

KHASI HILLS AUTONOMOUS DISTRICT (ADMINISTRATION OF JUSTICE)(THIRD AMENDMENT)RULES, 1987

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KHASI HILLS AUTONOMOUS DISTRICT (ADMINISTRATION OF JUSTICE)(THIRD AMENDMENT)RULES, 1987

In pursuance of Paragraph 11 of the Sixth Schedule in the Constitution of India, the following Rules passed by the District Council of the Khasi Hills Autonomous District is hereby published for general information : Preamble. Whereas it is necessary to further 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, in exercise of the powers conferred under sub-paragraph (4) of Paragraph 4 of the Sixth Schedule to the Constitution of India, with the previous approval of the Governor of Meghalaya, is pleased to make the following rules further to amend the Principal Rules.

1. Short title, extent and commencement :-

(1) These rules may be called the Khasi Hills Autonomous District (Administration of Justice) (Third Amendment) Rules, 1987.

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

(3) They shall come into force at once.

2. Amendment of R. 4 :-

In R. 4, Cl. (iii) of the Principal Rules for the words "District Council Court" the words "District Council Court and Additional District Council Court" shall be substituted.

3. Amendment of R. 9 :-

In R. 9 of the Principal Rules the proviso thereto shall be omitted.

4. Inesrtion of a new R. 10-A :-

After R. 10 of the Principal Rules, the following shall be inserted as a new R. 10-A, namely : "10-A. Constitution of Additional District Council Court.

(1) There shall be one Additional Dist-riect Council Court for the Khasi Hills Autonomous District which shall be called the Khasi Hills Additional District Council Court to be presided over by a Judicial Officer to be designated as Additional Judge appointed by the Executive Committee with the approval of the Governor.

(2) The Additional District Council Court shall ordinarily sit at Shillong but it may also sit at any other place or places within the jurisdiction of the District Council whenever it deems necessary for the public interest provided a tour programme shall be submitted within one week to the Executive Committee".

5. Insertion of a new R. 10-B :-

After R. 10-A of the Principal Rules as inserted by R. 4 of these rules the following shall be inserted as a new R. 10-B, namely : "10-B. Chief Executive Member and other Members not to hold office as Judicial Officer. The Chief Executive Member or Member of the Executive Committee or any other Members of the District Council shall not hold office as Judicial Officer of the District Council Court or the Additional District Council Court".

6. Amendment of R. 28 :-

For R. 28 of the Principal Rules the following shall be substituted, namely : "28. Appeal to District Council Court. An appeal shall lie to the Dis-tribt Council Court from the decisions of a Subordinate District Council Court in any case, civil or criminal. The District

Council Court may hear the appeal itself or may endorse it for hearing to the Additional District Council Court :

Provided that when the District Council Court is not sitting by reason of its Presiding Officer being on leave or otherwise the appeal shall lie to the Additional District Council Court ;

Provided further 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 from the date of the order, excluding the time required for obtaining a copy of the order appealed against".

7. Amendment of heading of Part III of Chapter III :-

In the heading of Part III of Chapter III appearing after R. 28 but before R. 29 of the Principal Rules after the word "Court" the words "and Additional District Council Court" shall be added.

8. Amendment of R. 29 :-

For R. 29 of the Principal Rules, the following shall be substituted, namely : "29. District Council Court to be a Court of appeal. Subject to the provisions of Rr. 30 and 32 the District Council Court shall be a Court of appeal in respect of all suits and cases triable by Additional Subordinate District Council Court. The District Council Court may hear the appeal itself or may endorse it for hearing to the Additional District Council Court :

Provided that when the District Council Court is not sitting by reason of its Presiding Officer being on leave or otherwise the appeal shall lie to Additional District Council Court ;

Provided further that such appeals are accompanied by a certified copy of the order appealed against and a clear statement of the grounds of appeal and are filed within sixty days from the date of the order excluding the time required for obtaining a copy of the order appealed against".

9. Insertion of new R. 32-A :-

After R. 32 of the Principal Rules the following shall be inserted as new R. 32-A, namely : "32-A. Additional District Council Court to pass orders on appeal authorised by law.

(1) The Additional 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) Notwithstanding anything contained in these rules, the Additional District Council Court shall, when the District Council Court is not sitting by reason of its Presiding Officer being on leave or otherwise, exercise all the powers of the District Council Court under R. 30, sub-R. (2) of R. 31 and R. 32".

10. Amendment of R. 33 :-

In R. 33 of the Principal Rules

(a) in sub-R. (1) and sub-R. (2), excluding the respective provisos thereto, for the words District Council Court the words "District Council Court or the Additional District Council Court" shall be substituted ;

(b) in the respective provisos to sub-R. (1) and sub-R. (2), between the words "to the District Council Court" and "forwarding the accused" the words "or when the District Council Court is not sitting by reason of its Presiding Officer being on leave or otherwise, to the Additional District Council Court", shall be inserted.

11. Amendment of R. 34 :-

In R. 34 of the Principal Rules between the words "District Council Court" and "under" the words "or the Additional District Council Court" shall be inserted.

12. Amendment of R. 37 :-

In R. 37 of the Principal Rules, sub-R. (1), between the words "to the District Council Court" and "from any other" the words "or when the District Council Court is not sitting by reason of its Presiding Officer being on leave or otherwise to the Additional District Council Court" shall be inserted.

13. Amendment of heading of Part II of Chapter IV :-

In the heading of Part II of Chapter IV appearing after R. 42 but before R. 43 of the Principal Rules, the words "and" shall be replaced by a comma "(,)" and after the words "District Council Court" occurring at the end, the words "and Additional District Council Court" shall be added.

14. Amendment of R. 43 :-

In R. 43 of the Principal Rules

(a) in sub-R. (1) the word "and" occurring between the words "Additional Subordinate District Council Courts" and the words "the

District Council Court" shall be replaced by a comma (,)" and in between the words "District Council Court" and the word "shall" the words "and the Additional District Council Court" shall be inserted.

(b) in sub-R. (4), for the word "and" occurring between the words "by the District Council Court" and "the Subordinate District Council Court", a comma and words, "the Additional District Council Court" shall be substituted.

(c) in sub-R. (5), for the word "or" a comma and the words "the Additional District Council Court or" shall be substituted.

(d) in sub-R. (6), for the words "or District Council Court" a comma and the words, "District Council Court and the Additional District Council Court" shall be substituted.

15. Amendment of Rr. 44 and 45 :-

In R. 44 and sub-R. (1) of R. 45 of the Principal Rules in between the words "District Council Court" and the words "Subordinate District Council Courts" the words "Additional District Council Court", shall be inserted,

16. Amendment of R. 47 :-

In R. 47 of the Principal Rules, for the first word "or" occurring, a comma "(,)" and the words "the Additional District Council Court", and for the second word "or" the word "and" shall be substituted.

17. Amendment of R. 49 :-

In R. 49 of the Principal Rules, in between the words "District Council Court" and the words "or the Subordinate District Council Courts" the words "or the Additional District Council Court" shall be inserted.

18. Amendment of R. 50 :-

For R. 50 of the Principal Rules, the following shall be substituted namely : "50. Legal practitioner to appear in cases. Any legal practitioner, may appear in any case, civil or criminal, before the District Council Court, the Additional District Council Court, the Subordinate District Council Court or the Additional Subordinate District Council Courts".

19. Amendment of R. 51 :-

For R. 51 of the Principal Rules, the following shall be substituted, namely : "51. Commission for examination of witnesses. Whenever, in the course of an inquiry, trial or other proceedings under these

rules before any Court other than the District Council Court and the Additional District Council 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 cannot be procured without an amount of delay, expenses or inconvenience which under the circumstances of the case would be unreasonable, such Court shall apply to the District Council Court or, when the District Council Court is not sitting by reason of its Presiding Officer being on leave or otherwise, to the Additional District Council Court, stating the reason for the application and the District Council Court or the Additional District Council Court, as the case may be, either issue a commission or reject the application :

Provided that when a commission is necessary to be issued for examination of a witness outside the jurisdiction of the District Council Court or the Additional District Council Court, as the case may be, shall apply to the Deputy Commissioner stating the reasons thereof and the Deputy Commissioner may either issue the commission or reject the application".

20. Amendment of R. 53 :-

In R. 53 of the Principal Rules, in sub-R. (1), between the words "District Council Court" and the words "shall cause" the words "or the Additional District Council Court" shall be inserted.