Councils and the numbers so nominated shall hold office for a period not exceeding one year from the date of the first meeting of the Council or Councils.

(3) The District Council shall decide as to how many members shall constitute the Village Council in respect of each Village subject to the provisions of sub-rule (2).

(4) There shall be a President and a Vice-President of each Village Council. The President and the Vice-President shall be elected by the members of the village council from amongst themselves by a majority of votes.

(5) If the office of a President of a Village Council has fallen vacant owing to death or resignation, the District Council shall take adequate steps to fill up the said vacancy as soon as possible.

(6) Every Village Council or court shall have a life of 3(three) years from the date of its first meeting unless dissolved earlier by the District Council.

(7) 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 Lushai Hills autonomous district, to be constituted by the District Council for the trial of suits and cases between the parties all of whom belong to scheduled Tribe or Tribes within such areas, other than suits and cases to which the provisions of sub-para (1) of para 5 of the sixth Schedule to the Constitution apply

(i) Village Courts

(ii) Sub-ordinate District Council Courts.

(iii) 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 half of the total number of members of such Council, whichever is greater.

Provided further that until such time a Village Court or Courts is or are constituted under this Rule, the Headman of a Village either recognised or appointed as such by the District Council, shall exercise the powers of a Village Court 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. SUB-ORDINATE DISTRICT COUNCIL COURTS

7. (1) There shall be one Sub-ordinate District Council Court at Aijal and another at Lunglei. Each Court shall be presided over by a Judicial Officer to be designated

as Magistrate to be appointed by the Executive Committee with the approval of the Governor, and such Judicial Officer shall also act as a 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 entitled to hold office as Judicial Officer.

(2) The jurisdiction of the Courts at Aijal and Lunglei shall extend to the hearing and trial of suits and cases arising respectively within the Aijal and Lunglei Sub-divisions excluding the Pawi Lakher Region.

(3) The Executive Committee of the District Council shall provide each 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. Notwithstanding anything contained in rule 7, the District Council may constitute by order notified in the Gazette one or more Additional Sub-Ordinate District Council Court or Courts presided over by a Judicial Officer to be designated as Additional Magistrate and to be appointed by the Executive Committee with the approval of the Governor, within the Jurisdiction of a Sub-Ordinate District Council Court. The Additional Magistrate shall also act as Recorder of the Court he presides over :

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 such judicial Officer.

9. The conditions of service of Judicial Officer of a sub-ordinate District Council or an Additional Sub-Ordinate District Council Court, and the staff appointed therefore shall be regulated by the rules or orders made or issued as the case may be under rule 15 of the Assam Autonomous District (Constitution of District Councils) Rules, 1951.

III. DISTRICT COUNCIL COURT

10. (1) There shall be one District Council Court for the Lushai Hills Autonomous District which shall be called the Lushai Hills District Council Court. The Court shall consist of 3(three) Judicial Officers. One of the Judicial Officer, shall be nominated by the District Council as the President and the Recorder of the Court.

(2) Any two or more Judicial Officer shall sit together as a Bench and the District Council may, by order invest such Bench with any of the powers conferred or Conferable by or under these Rules on a Judicial Officer, and direct it to exercise such powers in such class or classes of cases 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 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 Member of the District Council shall not be entitled to hold office as Judicial.

12. The District Council Court shall ordinarily sit at Aijal. 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 or service of Judicial Officers of the District Council Court shall be regulated by the rules or order 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 tribes resident within its jurisdiction :-

(a) Cases of civil and miscellaneous nature falling within the purview of village or tribal laws and customs.

(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 have power to impose a fine for any offence it is competent to try, which may extend to Rupees Five hundred according to the nature of offence. 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-rule (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 Rupees one hundred 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 Chief Executive Member for necessary action to realise the fine or dues in such manner as it may deem fit unless the accused person gives 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 the Court shall dispose of the case in accordance with these rules.

19. Subject to Rule 31. An appeal shall lie to the Sub-Ordinate District Council Court or Additional Sub-Ordinate District Council Court, as the case may be, from a Village Court within the jurisdiction of the Sub-Ordinate District Council Court or Additional Sub-Ordinate 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 Sub-Ordinate District Council or Additional Sub-Ordinate District Council Court while hearing the appeal may either decide the appeal after perusal of the records of the case or any try the case de-novo.