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No. LAD/31/A/73/115, the 26th July, 1976. In pursuance of Paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules made by the Pawi District Council which has been assented to by the Administrator of Mizoram is hereby published by General information.

1. Pawi Autonomous District Council (Administration of Justice) Rules, 1974.

J. Malsawma
Secretary,
to the Govt. of Mizoram

RULES

to provide for the administration of justice within the Pawi Autonomous District.

PREAMBLE :— Whereas it is expedient to make rules for the administration of justice in the Pawi Autonomous District, and in exercise of the powers conferred under sub-paragraph (4) of paragraph 4 of the Sixth Schedule to the Constitution of India the Pawi Autonomous District Council, with the previous approval of the Administrator of Mizoram, is pleased to make the following Rules, namely the Pawi Autonomous District (Administration of Justice Rules, 1974.

PRELIMINARY

DEFINITION :— 1. (1) These rules may be called the Pawi Autonomous District Council (Administration of Justice) Rules, 1974.

(2) These Rules shall apply to the whole of the Pawi Autonomous District constituted under Government Notification No. LJD. 8/72/53 dt. 29.4.72 read with the Pawi-Lakher Autonomous Region (Reorganisation) Order, 1972, under Notification No. CCMP-3/72/-70-77 dt. 1.4.72.

(3) They shall come into force at once and the Courts constituted under the Pawi-Lakher Autonomous Region (Administration of Justice) Rule, 1954 shall continue to function as if they were constituted under these rules.

2. In these rules, unless there is anything repugnant or the context otherwise requires :—

- (a) "Administrator" means the Administrator of Mizoram ;
- (b) "Autonomous District" means the Pawi Autonomous District constituted under the provisions of the Sixth Schedule to the Constitution of India and the term "District" shall be construed accordingly ;
- (c) "Constitution" means the Constitution of India ;
- (d) "Deputy Commissioner" means the Deputy Commissioner of Chhimituipui District ;
- (e) "District Council" means the District Council of the Pawi Autonomous District constituted under the Sixth Schedule to the Constitution of India and under Government of Mizoram Notification No. LJD. 8/72/53 of 29.4.72 ;
- (f) "Executive Committee" means the Executive Committee of the Pawi District Council constituted under the provisions of the Pawi District Council

cil constituted under the provisions of the Fawi District Council (Constitution and Conduct of Business) Rules, 1972 and the term "Chief Executive Member" and "Member of Executive Committee shall be construed accordingly ;

(g) "Gazette" means the Mizoram Gazette;

(h) "High Court" means the Gauhati High Court;

(i) "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 the Parliament from time to time in so far as the specification pertains to the Autonomous Districts of Mizoram;

(j) "Village" means an area declared as such by the District Council;

(k) "Village Council" means a Village Council constituted for a Village under Rule 4.

Note :- Any expression 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 Rule , as they apply for the interpretation of an Act of Parliament or of the Legislative of the Union Territory of Mizoram 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 2 to 5 members of whom one third shall be nominated by the Executive Committee and the rest elected by the adult members of the Village; provided further that in case the election of members to constitute a Village Council or Councils 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 nominate the members of such Council or Councils, and the members 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) There shall be a President in each Village Council. The President shall be elected by the members of the Village Council from amongst themselves by a majority of votes

(4) If the Office of the President of a Village Council has fallen vacant owing to death or resignation or otherwise, the Executive Committee of the District Council shall take steps to fill up the said vacancy as soon as possible.

(5) Every Village Council shall have a life of three years from the date of its first meeting unless sooner dissolved by the Executive Committee.

(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 Pawi Autonomous District, to be constituted by the District Council for the trial of Suits and Cases between the Parties all of whom belong to Schedule Tribe or 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—

- (i) Village Courts,
- (ii) Intermediate District Council Courts.
- (iii) District Council Court.

I. Village Courts :

6. (1) The Village Council for each Village shall sit as the Village Courts;

Provided that when the Village Council sits itself as a Court, the quorum to constitute a Court shall be not less than two members:

(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 Villages.

II. Intermediate District Council Court.

7. (1) There shall be one Intermediate District Council Court at Lawngtlai and other at Bualpui (Ng), Each Court shall be presided over by a Judicial Officer to be designated as Magistrate and to be appointed by the Executive Committee with the approval of the Administrator and such Judicial Officer shall also act as the Recorder of the Court.

Provided that any member of the District Council shall not be entitled to hold office as Judicial Officer.

(2) The jurisdiction of the Courts at Lawngtlai and Bualpui shall extend to the hearing and trial of suits and cases including appeals arising respectively within Block II and I Pawi Autonomous District.

8. The condition of service of the Judicial Officers in the Intermediate District Council Courts and the Staff appointed therefore shall be regulated by the rules or orders made or issued in this behalf by the District Council.

III. District Council Court,

9. (1) There shall be one District Council Court for the Pawi Autonomous District which shall be called the Pawi District Council Court. The Court shall consist of three Judicial Officers one of whom shall be appointed by the District Council as the President and Recorder of the Court.

(2) Any two or more Judicial Officers shall sit together as a Bench and the District Council may, by order, invest such Bench with any of the powers 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 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.

10. The Executive Committee shall appoint Judicial Officers of the District Council Court subject to the approval of the Administrator.

Provided that any member of the District Council shall not be entitled to hold office as Judicial Officer.

11. The District Council Court shall ordinarily sit at Lawngtlai. 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.

12. The conditions of service of the Judicial Officers of the District Council Court shall be regulated as provided in section 8 of these rules.

CHAPTER IV

POWERS OF COURTS

I. Village Courts.

13. A Village Court shall try suits and cases of the following nature in which both the parties belong to a Schedule Tribe or 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, drunkenness or disorderly brawling, public nuisance and simple cases of wrongful restraint ;

Provided that the Village Court shall not be competent to try offence in respect of which the punishment of imprisonment is obligatory under the Indian Penal Code.

14. (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 upto a limit of Rs. 60 (Rupees sixty) 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) & (2) may be enforced by distraint of the property on the offender.

15. 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/- (Rupees twenty five) on any person wilfully failing to attend when so ordered.

16. If any person on whom fine or any payment have 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.

17. 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.

18. An appeal shall lie to the Intermediate District Council Court from a village court within the jurisdiction of the Intermediate District Council Court concerned, against any order or sentence in a criminal case or 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 obtaining copies of the order or decision appealed against. The Intermediate 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.

II. INTERMEDIATE DISTRICT COUNCIL COURTS

19. Save as otherwise provided in the constitution and in these rules, a Judicial Officer appointed under rule 7 shall exercise such powers as defined in Chapter III of the Code of Criminal Procedure, 1898, as may be invested with by the Executive Committee with the approval of the Administrator.

20. An Intermediate 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 Intermediate District Council Court and also in suits and cases referred to it by a Village Court under rule 17.

20 A. An Intermediate District Council Court shall be competent to try all suits and cases arising within its jurisdiction other than suits and cases referred to in rule 22.

21. (1) An Intermediate District Council Court shall not be competent to try suits and cases.

(a) to which the provisions of sub-para (1) of paragraph 5 of the Sixth Schedule to the Constitution apply, unless the Court has been authorised by the Administrator to exercise such powers for the trial of particular class or classes of suits and cases specified in that behalf by the Administrator as required under the said sub-paragraph (1) of paragraph 5 or the Sixth Schedule ;

(b) In which one of the parties is a person not belonging to a Schedule Tribe or Tribes.

(c) In respect of offences-

(i) under section 124—A, 147 and 153 of the Indian Penal Code

(ii) under Chapter 10 of the same Code in so far as they relate to the contempt of 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 District Council Court under these rules.

(2) Unless specially empowered by the Administrator by notification in the Gazette an Intermediate 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 vagrant 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 removeable from his office save by or with the sanction of the Government 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.

22. (1) suits and cases referred to in rule 22 shall continue to be tried and dealt with by the existing Courts until such time as the Administrator deems fit to invest the Intermediate District Council Courts with such powers by notification in the Gazette.

(2) For the purposes of this rule the existing Courts mean the Court of the Deputy Commissioner and his assistants.

23. Whenever there is any likelihood of breach of peace or whenever any person accused of any offence involving a 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.

24. Whenever any Court of the District Council is informed that :-

(a) Any person is likely to commit a breach of the peace or disturb public tranquility, or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquility;

(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 anywise abets the dissemination of.

(1) any seditious matters, that is to say, any matter the publication of which is punishable 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 taking precautions to conceal his presence within the local limits of such Courts' 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 such limits who has no assensible means of subsistence or who cannot give a satisfactory account of himself,

(b) any person within the local limits of the Courts jurisdiction

(i) is by habit a robber, house-breaker, thief or forger, or

(ii) is by habit 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 439-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 the offence 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.

25. In cases where, in the opinion of the Court of the District Council, there 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 reference being made to him take such action as he consider necessary under the said Section.

26. 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.

27. In criminal cases the Intermediate District Council Court, may, subject to the provisions of the Constitution and of these rules, pass any law for the time being in force. Whenever such a Court is of opinion after hearing the evidence for the prosecution 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.

28. An appeal shall lie to the District Court from the decision of an Intermediate 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.

III. DISTRICT COUNCIL COURT

29. Subject to the provision of rules 30 and 31, the District Council Court shall be a Court of appeal in respect of all suits and cases triable by an Intermediate District Council Court

Provided that if the District Council Court is of opinion that the offence involve in a case filed in it is of such nature as calls for punishment which an Intermediate District Council Court is competent to inflict, the District Council Court may transfer the case to an intermediate District Council Court concerned.

30. (1) The District Council Court may, subject to the provisions of these rules, pass any order an appeal authorised by any law for the time being inforce.

(2) The District Council Court may call for an examine the record of any proceedings of an Intermediate District Council Court or of a Village Court and may enhance, reduce, cancell or modify any sentence or finding passed by such Court or demand the case for retrial.

31. (1) If it appears to the District Council Court —

(a) that a fair and impartial inquiry or trial cannot be had in any village court or Intermediate District Council Court, or

(b) that same question of law, tribal or otherwise of unusual difficulty is likely to arise; it may order;

(i) that any offence be inquired into or tried by another village court or on Intermediate District Council Court;

(ii) that any particular case or classes of casses be transferred from one village court to another village court or from one Village Court to an Intermediate District Council Court or from one Intermediate District Council Court to another Intermediate District Council Court;

(iii) that any particular case or cases be transferred to an tried before itself.

(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.

(2) When the Distrcit Council Court withdraws for trial before itself any case from any Court other than the Court other than the Court of origin it shall observe in such trial the same procedure which that Court would have observed, if the case had not been so withdrawn.

(3) The District Council Court may act either on the report of the lower Court or on the application of a party interested or on its own initiative.

32. (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 offender 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 an Intermediate 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, 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 trivial nature of the offence or any extenuating circumstances under which the offence was committed instead of sentencing him to any punishment release him after due admonition;

Provided that, where a person is convicted of such offence by an Intermediate District Council Court and no previous conviction is proved 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 making bail for his appearance before such Court which shall dispose of the case in the manner provided by Rule 33.

(3) The provisions of section 12, 124, 373 of the Code of Criminal Procedure shall apply mutatis mutandis in the case of sureties offered in pursuance of the provisions of this rule.

33. Where proceedings are submitted to the District Council Court under rule 22, 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.

34. (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 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 a Police Officer, but the Court or person may, if its immediate execution is necessary, direct it to any person and such person or persons shall execute the same.

35. The Court directing the release of an offender under sub rule (1) of rule 32 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.

36. (1) In a Criminal case the District Council or the Administrator may direct an appeal to be presented to the District Council Court from any order passed by a village Court or an Intermediate District Council Court.

(2) An appeal under sub-rule (1) shall be presented within ninety days of the date of order appealed against, excluding the time needed for obtaining the copy of the order.

CHAPTER V

PROCEDURE

1. VILLAGE COURTS.

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

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

39. 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 witness and for a fixed day not exceeding eight days from the day it is given. If a case is postponed, it shall be fixed for a day not exceeding fifteen days from the date of the order postponement, and the case may be subsequently adjourned for a period not exceeding seven days at a time on good cause shown. 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 known to be, or shall be communicated to him or any member of his family by a written notice, giving sufficient time to allow him to appear.

40. (1) The full proceedings of a village court need not be recorded in writing but the Intermediate District Council Court concerned may require a village court or courts to report its or their proceedings in any way which appear to it suitable.

(2) Registers of all suits and cases disposed of a Village Court, shall be kept, by the Courts in the forms as provided in Appendix 1.

41. A village court may carry out its decision or may, subject to the provisions of rule 49, order attachment of property as soon as judgement is pronounced, but in no case is property so attached to be sold, if the party concerned claims to appeal within sixty days without the orders of the District Council.

II. Intermediate District Council Courts and District Council Court.

42. (1) On Criminal cases the procedure of the Intermediate District Council Courts and the District Council Court shall, subject to the provisions of this rule be in the spirits 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) Wherever a Court constituted under these rules requires, in course of the discharge of its functions, the services of the regular police which is at the disposal of the Deputy Commissioner, that Court may send a requisition for such services 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 Pawi Autonomous District or on a person who does not belong to a Schedule Tribe shall be issued by a Court other than the High Court through the Deputy Commissioner of the district.

(4) A note of the substance of all the proceedings in cases tried before them must be kept by the District Council Court, the Intermediate District Council Courts in the form 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 enquiry by regular or village police unless the District Council Court or an Intermediate 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 or Intermediate District Council Court.

(7) Examinations and proceedings in the Intermediate District Council Courts or District Council Court generally shall be in English or in any of the recognised language of the district.

(8) It shall be necessary to examine witness upon oath or affirmation unless the accused so desired. It shall suffice if the District Council Court or an Intermediate District Council Court at the commencement of any trial, informed the accused that, if he so requires, the witness will be put on oath. It is however, at all times optional with the Court to put witnesses, on oath or affirmation but witnesses whether on oath or affirmation or not, shall be punishable for giving false evidence.

43. 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 the Intermediate District Council Courts in the forms prescribed in Appendix III

44. (1) In all civil cases the District Council Court, the Intermediate District Council Courts shall adjudicate according to law, justice, 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 warn them that they are liable to punishment for perjury if they state that which they know to be false.

45. 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 expense likely, in the opinion of the Court, to be incurred by the respondent in the hea-

ring of the appeal or may order security to be given for such expense, and if the appellant be a judgement debtor, may also order security to be given for part or the whole of the decretal amount.

46. In civil cases, the procedure of the District Council or the Intermediate District Council Court. Shall be guided by the spirit, but not bound by the letter, of the Code of the Civil Procedure, 1909 in all matters not covered by the recognised customary laws or usages of the district.

47. 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.

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

49. Any legal practitioner may appear in any case before the District Council Court of Intermediate District Council Court.

Provided that in cases where an accused is not arrested, the legal practitioner shall take previous permission of the District Council.

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

EXECUTIVE OF SENTENCES, DECREE AND ORDER EXECUTION

51. (1) Whenever a Village court has sentenced 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.

(a) issue a Parwana for the payment of the amount by the offender or 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 civil process against the moveable or immoveable 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 decree and the Chief Executive Member to be the decree holder. The Chief Executive Member or any officer not below the rank of an Asst. Revenue officer authorised by the Chief Executive Member in writing shall get the decree executed according to the spirit of the Civil Procedure Code.

(3) In the event of non-recovery of the amount of execution the Chief Executive Member may, by an application, move the Intermediate 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 for 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.

52. (1) Subject to the provisions of rules 42 and 41 Intermediate 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 sentence of imprisonment shall be directed to officer incharge of the Jail maintained by the Mizoram Government in which the prisoner 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.

53. 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 moveable or immoveable, belonging to him is liable to attachment according to the civil process prescribed in rule 54 of these rules.

ATTACHMENT OF PROPERTY

54. (1) Property, moveable or immoveable belonging to the judgement debtor over which or the profits of which he has a disposing power which he may exercise for his own benefit, where the same be 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 only those moveable and immoveable properties should be attached as are permitted by Tribal Custom.

(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 decrees for rent of any such house, buildings, site or land or if themselves the subject of the suit.

(3) Subject to the provisions of rules 46 and 51, 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.

MISCELLANEOUS.

55. 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 rule made by the Government of Mizoram under the Indian Lunacy Act, 1912.

56. No Judicial Officer shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial, any case or in which he is 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 a municipal Board) or otherwise concerned there with in a public capacity, or by reason only that he has viewed the place 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 and inquiry in connection with the case.

56. A Notwithstanding anything contained in those Rules and the law so far made by the District Council under paragraph 3 of the Sixth Schedule to the Constitution, a Judicial Officers of Intermediate District Council Court and of the District Council Court, as the case may be, shall exercise such other functions as may be entrusted to them from time to time by the Executive Committee by a notification to dispose of matters falling within the competence of the Executive Committee by virtue of the provisions of any law made under paragraph 3 of the said Schedule.

REPEAL AND SAVINGS

57. (1) The Pawi Lakher Autonomous Region (Administration of Justice) Rules, 1954 is hereby repealed with immediate effect.

(2) Notwithstanding such repeal, all actions taken, orders made or directions given under the provisions of the Pawi Lakher region (Administration of Justice) Rules, 1954 shall be deemed to be taken, made or given under the respective provisions of this Rules and subsequent actions if any, with regard to any action order or direction shall be in accordance with the provisions of these Rules.

Objects and Reasons :

with the creation of the Pawi—Autonomous District out of the erstwhile Pawi Lakher Autonomous Region, the Pawi Lakher Autonomous Region :(Administration of Justice) Rules, 1954 has become irrelevant and inapplicable to Pawi Autonomous District.

Hence the Rules.

L Chinzah
Chief Executive Member,
Pawi District Council, Lawngtlai, Mizoram.

APPENDIX I

(Vide rule 40 (2))

1—Register of Petitions.

1. Date
2. Name of Petitioner.
3. Subject to 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.

11. 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.

" " Defendant.

Evidence for Plaintiff.

" " Defendant.

Judgement and finding of the Court. Order as to costs.

111. Register or Executions.

1. Date
2. Name of decree—holder
3. Name of Judgement-debtor.
4. Name of property to be attached.
6. Date of issue of attachment.
5. 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 amount due and receipt of decree-holders.