
KHASI HILLS AUTONOMOUS DISTRICT (ADMINIS TRATION OF JUSTICE)(SECOND AMENDMENT)RULES, 1986

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KHASI HILLS AUTONOMOUS DISTRICT (ADMINIS TRATION OF JUSTICE)(SECOND AMENDMENT)RULES, 1986

In pursuance of Paragraph 11 of the Sixth Schedule to the Constitution of India the following Rules which received the previous approval of the Governor of Meghalaya, are hereby published for general information : Preamble. Whereas it is necessary to amend the United Khasi and Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953, hereinafter called the 'Principal Rules'; Now, therefore, the Khasi Hills Autonomous District Council, with the previous approval of the Governor of Meghalaya is pleased to make the following amendments to the Principal Rules :-

1. Short title, extent and commencement :-

(1) These Rules may be called the Khasi Hills Autonomous District (Administration of Justice) (Second Amendment) Rules, 1986.

(2) They shall have the like extent as the Principal Rules.

(3) They shall come into force at once.

2. Amendment of R.2 :-

Sub-rules (d), (e), (f), (g), (h), (i), (j), (1) and (m) of R. 2 of the Principal Rules shall be substituted by the following and the new sub-R.(o) shall be added :

(1) "(d) "District Council" means the District Council of the Khasi Hills Autonomous District ;"

(2) "(e) "Executive Committee" means the Executive Committee of the District Council of the Khasi Hills Autonomous District and the terms "Chief Executive Member" and "Member of the Executive Committee" shall be construed accordingly ;"

(3) "(f) "Gazette" means the Meghalaya Gazette ;"

(4) "(g) "Governor" means the Governor of Meghalaya ;"

(5) "(h) "High Court" means the Gauhati High Court (The High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura) ;"

(6) "(i) "Scheduled Tribes" means such a tribe or tribes as are specified by order of the President of India under Art. 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 Meghalaya ;"

(7) "(j) "Village" means an entire area within the jurisdiction of the existing Sirdarships listed in Appendix I annexed and such other area within the Syiemships, Lyngdohships, Sirdarships or Wahadadarship listed in Appendix II annexed as recognised by the Syiemship, Lyngdohship, Sirdarship or Wahadadarship as being an area within the jurisdiction of a Court, whose decision is appealable to the Court of the Syiem, Lyngdoh, Sirdar, Waha-dadar or Administrative Officer concerned and such other area or areas as may be declared to be so by the District Council ;"

(8) "(1) "Syiemship, Lyngdohship, Sirdarship or Wahadadarship" mean an area under the administrative jurisdiction of the Syiem,

Lyngdoh, Sirdar or Wahadadar, as the case may be, recognised as such by the District Council; "

(9) "(m)" Khasi Syiemships" means an administrative area of the Khasi Hills District known as the Khasi States prior to the commencement of the Constitution ;"

(10) "(o) "Administrative Officer" means an officer temporarily appointed by the Executive Committee under the provisions of the United Khasi-Jaintia Hills Hills Autonomous District(Appointment and Succession of Chiefs and Headmen) Act, 1959, as amended, to run the administration of any Syiemship, Lyngdohship, Sirdarship of Wahadadarship."

3. Amendment of R. 2 :-

In R. 2 (2) of the Principal Rules, the following shall be substituted :

"(2) Any expression not defined in these Rules but occurring therein, shall be deemed to have the same meaning in which they are used in the Constitution or in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 or the Code of Civil Procedure, 1908, as amended up to date as the case may be in so far as they are consistent with the circumstances of the particular case or cases"

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4. Amendment of Appendices I and II :-

The existing Appendices I and II prescribed under R. 2 (j) shall be substituted by the one as amended herewith.

5. Amendment of R. 5 :-

In R. 5(1) of the Principal Rules the following shall be substituted :
"Constitution of Village Court. (1) Subject to the approval of the Executive Committee, there shall be a Village Court for each village :

Provided that two or more villages may together form one village court

".

6. Amendment of R. 5 (2) (a) :-

Delete the word "Doloi" occurring in the first line of sub-R. (2) (a) of R. 5 of the Principal Rules.

7. Amendment of R. 5 (3) (b) :-

Delete the word "Doloi" occurring in the first line of sub-R. (3) (b) of R. 5 of the Principal Rules.

8. Amendment of R. 7 (1) :-

Rule 7 (1) of the Principal Rules shall be substituted by the following :

"7. (1) There shall be a Subordinate District Council Court or Courts at Shillong for the whole of the Khasi Hills Autonomous District. Each Court shall be presided over by a Judicial Officer to be designated as Magistrate appointed by the Executive Committee with the approval of the Governor and such Judicial Officer shall also act as Recorder of the Court :

Provided that the Chief Executive Member or a Member of the Executive Committee or other Members of the District Council shall not be eligible to hold office as such Judicial Officer".

9. Amendment of R. 7 (2) :-

In R. 7 (2) of the Principal Rule, the following shall be substituted :

"7. (2) Notwithstanding anything contained in sub-R. (1) the Court of the Syiem, Lyngdohs, Wahadadar, Sirdars or Administrative Officers listed in Appendix II annexed shall be the Additional Subordinate District Council Courts ; their territorial jurisdiction being co-extensive with the Syiemship, Lyngdohship, Wahadadarship or Sirdarship as the case may be. Each such Additional Subordinate District Council Court shall be presided over by the Syiem, Lyngdoh, Wahadadar, Sirdar, or Administrative Officer, as the case may be, with such number of Myntries or other customary elders as may be determined by the Executive Committee. Where there is more than one Sirdar or Wahadadar any such elected by the Members of the Additional Subordinate Court concerned shall be the Presiding Officer. The Presiding 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 other Member of the District Council shall not be entitled to be the Presiding Officer of such a Court"

.

10. Amendment of R. 7 (3) :-

Substitute the second paragraph of R. 7 (3) of the Principal Rules by the following :

"In case of an Additional Subordinate District Council Court the Syiem, Lyngdoh, Wahadadar, Sirdar or the Administrative Officer, as the case may be, shall appoint his own staff required by the Court"

.

11. Amendment of R.7 :-

The following sub-rules shall be added as sub-Rr. (4) and (5) of R. 7 of the Principal Rules :

"(4) The Member of the Additional Subordinate District Council Court shall have a tenure of office of 5 years from the date of its first sitting in the court but shall be eligible for re-election".

"(5) The quorum of the Additional Subordinate District Council Court constituted under R. 7 (2) above shall be one-third of the total number of members of such Court".

12. Amendment of R. 8 :-

Rule 8 of the Principal Rules shall be substituted by the following :

"8. Subordinate District Council Court and Additional Subordinate District Council Court.(I) Subject to R. 16, the jurisdiction of the Subordinate District Council Court or Courts at Shillong shall be extended to

(a) suits and cases between parties residing within the jurisdiction of the different village courts in the whole of the Khasi Hills Autonomous District excluding the Syiemships, Lyngdohships, Sirdarships or Wahadadarship listed in Appendix II annexed and to suits and cases which are not triable by such village courts ;

(b) suits and cases between parties residing within the jurisdiction of the different Additional Subordinate District Council Courts.

(2) The jurisdiction of Additional Subordinate District Council Court shall extend to suits and cases not triable by a village court in which all the parties reside within its territorial jurisdiction".

13. Amendment of R. 12 :-

The figures and the words "Rs. 50 (Rupees fifty)" occurring in the fourth and fifth line of sub-R. (1) of R. 12 of the Principal Rules shall be substituted by the figures and the words "Rs. 150 (Rupees one hundred and fifty)".

14. Amendment of R. 13 :-

The figures and the words "Rs. 25 (Rupees twenty-five)" occurring in the fourth line of R. 13 shall be substituted by the figures and the words "Rs. 50 (Rupees fifty)".

15. Amendment of R. 14 :-

Rule 14 of the Principal Rules shall be substituted by the following :
"14. Realisation of fines imposed under Rr. 12 and 13. If any person on whom a fine under R. 12 or R. 13 above 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 first Appellate Court, for necessary action to realise the fine in such manner as it may deem fit unless the person gives notice to appeal against such decision".

16. Amendment of R. 17 :-

Rule 17 of the Principal Rules shall be substituted by the following :
"17. Investment of Courts with powers. Save as otherwise provided in the Constitution and in these Rules a Subordinate District Council Court or Additional Subordinate District Council Court shall exercise such powers as defined in Chapter III of the Code of Criminal Procedure, 1973 as it may be invested with by the Executive Committee of the District Council with the approval of the Governor".

17. Amendment of R. 21 :-

Sub-rules (2) (a), (b), (c), (d), (e), (f) and (g) of R. 21 of the Principal Rules shall be substituted by the following : "

(a) Cases relating to the security for keeping the peace and good behaviour similar to those contemplated under S. 107 of the Code of Criminal Procedure, 1973 ;

(b) Cases relating to the security for good behaviour from persons disseminating seditious matter similar to those contemplated under S. 108 of the same Code ;

(c) Cases relating to the security for good behaviour from vagrants and suspected persons similar to those contemplated under S. 109 of the same Code ;

(d) Cases relating to the security for good behaviour from habitual offenders similar to those contemplated under S. 110 of the same Code ;

(e) Urgent cases of nuisance or apprehended danger similar to

those contemplated under S. 144 of the same Code ;

(f) Dispute as to immovable property of the nature similar to that contemplated under S. 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 Meghalaya 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"

.

18. Amendment of R. 25 :-

The words, "under S. 144 of the Code of Criminal Procedure, 1898" occurring in the third and fourth line of R. 25 of the Principal Rules shall be substituted by the words, "under S. 144 of the Code of Criminal Procedure, 1973".

19. Amendment of JR. 33 :-

The words, "Ss. 122, 126-A and 406-A of the Code of Criminal Procedure" occurring in the first and second line of sub-R. (3) of R. 33 of the Principal Rules shall be substituted by the words "Ss. 121, 124 and 373 of the Code of Criminal Procedure, 1973".

20. Amendment of R.43 :-

In sub-R. (1) of R. 43 of the Principal Rules the figures, "1898" occurring in the fourth line shall be substituted by the figures "1973".

21. Amendment of R. 47 :-

The words "Code of the Civil Procedure, 1908" occurring in the fourth line of R. 47 of the Principal Rules shall be substituted by the words "Code of the Civil Procedure, 1908, as amended up-to-date".

22. Amendment of R. 53 :-

The words, "the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908" occurring in the fifth and sixth line of sub-R. (1) of R. 53 shall be substituted by the words "the Code of Criminal Procedure, 1973 or the Code of Civil Procedure, 1908, as amended up-to-date".

23. Amendment of R. 55 :-

In sub-R. (2) of R. 55 of the Principal Rules the words, "the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908" shall be substituted by the words "the Code of Criminal Procedure,

1973, or the Code of Civil Procedure, 1908, as amended up-to-date".

24. Amendment of R.56 :-

The words, "the Code of Criminal Procedure, 1898" occurring in the fourth line of R. 56 of the Principal Rules and the word "Assam" occurring in the last line of ths said same rule shall be substituted by the words, "the Cods of Criminal Procedure, 1973" and the word "Meghalaya" respectively.