

THE ASSAM FRONTIER (ADMINISTRATION OF  
JUSTICE) REGULATION, 1945  
(Regulation I of 1945)

A Regulation to consolidate and amend the law governing the administration of justice in the Frontier Tracts of Assam.

Whereas it is expedient to consolidate and amend the law governing the administration of justice in the Balipara, Lakhimpur, Sadiya and Tirap Frontier tracts of Assam. Preamble

Now, therefore, the Governor of Assam, in exercise of the powers conferred by the sub-section (2) of section 92 of the Government of India Act, 1935, is pleased to make the following Regulation :—

CHAPTER I—GENERAL

1. (a) This Regulation may be called the Assam Frontier (Administration of Justice) Regulation 1945. Short title, extent, commencement and repeal.

(b) It extends the whole of the Balipara, Lakhimpur, Sadiya and Tirap Frontier Tracts.

(c) It shall come into force on such date as the [Administrator]<sup>1</sup> may by notification in the [Arunachal Pradesh]<sup>2</sup> Gazette and from such date the rules for the administration of justice in the Balipara Frontier Tract, the rules for the administration of justice in Lakhimpur Frontier Tract and the rules for the administration of justice in the Sadiya Frontier Tract published with Notification Nos. 2350 (f)-AP, 2530 (d)-AP and 2530 (e)-AP respectively dated the 26th March, 1937 shall be deemed to be repealed.

2. In this Regulation, except where the contrary appears from the context : Definitions.

['Administrator' means the Administrator of the Union Territory of Arunachal Pradesh appointed by the President under Article 239 of the Constitution]<sup>3</sup>

'heinous offence' means and includes any of the following namely :

1. Substituted for the words 'Governor' means the "Governor of Assam" by AP ALO (2) of 1972.
2. Substituted for 'Assam' by the NEA (Reorgn) (AP) ALO, 1974.
3. Definition for 'Administrator' inserted by the NEA (Reorgn) (AP) ALO, 1972.

Murder, culpable homicide, causing grievous hurt rape, kidnapping or abducting in order to subject to slavery, disposing or buying of persons as slaves, habitual dealing in slaves, dacoity, robbery, rioting, house-breaking, theft of cattle, mischief by fire or any explosive substances, any offence punishable under Chapter VI or Chapter XII of Indian Penal Code, any offence punishable under Arms Act, and any attempt to commit or abetment of any of the aforesaid offences.

"Pleader" includes a mukthar or any professional agent.

["Deputy Commissioner"]<sup>1</sup> includes an ["Addl. Deputy Commissioner"]<sup>2</sup>

"The Tracts" means the Balipara, Lakhimpur, Sadiya and Triap Frontier Tracts.

3. (1) The administration of the Tract is vested in the [Administrator]<sup>3</sup> and of each Tract in the [Deputy Commissioner]<sup>1</sup> the [Assistant Commissioner]<sup>4</sup> and the village authorities thereof, or such other Officer or officers as the [Administrator]<sup>3</sup> see fit from time to time to appoint in that behalf, subject to the provisions hereinafter contained. Administration.

(2) [The Deputy Commissioner]<sup>1</sup> the [Assistant Commissioner]<sup>4</sup> of the District shall be appointed by the [Administrator]<sup>3</sup> acting in his discretion.

4. The [Deputy Commissioner]<sup>1</sup> may, subject to the provisions of this Regulation define the jurisdiction of any [Assistant Commissioner]<sup>4</sup> and may transfer any case, civil or criminal from one [Assistant Commissioner]<sup>4</sup> to another or from an [Assistant Commissioner]<sup>4</sup> to himself. Jurisdiction of Assistant Commissioner.

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1. Substituted for 'Political Officer' by NEFA (Admn) Regulation 1965.

2. Substituted for 'Addl. Political Officer' by NEFA (Admn) Regulation, 1965.

3. Substituted for 'Governor' by the NEA (Reorgn) (A.P.) ALO 1972.

4. Substituted for 'Asstt. Political Officer' by NEFA (Admn) Regulation, 1965.

5. (1) The [Deputy Commissioner]<sup>1</sup> shall appoint such persons as he considers to be the members of a village authority for such village or villages as he may specify, and may modify or cancel any such order of appointment, and may dismiss any person so appointed. Village authority.

(2) In any area for which no village authority has been constituted under the provisions of sub-section (1), the powers and functions of village authority as provided by this Regulation, shall be exerciseable and performed by the [Deputy Commissioner]<sup>1</sup> or by any [Assistant Commissioner]<sup>2</sup> authorised by him in this behalf.

## CHAPTER - II — POLICE

6. (1) The ordinary duties of police in respect of crime shall be discharged by the village authorities. They shall maintain peace and order within their jurisdiction. Public duties of village authorities.

(2) The village authorities shall not be deemed to be police officer for purposes of section 25 and section 26 of the Indian Evidence Act, 1872 or the section 162 of the Code of Criminal Procedure 1898 (since repealed by Act II of 1974). Act I of 1872. Act II of 1974.

(3) The village authorities shall watch and report on any vagrant, or any bad or suspicious character found within their jurisdiction, and may apprehend any such person if they have reasonable grounds for suspecting that he has committed or is about to commit an offence, and shall hand over any person so apprehend to the [Deputy Commissioner]<sup>1</sup> or an [Assistant Commissioner].<sup>2</sup>

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1. Substituted for 'Political Officer' by NEFA (Admn) Regulation 1965.

2. Substituted for 'Assistant Political Officer' by NEFA (Admn) Regulation, 1965.

7. Every Civil Police station shall be under the control of the [Deputy Commissioner]<sup>1</sup> but its administration with regard to the pay, allowances, clothing, transfer and discipline of the staff shall be vested in the Superintendent of Police of the District which furnished the staff or such other police officer as the Government may appoint in this behalf, provided that transfer shall be made in consultation with the [Deputy Commissioner].<sup>1</sup>

Control of Police.

8. On the commission of any heinous offence within their jurisdiction, the inhabitants of the village shall at once, if possible apprehend the offender and in any case shall at once inform the village authority, who if the offender has not been apprehended shall proceed without delay to the place where the offence was committed and enquire into it.

Occurrence of heinous offence.

9. It shall be the duty of the village authorities to report to the [Deputy Commissioner]<sup>1</sup>, [Assistant Commissioner]<sup>2</sup> as soon as possible all crimes, violent deaths, and serious accidents occurring within their jurisdiction, and all occurrences whether within or beyond their jurisdiction, which may come to their knowledge and which are likely to affect the public peace: and to arrest and deliver up offenders as soon as may be [within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest]<sup>3</sup> to the court having jurisdiction to try them.

Reports by village authority.

10. A village authority may pursue beyond their jurisdiction any offender or vagrant or bad or suspicious character whom they consider it necessary to apprehend under the provisions of sub-section (3) of section 6. They shall not, however, ordinarily arrest the offender or such person without informing the village authority within whose jurisdiction he is found and inviting their assistance but may do so if there is a reasonable apprehension that he may otherwise escape.

pursuit and arrest of offenders.

11. When a village authority is unable to arrest an offender; they may apply to the [Deputy Commissioner]<sup>1</sup> or an [Assistant Commissioner]<sup>2</sup> or any officer empowered to make arrests, for assistance.

procedure when arrest is impossible.

1. Substituted for 'Political Officer' by NEFA (Admn) Regulation 1965.
2. Substituted for 'Assistant Political Officer' by NEFA (Admn) Regulation, 1965
3. Inserted by ALO, 1950.

12. (1) All inhabitants of the Tracts are bound to aid the village authority when required to do so for the maintenance of order of apprehending offenders, and are liable to fine for failing to give such assistance. Aid to village authorities.

(2) such fine if imposed by the village authority shall not exceed Rs. 500\* and if imposed by the [Deputy Commissioner]<sup>1</sup> or an [Assistant Commissioner]<sup>2</sup> shall not exceed Rs. 2000\*\*.

(3) An appeal shall lie from an order passed under sub-section (2) by a village authority to the [Assistant Commissioner]<sup>2</sup> and from an order passed under sub-section (2) by an [Assistant Commissioner]<sup>2</sup> to the [Deputy Commissioner]<sup>1</sup>.

(4) If it appears that the community is to blame and that particular offenders cannot be discovered, a fine not exceeding Rs. 5000\*\*\* may be imposed upon the community by the [Deputy Commissioner].<sup>1</sup>

(5) Any fine imposed under sub-section (2) or sub-section (4) shall be recovered by distraint of the property of the person or persons on whom it is imposed.

13. Without prejudice to any punishment to which he may be liable under any other law, a member of a village authority shall, for any misconduct in the exercise of his functions under this Chapter, be punishable with fine which may extend to Rs. 1000\*\*\*\* or with imprisonment of either description for a Punishment of members of a village authority.

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1. Substituted for 'Political Officer' by NEFA (Admn) Regulation 1965.

2. Substituted for 'Assistant Political Officer' by NEFA (Admn) Regulation, 1965.

\* Substituted for "Rs. 50", by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

\*\* Substituted for "Rs. 200" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

\*\*\* Substituted for "Rs. 1000" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

\*\*\*\* Substituted for "Rs. 500" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

term which may extend to six months, on conviction by the [Deputy Commissioner]<sup>1</sup> or an [Assistant Commissioner]<sup>2</sup>. An appeal shall lie from an order of [Assistant Commissioner]<sup>2</sup> under this section to the [Deputy Commissioner]<sup>1</sup>.

14. The [Administrator]<sup>3</sup> may at any time call for the proceedings in any matter under section 12 or section 13, and may modify or set aside an order of a village authority passed under subsection (2) of section 12, or an order, original or appellate, passed by the [Deputy Commissioner]<sup>1</sup> or an [Assistant Commissioner]<sup>2</sup> under either of those sections. Revision.

### CHAPTER - III-CRIMINAL PROCEEDINGS

15. Criminal justice, shall be administered by the [Deputy Commissioner]<sup>1</sup> the [Assistant Commissioner]<sup>2</sup> and the village authorities. Administra-  
tion.

16. The [Administrator]<sup>3</sup> may appoint an [Additional Deputy Commissioner]<sup>4</sup> for the trial of particular cases when he thinks fit, and may direct that such [Additional Deputy Commissioner]<sup>4</sup>, shall, for the purpose, exercise all or any of the powers of the [Deputy Commissioner]<sup>1</sup>. Appointment  
of Additional  
Deputy  
Commissioner.

17. The [Deputy Commissioner]<sup>1</sup> shall be competent to pass any sentence warranted by law. Powers of  
Deputy  
Commissioner.

18. The [Assistant Commissioner]<sup>2</sup> shall exercise any powers not exceeding those of a Magistrate of the 1st Class, as defined in the Criminal Procedure Code, with which they may be invested by the [Administrator]<sup>3</sup>. Powers of  
Assistant  
Commissioner.

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1. Substituted for 'Political Officer' by the NEFA (Administration) Regulation 1965.
  2. Substituted for 'Assistant Political Officer' by the NEFA (Admn) Regulation, 1965.
  3. Substituted for 'Governor' by the NEA (Reorgn) Arunachal Pradesh ALO 1972.
  4. Substituted for 'Additional Political Officer' by the NEFA (Administration) Regulation 1965.

19. The village authorities may try any case involving any of the under mentioned offences in which the person or persons accused is or are resident within their jurisdiction :- Jurisdiction of village authorities.

Theft, including theft in a building.

Mischief, not being mischief by fire or any explosive substance.

Simple hurt.

Criminal trespass or house trespass.

Assault or using criminal force.

20. A village authority may impose a fine not exceeding Rs. 3000\*, for any offence which they are competent to try, and may also award payment in restitution or compensation to the extent of the injury sustained; such fines and payments may be enforced by distraint of the property of the offender. Powers of village authorities.

21. The [Deputy Commissioner]<sup>1</sup> or an [Assistant Commissioner]<sup>2</sup> may order compensation to be paid to any person in a criminal case out of the proceeds of fines imposed in the case. Compensation.

22. The village authorities shall decide all cases in open Darbar in the presence of at least three independent witnesses and of the complainant and the accused. They are empowered to order the attendance of all the foregoing, and of the witnesses to be examined in the case, and to impose a fine not exceeding Rs. 200\*\* on any person failing to attend when so ordered. Disposal of cases by village authorities and powers to compel attendance.

23. If any person on whom a fine has been imposed by a village authority fails to deposit the amount at once, or within such further time as the village authority may allow, the village authority shall send him to an [Assistant Commissioner]<sup>2</sup> to be dealt with in such manner as he may deem fit, unless the accused person gives notice of his intention to appeal against the decision. Procedure by village authorities after sentence.

1. Substituted for 'Political Officer' by the NEFA (Administration) Regulation 1965.

2. Substituted for 'Assistant Political Officer' by the NEFA (Admn) Regulation, 1965.

\* Substituted for "Rs. 50" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

\*\* Substituted for "Rs. 50" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

24. Any party aggrieved by a decision of a village authority may appeal within Thirty days\*\*\* to the [Assistant Commissioner]<sup>1</sup> who on receipt of such appeal, shall try the case *de novo*. Appeals from village authorities.

25. An appeal shall lie from an original decision of an [Assistant Commissioner]<sup>1</sup> to the [Deputy Commissioner]<sup>2</sup>. Appeals from Assistant Commissioner.

26. An appeal shall lie to the [High Court]<sup>3</sup> against sentences of three years imprisonment and upward, and sentences of death or transportation. In other cases there shall be no right of appeal, but the [High Court]<sup>3</sup> may entertain an appeal [by special leave]<sup>4</sup>. Appeal to the High Court.

27. (1) All appeals under section 25 or 26 must be presented within thirty days, from the date of the order appealed against, excluding the time taken in procuring a copy the order. Provided that an appeal from a sentence of death shall be preferred within seven days from the date of the sentence, excluding the time taken in procuring a copy of the order. Limitation for appeals.

(2) The [Deputy Commissioner]<sup>2</sup> shall on passing a sentence of death, inform the person sentenced of the provisions of sub-section (1).

28. The [High Court]<sup>3</sup> or [Dputy Commissioner]<sup>2</sup> may call for the proceedings of any officer subordinate to [it]<sup>5</sup> and reduce, enhance or cancel any sentence passed, or remand the case for retrial, but no offence shall be punished by a sentence exceeding that warranted by law. Power of Revision.

29. The [High Court]<sup>3</sup> may for any reason which [it]<sup>5</sup> considers proper transfer any original case, pending or under trial before any Court to any other Court competent to try it, which is governed by this Regulation. Transfer of cases.

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1. Substituted for 'Assistant Political Officer' by the NEFA (Administration) Regulation, 1965.

2. Substituted for 'Political Officer' by the NEFA (Administration) Regulation 1965.

3. Substituted for 'Governor' by ALO 1950.

4. Substituted for 'At his discretion' by ALO, 1950.

5. Substituted for 'him' by ALO 1950.

\*\*\*Substituted for "Seven days" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

30. (1) All sentences of death, transportation, or imprisonment for seven years or more shall be subject to confirmation by the [High Court]<sup>1</sup> and the proceedings of all cases in which any such sentence has been passed shall be submitted to the [High Court]<sup>1</sup> forthwith, [and no such sentence shall be carried into effect unless so confirmed] omitted by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

Confirmation of sentence.

(2) In any case submitted under sub-section (1), the [High Court]<sup>1</sup>— Powers in such cases.

- (a) may confirm the sentence or pass any other sentence warranted by law ; or
- (b) may annul the conviction and convict the accused of any other offence of which the [Deputy Commissioner]<sup>2</sup> might have convicted him ; or
- (c) may order a new trial on the same or an amended charge ; or
- (d) may acquit the accused person ; provided that no order of confirmation shall be made until the period allowed, for preferring an appeal has expired, or if an appeal is presented within such period, until such appeal is disposed of.

31. (1) When a sentence of death passed by the [Deputy Commissioner],<sup>2</sup> is confirmed by the [High Court]<sup>1</sup>, the [Deputy Commissioner]<sup>2</sup>, shall, on receiving the order of confirmation, cause such order to be carried into effect by issuing a warrant in the form given in item No.XXXV of Schedule V of the Code of Criminal Procedure, 1898 and taking such steps as may be necessary.

Sentence of death.

Act V of 1898.

(2) The [Deputy Commissioner]<sup>2</sup> 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 the warrant.

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1. Substituted for 'Governor' by ALO, 1950.

2. Substituted for 'Political Officer' by the NEFA (Administration) Regulation 1965.

32. [The High Court]<sup>1</sup> the [Deputy Commissioner]<sup>2</sup> the [Assistant Commissioner]<sup>3</sup> shall be guided in regard to procedure by the principales of the Code of Criminal Procedure, 1898 so far as they are applicable to the circumstances of the [District]<sup>4</sup> and consistent with the provisions of this Regulation. The chief exceptions are :—

Criminal  
Procedure  
Code (V of  
1898).

(a) Verbal orders or notice only shall be requisite in any case except when the regular police are employed, or when the person concerned is not a resident of or in the [District]<sup>4</sup> at the time but orders of summons shall in every case be for a fixed day, and the order shall be made known to the person concerned or to some adult member of his family, and, failing this, shall be openly proclaimed at the place where he is, or was last known to be, in sufficient time to allow him if he sees fit, to appear.

(b) The proceedings of the village authorities need not be recorded in writing, nor shall it be necessary that examinations before the [Deputy Commissioner]<sup>2</sup> [Assistant Commissioner]<sup>3</sup> be signed by the parties examined but the [Deputy Commissioner]<sup>2</sup> [Assistant Commissioner]<sup>3</sup> may require the village authority to report their proceedings in any way which appears suitable.

(c) There shall be no preliminary enquiries by regular of village police unless the [Deputy Commissioner]<sup>2</sup> or [Assistant Commissioner]<sup>3</sup> sees fit to direct one.

(d) Recognisance to appear shall not be taken unless it appears necessary to the [Deputy Commissioner]<sup>2</sup> or an [Assistant Commissioner]<sup>3</sup>.

(e) Proceedings before the [Deputy Commissioner]<sup>1</sup> or [Assistant Commissioner]<sup>2</sup> shall be recorded in English only.

33. Omitted.

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1. Substituted for 'Governor' by ALO, 1950.

2. Substituted for 'Political Officer' by the NEFA (Admn) Regulation 1965.

3. Substituted for 'Assistant Political Officer' by NEFA (Admn) Regulation 1965.

4. Substituted for 'tracts' by NEFA (Admn) Regulation 1965.

Note :— See form 42 under Schedule V of the code of CRPC 1973 which correspond to item No. XXXV of Schedule V of the Code of CRPC 1898.

34. (1) The President may, either upon or without conditions, suspend the execution of or remit any sentence of death, and the [Administrator]<sup>3</sup> may, in like manner suspend the execution of or remit any sentence. Suspension and remission.

(2) If any sentence has been suspended or remitted upon conditions, and in the opinion of the President or the [Administrator]<sup>3</sup> as the case may be, these conditions have not been fulfilled, the President or the [Administrator]<sup>3</sup> may cancel the suspension or remission and thereupon the person whose sentence has been suspended or remitted may, if at large, be arrested by any police without warrant and remanded to undergo the unexpired portion of his sentence or made to undergo the punishment.

35. The President may commute any sentence of death and the [Administrator]<sup>3</sup> may commute any one of the following sentences for any other mentioned after it :— death. [imprisonment for life]<sup>4</sup> confiscation of property, rigorous imprisonment, whipping, simple imprisonment, fine. Commutation.

## CHAPTER - IV

### CIVIL PROCEEDINGS

36. Civil justice shall be administered by the [Deputy Commissioner]<sup>1</sup>, the [Assistant Commissioner]<sup>2</sup> and the village authorities. Administration.

37. The [Deputy Commissioner]<sup>1</sup> may try suits of any value. The [Assistant Commissioner]<sup>2</sup> may try suits not exceeding Rs. 50000\* in value. Powers of Deputy Commissioner and Assistant Commissioner.

38. (1) [The Deputy Commissioner]<sup>1</sup> and [Assistant Commissioner]<sup>2</sup> shall in every case in which both parties are indigenous to the [Union Territory of Arunachal Pradesh]<sup>3</sup> endeavour to persuade them to submit to arbitration by a panchayat. Arbitration.

1. Substituted for 'Political Officer' by the NEFA (Administrator) Regulation 1965.

2. Substituted for 'Assistant Political Officer' by the NEFA (Administration) Regulation, 1965.

3. Substituted for 'Governor' by the NEA (Reorgan) (AP) ALO, 1972.

4. Substituted for 'transportation for life' by Act 26 of 1955.

\* Substituted for "Rs. 1000" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

(2) If the parties agree, each party shall nominate an equal number of members of the panchayat, and the [Deputy Commissioner]<sup>1</sup> or [Assistant Commissioner]<sup>2</sup> shall either choose, or direct the panchayat to choose, a further person as umpire.

(3) The names and addresses of the members of the panchayat and umpire and a statement of the matter in dispute shall be recorded, and the [Deputy Commissioner]<sup>1</sup> or [Assistant Commissioner]<sup>2</sup> shall direct the village authority or some other person to assemble the panchayat and witnesses within such time as he may specify, and also fix a date on which the decision of the panchayat shall be announced before him.

(4) The umpire shall have no vote as a member of the panchayat, but shall enter on and decide the matter in dispute if the panchayat, or a majority of its members, are unable to agree on their decision before the date fixed under sub-section (3).

(5) On the date fixed for the announcement of the decision, the umpire and the parties shall appear before the Court which directed the arbitration, and the Court shall record the decision together with any order with which it considers reasonable for the payment, or apportionment of the costs of the panchayat's proceedings.

(6) The decision so recorded shall be enforceable as if it was a decision of the Court recording it and shall be final.

39. (1) In cases in which neither or only one of the parties is indigenous to the [Union Territory of Arunachal Pradesh]<sup>1</sup> the [Deputy Commissioner]<sup>2</sup> or [Assistant Commissioner]<sup>3</sup> may, with the consent of both parties, order that the case be referred to arbitration by a panchayat, and the provisions of sub-section (2) to (5) inclusive of section 38 shall then apply except that the [Deputy Commissioner]<sup>2</sup> or [Assistant Commissioner]<sup>3</sup> shall give the parties an opportunity to object to the decision.

Arbitration  
in other  
cases.

1. Substituted for 'Political Officer'; by the NEFA (Administration) Regulation 1965. (7 of 1965).

2. Substituted for 'Assistant Political Officer' by NEFA (Administration) Regulation, 1965.

3. Substitute for 'NEFA' by NEA (Reorg) (AP) ALO 1972.

(2) Any such objection must be made within ten days of the day on which the decision of the panchayat or umpire is recorded and if made, shall be considered by the [Deputy Commissioner]<sup>2</sup> whose decision shall be final.

(3) If no such objection is made the provisions of sub-section (6) of section 38 shall apply.

40. The village authorities shall try all suits without limit of value, in which both the parties are indigenous to the [Union Territory of Arunachal Pradesh]<sup>1</sup> and live within their jurisdiction and which are not submitted to arbitration under the provisions of section 38. All other suits which are not submitted to arbitration under the provisions of section 39 shall be tried by the [Deputy Commissioner]<sup>2</sup> or an [Assistant Commissioner]<sup>3</sup>.

Powers of authorities.

41. The village authorities shall have power to order the attendance of the parties and of witness, and to fine up to a limit of Rs. 500\*, persons failing to attend when ordered to do so.

Powers to enforce attendance.

42. The village authorities shall have power to award costs, as well as compensation not exceeding Rs. 5000\*\* in any case to defendants for unfounded or vexatious, suits brought against them.

Unfounded and vexatious suits.

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1. Substitute for 'NEFA' by NEA (Reorg) (AP) ALO 1972.
  2. Substituted for 'Political Officer'; by the NEFA (Administration) Regulation 1965. (7 of 1965).
  3. Substituted for 'Assistant Political Officer' by NEFA (Administration) Regulation, 1965.

\* Substituted for "Rs. 50" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

\*\* Substituted for "Rs. 50" by the Assam Frontier (Administration of Justice) Regulation, 1945 (Amendment) Act, 2005 (No. 1 of 2005).

43. The village authorities may appoint one or more assessors to assist them in coming to a decision, and when they do so, shall record, but shall not be bound by the opinion of the assessor or assessors. Assessors.

44. (1) All suits tried by the village authorities shall be decided in open Darbar in the presence of the parties and at least three independent witnesses. Hearing of cases.

(2) The [Deputy Commissioner]<sup>1</sup> or an [Assistant Commissioner]<sup>2</sup> may direct a village authority to report their proceedings in any cases or class of cases in any way which may appear to him to be suitable. Save as required by such direction, no record of any proceedings shall be maintained.

(3) After hearing both parties and their witness, if any, the village authority shall forthwith pronounce a decision.

45. (1) Unless any party having a right of appeal against a decision of a village authority gives notice, when such decision is pronounced, of his intention to appeal against it, the village authority shall carry out the decision forthwith, and for such purpose may proceed by distraint of any property belonging to any person liable to pay any sum under the decision, unless such person furnish security to the satisfaction of the village authority. Procedure after pronouncement of decision.

(2) If notice of intention to appeal is given, the village authority shall send the parties and witness to the [Deputy Commissioner]<sup>1</sup> or an [Assistant Commissioner]<sup>2</sup> forthwith, and one of the members of the village authority or one of the independent witness shall accompany them.

46. (1) Any person aggrieved by a decision of a village authority may appeal to the [Assistant Commissioner]<sup>2</sup> in suits not exceeding Rs. 500 in value and to the [Deputy Commissioner]<sup>1</sup> in suits exceeding that value. Appeals from village authorities.

1. Substituted for 'Political Officer' by the NEFA (Administration) Regulation, 1965.

2. Substituted for 'Assistant Political Officer' by NEFA (Administration) Regulation 1965.

(2) If such an appeal is filed, a record shall be made of the matter in dispute, and of the decision of the village authority.

(3) The appellate court shall, if necessary, examine the parties, and if the decision appears to be just, shall affirm and enforce the decision as its own. If the appellate court sees grounds to doubt the justice of the decision, it shall try the cases de novo or refer to a panchayat ; in any case so referred, the provisions of section 38 shall apply as if the parties had agreed to submit to arbitration.

47. An appeal shall lie to the [Deputy Commissioner]<sup>1</sup> from any decision original or appellate, of an [Assistant Commissioner]<sup>2</sup>.

Appeals  
from  
Assistant  
Commissioner.

48. An appeal shall lie to the [High Court]<sup>3</sup> from an original decision of the [Deputy Commissioner]<sup>1</sup> if the value of the suit is not less than Rs. 500 or if the suit involves a question of trial of rights or customs, or of the right to, or possession of, immovable property.

Appeals  
from Deputy  
Commissioner.

49. An appeal which lies to the [Deputy Commissioner]<sup>1</sup> or [High Court]<sup>3</sup> may be presented to the [Assistant Commission]<sup>2</sup> who shall, if it is 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 [Deputy Commissioner]<sup>1</sup>

Presentation  
of appeals.

50. The [High Court]<sup>3</sup> may, on application or other wise, call for the proceedings of any original case or appeal decided by the [Deputy Commissioner]<sup>1</sup> and not appealable under this Regulation and may pass such orders as [it]<sup>4</sup> may deem fit.

Powers of  
revision.

1. Substituted for 'Political Officer' by the NEFA (Administration) Regulation 1965.

2. Substituted for 'Assistant Political Officer' by the NEFA (Administration) Regulation 1965.

3. Substituted for 'Governor' by ALO 1950.

4. Substituted for 'He' by ALO 1950.

51. Every petition of appeal under section 47 or section 48 and every application under section 50 shall be accompanied by a copy of the order against which the appeal or application is made, and shall be filed within thirty days of the date of such order, excluding the time taken in procuring a copy of the order.

Limitation and other conditions.

52. [The High Court]<sup>1</sup> the court of [Deputy Commissioner]<sup>2</sup>, [Assistant Commissioner]<sup>3</sup> shall be guided by the spirit, but shall not be bound by the letter, of the Code of Civil Procedure, 1908, and shall follow subject to any express provisions of these rules, the principles of the Indian Limitation Act, \*\* 1908, in disputes between persons who are not indigenous to the [Union Territory of Arunachal Pradesh]<sup>4</sup>

Civil Procedure.

Act IX of 1908.

53. (1) If any decree is modified or amended as a result of an appeal or of an order under section 50, the decree as so modified or amended shall for the purposes of execution, be deemed to be the decree of the original Court.

Execution of decrees.

(2) Decree against persons resident beyond the jurisdiction of the Court, if satisfaction cannot be obtained within the [Union Territory of Arunachal Pradesh]<sup>4</sup> shall be transferred for execution to a Court having jurisdiction.

54. Houses, necessary clothings, cooking utensils, or implements whereby the owner or his family subsist, shall not be attached, sold or transferred in execution of a decree, unless the house or other thing so exempted is the actual subject matter of the suit. Land may be sold or temporarily transferred where custom admits of individual rights in it being recognised.

Exemption from execution.

55. No person shall be imprisoned for debt. except when the [Deputy Commissioner]<sup>2</sup> is satisfied that he has made a fraudulent disposition or concealment of property. In such case the debtor may be detained for a period not exceeding six months.

Imprisonment for debt.

1. Substituted for 'the Court of the Governor, by ALO 1950.

2. Substituted for 'Political Officer' by the NEFA (Administration) Regulation 1965. (7 of 1965).

3. Substituted for 'Assistant Political Officer' by NEFA (Administration) Regulation 1965.

4. Substituted for 'NEFA' by the NEA (Reorg) (Arunachal Pradesh) ALO 1972.

\*\* Limitation Act 1208 since repealed by limitation Act 1963 (34 of 1963).

56. (1) No pleader shall be allowed to appear in any case before the village authorities. Representation.

(2) No pleader shall be allowed to appear in the Court of the [Deputy Commissioner]<sup>1</sup> or [Assistant Commissioner]<sup>2</sup> except with the [Deputy Commissioner's]<sup>1</sup> permission. Such permission shall not be refused if the defendant at the time the cause of action arose resided beyond the jurisdiction of the Court in an area where the appearance of pleader is not restricted ;

(3) The [High Court ]<sup>3</sup> may [by special leave ]<sup>4</sup> permit any pleader to appear in any case before it.

## CHAPTER - V—EVIDENCE

57. In criminal cases before the [Deputy Commissioner]<sup>1</sup>, [Assistant Commissioner]<sup>2</sup>, oaths shall be administered to all witnesses when the accused is charged with murder, but not in other cases unless either party so require or the Court so determines. Oaths

(2) In civil suits before the [Deputy Commissioner]<sup>1</sup> [Assistant Commissioner]<sup>2</sup> oaths shall not be administered to parties or witnesses inless either party so requires, or the Court so determines.

(3) When an oath is administered, it shall be in the manner which the Court considers most binding on the conscience of the person marking it.

58. Any person who gives false evidence in any criminal case or civil suit, whether as a party or a witness, and whether after an oath has been administered to him or otherwise, shall be deemed to have given false evidence within the meaning of the Indian Penal Code, 1860. False evidence. Act XIV of 1860.

59. The [Deputy Commissioner]<sup>1</sup> [Assistant Commissioner]<sup>2</sup> shall in all criminal cases and civil suits be guided by the general principles of the Indian Evidence Act, 1872. Guidance with regard to evidence. Act I of 1872.

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1. Substituted for 'Political Officer' by the NEFA (Administration) Regulation 1965. (7 of 1965).
  2. Substituted for 'Assistant Political Officer, by the NEFA (Administration) Regulation 1965.
  3. Substituted for 'Governor' by ALO 1950.
  4. Substituted for 'at his discretion' by ALO 1950.