THE RULES FOR ADMINISTRATION OF JUSTICE AND POLICE IN NAGALAND (THIRD AMENDMENT) ACT, 1984.

(NAGALAND ACT NO. 1 OF 1987)

(Received the assent of the President of India on 4th March, 1987)

An

-Act -

Further to amend the Rules for Administration of Justice and Police in Nagaland, 1937.

It is hereby enacted in the thirty sixth Year of the Republic of India as follows 1. Short title, extent and commencement.

(1) This Act may be called the Rules for the Administration of Justice and Police in Nagaland (Third Amendment) Act' 1984. (2) It extends to the whole of the State of Nagaland.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint and - different dates may be appointed for different provisions of the Rules contained in this Act.

Provided that the State Government may apply the provisions contained in Chapter IV A of the Act or part thereof with such supplemental, incidental or consequential modifications as may be considered necessary and specified in the notifications issued in that behalf and published in the Official Gazette either to the whole or any part of the State of Nagaland at one time.

2. The Rules under the Head.

"I-General" shall be substituted by the following Rules

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GENERAL 2. Definitions.

In these Rules, unless the context otherwise requires,

(a) "Customary Courts" means and includes Village Courts, Subordinate District Customary Courts and District Customary Courts constituted under Chapter IVA of these Rules;

(b) "Deputy Commissioner" in these Rules, except where the contrary appears from the context, includes Additional, Additional Deputy Commissioner, as and when appointed, and shall also include officers designated as Deputy Commissioner, (Judicial) and Additional Deputy Commissioner (Judicial), as and when appointed to administer Criminal and Civil Justice under these Rules;

(c) "Assistant to the Deputy Commissioner" in these Rules shall mean and include officers appointed as such to exercise powers assigned under these Rules and shall also include Officers designated as Assistant to the Deputy Commissioner

(Judicial) as and when appointed, to administer Criminal and Civil Justice under these Rules;

(d) "Governor" means the Governor of Nagaland;

(e) "High Court" means the Gauhati High Court (High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura); (f) "Official Gazette" means the Nagaland Gazette;

(g) "Notification means notification published in the Official Gazette;

(h) "Scheduled Tribe or Tribes" means such tribe or tribes as are specified by order or orders made by the President of India and as may be modified by law made by Parliament from time to time, in so far as it relates to the State of Nagaland; (i)'Village" means and includes an area recognised as a Village by the State Government.

(ii) Words and expressions appearing in the Rules and not defined but defined in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973. or the Code of Civil Procedure, 1908 as the case may he, have the same meanings respectively assigned in the said Acts, unless the context otherwise requires.

3. Rule 2 of Chapter II.

Police of the Principal Rules shall be substituted by the following Rules renumbered as Rule 2A and Rule 2B :-

2A. For the purpose of this chapter, the Deputy Commissioner shall include on1v the Additional Deputy Commissioner.

2B, The police of the State of Nagaland shall consist of —(a) Regular police force of the State and (b) Rural police, consisting of Mauzadars, Gaonburas, Chief, Headmen of Khels and othervillage authorities recognised as such by the Deputy Commissioner, with their subordinate village authorities.

4. Rule 14 of the Principal Rules shall be substituted as follows

(14)(i) All inhabitants of the State of Nagaland shall be bound to aid the regular police and the rural police when required to do so for the maintenance of law and order or the apprehension of offenders. Any person failing to do so shall be liable to fine not exceeding Rs. 250/- for each such failure to be adjudged by the Mauzadars, Gaonburas, Chiefs, Headmen of Kheis or other Chief Village authority or by the Deputy Commissioner, Additional Deputy Commissioner or such other officers as may be authorised by the state Government in that behalf.

Provided that before imposition of any such fine the inhabitant concerned may he given an opportunity of being heard in person, if the circumstances so permit.

(2) ***if***it appears to the Deputy Commissioner that the inhabitants of any particular area are abetting the. commission of heinous offences or harbouring persons concerned in the commission of such offences or are failing and/or neglecting to render due assistance to apprehend the offender or offenders concerned with such offences or are suppressing material evidence relating to the commission of such offences, the Deputy Commissioner after holding such summary enquiry in the matter as may be considered appropriate and giving such opportunity as may he possible, under the circumstances to the inhabitants concerned, may impose collective fine on the inhabitants of the area for reason to be recorded in writing.

Any order imposing such collective fine shall be published in the Official Gazette and may also be brought to the notice of the inhabitants concerned by such manner as may he considered appropriate.

(3)The Deputy Commissioner or any officer empowered in this behalf by the State Government by general or special order may exempt any inhabitant or class or section of such inhabitants from payment of any portion of such fine imposed for reason to be recorded in writing.

(4) The Deputy Commissioner, after holding such enquiry as may be deemed necessary, shall apportion the collective fine imposed amongst the inhabitants liable for payment of such fine taking into consideration the respective means of such inhabitants, and the portion of such collective fine payable by any inhabitant may be recovered in the same manner as

provided in the Code of Criminal Procedure, 1973, for realisation of fine imposed on an offender as a sentence by the Court.

III —CRIMINAL JUSTICE

5. **Rule 15 of the Principal Rules shall be substituted as follows —**

15. Criminal justice snail be ordinarily administered by the Deputy Commissioner, Additional Deputy Commissioner, Assistant to the Deputy Commissioner, Customary Courts constituted under Chapter IV A of the Rules, Dobhasis and other village authorities as may be appointed by the State Government from time to time by Notification in the Official Gazette.

Provided that the Government of Nagaland shall have the power to invest any officer of the State Government having judicial experience with the powers of the Deputy Commissioner for the trial of any particular criminal case or cases and the officer so invested with the powers of the Deputy Commissioner shall he designed as Deputy Commissioner (Judicial) and shall exercise all the powers of the Deputy Commissioner is this behalf.

Provided further that Assistants to the Deputy Commissioner appointed by the State Government to exercise powers under these Rules and posted at any place to administer Criminal and Civil justice under the rules exclusively shall be designated as Assistants to the Deputy Commissioner (Judicial).

6. Rule 16(3) of the Principal Rules shall be substituted as follows:

16. The High Court or the Deputy Commissioner may call for

the proceedings of any court subordinate to it or him and alter or reverse any order, reduce, enhance or cancel any sentence passed or remand the case for re-trial but no offence shall be punished by a sentence exceeding that warranted by law.

7. In Rule 16B of the Principal Rules the expression."(Namely days)" shall be substituted by the expression "(namely 15 days)'.

8. Rules 17, 17A, 18 and 19 of the Principal Rules shall be deleted and Rules 20 to 21D shall be renumbered as Rules 17, 18, 19, 20, 21A and 21B.

9. Clause (c) and (d) of the Principal Rule 22 shall be deleted and existing clause (e) of the Principal Rule 22 shall be renumbered as clause (c).

10. A New Rule 22C shall be inserted after Rule 22B of the Principal Rules:

"22C, Whenever it is made to appear to the State Government in the Department of Law and Justice or any officer of the said Department authorised in this behalf either on the report of any court or on. the application of a party interested or on its own initiative that it is expedient for the ends of justice that any particular case or appeal be transferred from one criminal court in a district to another court in a different district in the State of Nagaland it may pass such order transferring the case or appeal as the case may be after giving opportunity of showing cause in writing before making of such order".

11. A new Rule, 22 D shall be inserted in the Principal Rules after Rule 22C:"22D.(l) The Deputy Commissioner, Additional Deputy Commissioner, Assistant to the Deputy Commissioner and Dobhasis shall not try criminal cases triable by the Customary Courts after Chapter IVA of the Rules has been made applicable to any area and Customary Courts there under are constituted for that area.

Provided that any appeal, application for trial pending before the enforcement of the present Amendment Act or enforcement of chapter IVA in any area shall be continued and disposed of as if chapter IVA had not come into force.

(2) Cases triable by the Customary Courts, as and when sent up to the Court of the Deputy Commissioner or any of his Assistants, shall he transferred to such Customary Courts by which the cases are triable at the initial stage before taking cognizance of the case or cases".

12. The chapter "IV-CIVIL RULE" shall be re-named as "IV- CIVIL JUSTICE".

13. Rule 23 of the Principal Rules shall substituted as follows:23."The Administration of Civil Justice in the State of Nagaland is entrusted to the Deputy Commissioner, Additional Deputy Commissioner, Assistant to the Deputy Commissioner, Customary Courts constituted under chapter IVA of the Rules, Dobhasis and other village authorities may be appointed by the State Government from time to time by Notification in the official Gazette.

Provided that the Government of Nagaland shall be empowered to invest any officer of the State Government having judicial experience with the powers of the Deputy Commissioner for the trial of any particular civil case or cases and the officer so invested with the powers of the Deputy Commissioner shall be designated as Deputy Commissioner (Judicial) and shall exercise all the powers of the Deputy Commissioner in this behalf.

14. Rules 24 to 29 of the Principal Rules shall be deleted.

15. After Rule 23 the following Rules shall be inserted as Rule 24:

24 (1) : Every civil suit or action under this chapter shall be presented in court by filing a plaint which shall contain the following particulars:

(a) the name of the court in which the suit or action is brought;

(h) the name and place of residence of the plaintiff;

(c) the name and place of residence of the defendant, so far as they can be ascertained;

(d) whether the plaintiff or defendant is a minor or a person of unsound mind a statement to that effect;

(e) the brief facts necessitating the filing of the suit or action and when it arose;

(f) the facts showing that the court has jurisdiction;
(g) the relief which the plaintiff claims.

(2) The defendant shall on the date fixed or within such time as the court may permit present a written statement of his defence.

(3) On perusal of the plaint and the written statement filed,the court shall ascertain upon what material proposition of fact or law the parties are at variance and shall thereupon frame issues of fact and law of which the right decision of the case appears to depend.

16. The following Rules shall be inserted after Rule 24 as Rule 25:

"25 (1)The court after recording of evidence that may be adduced by the parties and after hearIng arguments in the case, shall pronounce judgment either at once r, as soon thereafter on a date fixed for the purpose.

(2) In the judgment so pronounced, the court shall state as finding or decision. with the reasons therefore on all **issues** framed, unless the findings spun one or more the issues is sufficient for the decision, of the suit or action."

17. 'Rule 30, of the Principal Rules shall be re-numbered as RULE 26.

18. 'Rule 31, of the Principal Rules shall be deleted.

19. 'Rules 32 and 33 of the Principal Rules shall be renumbered as Rules 27 and 28.

20. Rule 34 of the Principal Rule shall be substituted as follows and numbered as Rule 29.

"29. (1) An appeal shall lie to the Deputy Commissioner against the decision of any of his Assistants and to the High Court against the original decision of the Depuy *Com*-missioner, if the value of the suit be Rs. 500/- or o or of right, to or possession of immovable property

Provided that a petition of appeal accompanied by a copy of the order appealed against and by a clear statement of the grounds of appeal he filed within 30 days fromthe date of decision, excluding the time required for obtaining a copy of the decision:
Provided further, that the appeal may be admitted after the aforesaid period of 30 days if the appellant satisfied tile Appellate Court that he has sufficient cause for not preferring the appeal within such period.

(2)An appeal which lies to the High Court may be presented to the Deputy Commissioner, who shall if it he in order and presented in due time, endorse upon it the date of receipt and transmit it with tilerecords of the case to tile High Court. (3) The decree . me Appellate Court shall be sac.

L. the court : passing the original order execution as a decree of own."

21. After Rule 29 the following Rules shall be inserted as Rule 30. "30 The Deputy Comm ssioner in disposing of an appeal under she Rules, ma' all low such a evidence or document to be produced or wit ness to be examined if considered necessary for the ends of justice after recording of reasons for its admission.

22. After Rule 30 the to wing Rule shall be inserted as Rule 31.

"31 :) The Deputy Commissioner after hearing the Parties to the appeal or their Advocates shall pronounce judgment in open cue either at once or as soon thereafter, as may be possible on date fixed for the purpose.

(2) The judgement . passed on appeal by the Deputy Commissioner shall on tam the points for the determination the decision. thereon the reason for the decision and the relief to which the appellant is entitled in a case where the decision appealed against is reversed or varied."

23. After Rule 31 following Rule shall be inserted as Rule 32.

"32. The High court or he Deputy Commissioner mad, on an application by the aggrieved party or otherwise call for the proceedings of an se decided by any officer subordinate a him and pass such order as may be deemed fit:

Provided that the party aggrieved may move such application only after availing of remedy by way of appeal, if any, provided under the Rules against such decision."

24. Rule 34 of the Principal Rules shall be deleted.

25. After Rule 32 the following Rules shall be inserted as Rule 33.

33. Whenever it is made .o appear to the State Government in the Department or Law and Justice or any Officer of the said Department authorised in this behalf either on the report of any court, or on the application of a party interested, or on its own initiative that it is expedient for the ends of justice that any particular case or appeal be transferred from any court in district to another court in a different district in the State of Nagaland it. may pass such order transferring the case or appeal as the case may be, after giving opportunity of showing cause in writing before making of such order."

26. Rules 35 and 36 of the Principal Rules shall be renumbered as Rules, 34 & 35.

27. Rule 37 of the Principal Rules shall be deleted.

27A. After Rule 35 the following Rule shall be inserted as Rule 35A.

"35 A. The Deputy Commissioner, Additional Deputy Commissioner and Assistant to the Deputy Commissioner shall not try and decide civil suits and cases triable by the Customary Courts after Chapter IVA of the Rules has been made applicable to an'. area or areas and Customary Courts thereunder are constituted for that area or areas

Provided that any appeal, suits or civil cases pending before the enforcement of the present Amendment Act or enforcement of Chapter IVA in any area, shall be continued and disposed of, as if Chapter IVA had not come into force."

OFFENCE & PENALTY

28. Rule 38 of the Principal Rules shall be deleted and the following Rule shall be inserted as Rule 36.

"36. Whoever not being authorised under the Rules, hears or disposes of any suit, case or dispute, imposes fine or penalty or realise any fees for the disposal of such suits, cases or dispute. shall he punishable with imprisonment of either description for a term not exceeding six months or with line nor exceeding Rs. 500/- or both,"

29. Rules 38A and 38B shall be re-numbered as Rules 37 and 38.

30. A new Chapter 'WA—Customary Courts shall be Inserted after Rule 38 and before 39 of the Principal Rules.

"IVA - CUSTOMARY COURTS" (Constitution of Courts)

3), There shall he three classes of Customary Courts a:', specified below, in the State of Nagaland t he constituted by the State Government for the trial of suits and cases between the parties all of whom belong to a Scheduled 1"rihe or Tribes with powers and jurisdiction mentioned in this Chapter. i) Village Courts.

(ii) Subordinate District Customary Courts, (iii) District Customary Courts.

(i) VILLAGE COURTS

40. (1) There shall be a Village Court for each village.

(2) Each Village Court shall be composed of members of the Village Council constituted under the Nagaland Village and Area Councils Act, 1978 (Nagaland Act No. 1 of 1979) including Gaonburas and Angs of the respective village Provided that in "An area" members of the traditionally established village institutions like Putu Menden and recognised as Village Council under the aforesaid Act and the Gaonburas shall constitute a village court.

(3) There shall be a Chairman and a Secretary of each village court. Provided that a sitting member of any Area Councils under the Nagaland Village and Area Councils Act, 1978 shall not he entitled to he a Chairman of any Village Court.

(4) The Chairman of the Village Council under the Nagaland Village and Area Councils Act, 1978 shall be the Chair-man of the Court. The Secretary of the Village Court shall he selected and appointed by the Village Court from amongst the Members of the Village Court.

Provided that the village inhabited by persons belonging to Sema,Konyak or any other Tribe or Tribes having hereditary Chiefs/Angs by custom or inhabited by majority of any of such Tribes the Chairman of such Village Court shall he the hereditary Chief of such village.

(5) REMOVAL OF CHAIRMAN AND MEMBERS OF ANY VILLAGE COURT

The State Government having given an opportunity to explain. mat remove the Chairman any Member of any Village Court it' he is persistently omitting or refusing to carry out or disobeying the provisions ot this Act and the Rules made thereunder or any lawful order issued thereunder or he ceases to reside within his own village area continuously for a period of more than twelve months or he becomes otherwise incapable of acting or is declared insolvent or convicted by a Criminal Court for any offence involving moral turpitude :

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41. (1) The quorum of the Village Court constituted under
Role 40 shall be by a majority of the total number of members
of the Village Court.

(2) The Secretary of the Village Court shall
recordthe
proceedings of the Court.

(3) The jurisdiction of a Village Court shall extent to the hearing and trial of suits and cases arising within the territorial emits of the Village

***(ii)* SUBORDINATE DISTRICT CUSTOMARV COURT**

42. (1) There shall be Subordinate District Customary Court at places *to* be notified by the State Government (2) (a) Each Subordinate District Customary Court shall consist of an Officer having judicial experience to he appointed by the State Government and designated as Presiding Officer of that Court other members; not less than 4 and not more than 6 so be selected for any particular case by the *Pr*esiding Officer from a panel of names of members appointed by the State Government and included in a list prepared. maintained and duly notified for each Subordinate District Customary' Court

Provided that the State Government, may from time to time. include or omit name or names of members from the said panel in the same manner as may be considered necessary
Provided further that any sitting member of any Ares. Council under Nagaland (Act No, 1 of 1979) shall not he eligible to be a member of the Subordinate District Customary Coast,
(b) In appointing members of the Subordinate District Customary Court,for inclusion of their names in the panel earlier referred to, due consideration shall he given to persons having knowledge of the tribal customs and usages prevalent in the area and experience in trial of cases according to customs anti usages prevalent in the area.

(c) The presiding Officer so appointed, shall preside over the court and shall also act as recorder of the Court.

(3) The territorial jurisdiction a each Subordinate ease District Customary Court shall be such as may or' notified by he State Government in that behalf. The Deputy Commissioner of the concerned District will provide Subordinate District a Customary Court with such ministerial staff as may be considered ed necessary with the approval of the State Government.

43 The jurisdiction of the Subordinate District Customary Court shall extend to suits and cases arising within the territorial jurisdiction of the said court between parties residing within the jurisdiction of different village courts there under cases which are
not triable the Village Courts and cases involving disputes between village falling within the territorial jurisdiction of the said court

DISTRICT CUSTOMARY COURTS

44. (1) There shall be one District Customary Court for cad, District. .Each District Customary Court shall consists of one Presiding Officer, anti 2 other members to he selected for any

particular case by the said Presiding Officer from a panel of names of members appointed by the State Government and included in the list prepared, maintained and duly notified for each District Customary Court.

(2) No person shall be qualified for appointment as Presiding Officer of the District Customary Court unless he has sufficient knowledge of tribal customs and usages prevalent n the district and has experience in the trial of suits and cases in accordance with laws and rules in force in the State

Provided that a sitting member of any Area Council under Nagaland Act No, of 1979 shall not be entitled to hold Office of the Presiding Officer of District Customary Court.

(3) The District Customary Court will ordinarily' sit in the district headquarter. The court may also sit at any other place or places within the district whenever it is considered necessary in the interest of justice. In such a case, a tour programme of the court shall be submitted one week in advance to the Deputy Commissioner of the concerned district.

(I)
VILLAGE
COURTS
(Powers of
Courts)

45. A village courts shall try suits and cases of the following nature :—

(a) Cases of Civil and Miscellaneous nature falling within the purview of the village or tribal laws and customs

Provided that if any immovable property is in dispute, the property must be situated within the jurisdiction of the village court and in all other cases all the parties must reside or hold land within such jurisdiction.

(b) Criminal cases falling within the purview of tribal laws, customs and offences of theft, pilfering, mischief, trespass, assault, hurt, affray of whatever kind, drunkenes or disorderly brawling, public nuisance and cases of wrongful restraint and such offences occur within the jurisdiction of the Village Court.

46. (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. *500/-* (Rupees Five hundred). It may also 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 costs as also compensation to those against whom unfounded or vexatious suits or cases have been instituted before the court.

(3) The fines and payments imposed and ordered under Sub rules (1) and (2) may be enforced by distrain of the property of the offender.

47. 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. 100/- (Rupees one hundred) on any person wilfully failing to attend when so ordered or commit for contempt of such Court.

48. If a person on whom a fine under Rule 47 above has been imposed by a Village Court, fails to deposit the amount at once or within such time as may be allowed, the Village Court shall proceed to realise the fine imposed in such manner as it may deem fit.

49. Where a Village Court is of opinion that the sentence it is competent to pass is insufficient in the circumstances of the cakes, it shall without delay refer the case to the competent court, and that court shall disposed of the case inaccordance with these Rules.

(II) SUBORDINATE DISTRICT CUSTOMARY COURTS

50. A Subordinate District Customary Court shall exercise such powers in criminal cases, not exceeding those of a Magistrate Second Class as defined in the Code of Criminal Procedure, 1973 as may be invested by the State Government.

51. (1) A Subordinate District Customary Court shall be competent to try all civil cases not triable by Village Court in which all the parties reside or hold land within its jurisdiction and if any immovable property is in dispute, the said property is also situated within the said jurisdiction.

(2) A Subordinate District Customary Court shall try such criminal cases committed within its jurisdiction which are not triable by the Village Court and are mentioned in the Schedule-I appended hereto and cases referred to it by the village court under Rule 49 of the Rules.

52. Whenever there is any likehood of breach of the peace or whenever any person accused of any offence involving a breach of the peace, or of abetting the same or any person accused of committing criminal intimidation is convicted of such an offence by any Customary Court 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 take necessary action in accordance with law.

53.In case where in the opinion of a Customary Court there is sufficient ground for proceeding under Section 44 of the Code of Criminal Procedure, 1973 and immediate prevention or speedy remedy is desirable, such court shall refer the matter to the Deputy Commissioner who shall on such reference being made to him, take such action as he considers necessary under the said section.

54. Whenever a Customary Court is satisfied that a dispute is likely to cause a breach of the peace exists, concerning any land or water or the boundaries thereof within the local limits of its local jurisdiction, such court shall refer the matter to the Deputy Commissioner and the Deputy Commissioner whenever such a reference is made to him, shall take such action as lie considers necessary under the law.

(III) DISTRICT CUSTOMARY COURTS

55. (1) The District Customary Court shall he the court of appeal as against decisions of the Subordinate District Customary Courts and Village Courts in suits and cases both civil and criminal decided by the said courts.

(2) The District Customary Court may also try suits and cases triable by the Subordinate District Customary Courts, as and when occasion arises.

56. The District Customary Court in trying criminal cases as an original court shall exercise such powers not exceeding those of a Magistrate First Class as defined in the Code of Criminal Procedure, 1973 as may be invested with by the Slate Govern-ment. The District Customary Court may also award payment in restitution or compensation to the aggrieved or to the injured party in accordance with Customary law.

57. (1) The District Customary Court after hearing parties to the appeal shall pronounce judgement in open court, either

at once or as soon thereafter, as may he possible on a date to he fixed for the purpose.

(2) The judgement passed on appeal by the District Customary Court shall contain the points for determination and the decisions thereon with reasons thereof.

(3)The District Customary Court in disposing of an appeal may allow such evidence or document to be produced or witness to he examined, as considered necessary for the ends of justice.

58. Whenever it is made to appear to the District Customary Court, on application made or otherwise, that it is expedient for the ends of justice that any particular suit or case be transferred from one Subordinate District Customary Court to another Subordinate District Customary Court within the same district or any case pending before any Subordinate Court within the District or any case pending before any Subordinate Court within the district be transferred to its own court, the District Customary Court may pass order transferring such cases recording brief reasons for the order passed.

59. The State Government may direct an appeal to he presented to the District Customary Court against an order of acquittal passed by any Subordinate District Customary Court or Village Court

and such an appeal shall he presented within a period of 90 (ninety) days from the date of order of acquittal excluding the time needed for obtaining a copy of the order appealed against.

(PROCEDURE)

(1) Village Courts

60. (1) A Village Court shall try all suits and cases following the customs and usages applicable in deciding such suits and cases.

(2) A Village Court shall try and decide all suits and cases after hearing the parties and their witness, if any, and shall pronounce its decision forthwith. The decision of the majority of the members present shall he the decision of the Village Court

Provided that the Chairman presiding over the court shall have a casting vote in the event of there being a tie.

(3)Except where the Village Court otherwise decides only verbal notice is required to be given by the Village Court to the parties to any suit or case and their witnesses.

*(4)*A Village Court may decide any suit or case ex-party, if it is satisfied that the other party remains absent wilfully. *(5)*The proceedings of the Village Court in any suit or case shall be recorded in writing.

61. A Village Court may carry out its decision at once and order attachment of property be made, subject to the provisions of Rule 27 of the Rules, hut in no case property so attached be sold if the party concerned claims to prefer an appeal before the Appellate Court under the Rules.

(ii) Subordinate District Customary Court and District Customary Court

62. (1) Theprocedure of the Subordinate District Customary Court and theDistrict Customary Court in Criminals Cases shall be in the spirit of the Code of Criminal Procedure, as far as possible consistent with the Rules.

(2) The District Customary Court and the Subordinate District Customary Court in deciding civil suits and cases shall follow the customs and usages applicable to such suits and cases and shall adjudicate all such suits and cases according to justice, equity, good conscience and the customs and usages applicable.

(3) The District Customary Court and the Subordinate District Customary Court shall follow in matters

of procedure the spirit of the Code of Civil Procedure in matters not covered by customs and usages followed in the district.

(4) It shall be discretionary for the District Customary Court and the Subordinate District Customary Court to examine witnesses on oath in any form, or to warn them that they liable to the punishment for perjury, if they state that which they know to be false.

(5) Summons of any person residing outside the District or the State of Nagaland or on any person not belonging to any scheduled tribe shall be issued through the Deputy Commissioner of the District.

(6) The proceedings including examination of witness in the District Customary Court and the Subordinate District Customary Court shall be generally in English.

63. The Customary Courts shall maintain such registers and records in respect of suits and cases filed in such courts as may be directed by the State Government from time to time.

(APPEAL REVISION)

64. (1) An appeal shall lie to the District Customary Court against the conviction and sentence passed in any criminal case by the subordinate District Customary Court or the Village Court. All such appeals must be presented within sixty days from the date of the order appealed against excluding the time taken in obtaining copy of the order :

Provided that the Appellate Court may condone the delay and admit the appeal presented beyond the prescribed time, on being satisfied that there was sufficient cause for not presenting the appeal in time.

(2) An appeal shall lie to the District Customary Court against the decision of the Subordinate District Customary Court or Village Court in suits or cases decided under these rules. All such appeals shall be presented within ninety days from the date of the order appealed against excluding the time taken in obtaining copy of the order

Provided that the Appellate Court may condone the delay and admit the appeal presented beyond the prescribed time on being satisfied, that there was sufficient cause for not presenting the appeal in time.

(3) All orders passed by the District Customary Court under the Rules in Chapter IVA shall be final.

(EXECUTION OF SENTENCE AND DECISION IN SUITS AND CASES)

65. The Customary Courts in executing sentence passed shall follow the spirit of the Code of Criminal Procedure, 1973 and in executing such sentences, services of the regular Police force as may be required, shall be provided to such Court on due intimation to the Superintendent of Police of the District.

66. (1) The Customary Courts in executing decisions rendered in civil suits and cases shall follow the spirit of the Code of Civil Procedure in that regard. Provided that houses. needful clothing, cooking utensils or implements, may not he attached, sold or transferred in execution of such decisions unless themselves the subject of the suit or case. Land may be sold or temporarily transferred in execution of such decision only when customs and usages prevalent in the area of the district so permit.

(2) There shall be no imprisonment for debt excepting cases where the customary court is satisfied that fraudulent disposal or concealment of property has taken place and in such cases the debtor may be detained for a period not exceeding three months.

(3) The decision passed on appeal in civil cases shall be sent to the original court for execution.

67. (1) The State Government may, from time to time, make rules for the purpose of giving effect to the provisions of Chapter IVA of the Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for all or any of the

following matters, namely —

(a) The time and places of sitting of customary courts.

(b) Detailed qualifications and/or disqualifications for being appointed as the Presiding Officer and members of Customary Courts.

(c) Further procedure, if any, to be followed for trial of cases in the customary courts.

(d) The terms of office, salaries and allowances, if any, to he paid to the Chairman, Members and other office hearers of the Customary Courts.

(3) Every rule made under these rules shall be laid as soon as maybe after it is made, before the Nagaland Legislative Assembly while it is in Session and if before the expiry of the Session in which it is so laid in the session immediately following the Nagaland Legislative Assembly agree in making any modification in the rule or the Nagaland Legislative Assembly agree that the rule should not he made, the rule shall thereafter have effect only in such modified form or he of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

68. “On and from the date of coming into force of the present Amendment Act and the enforcement of the Chapter IVA of the Rules in any area of the state, the provisions contained in Section 14, Section 33(2) and any other provisions of the Nagaland Village and Area Councils Act, 1978 (Nagaland Act No.1 of 1979, and the relevant Rules framed thereunder conferring powers of administration of justice to the Village Council or any extent in such area or areas.”

69. Rule 39 of the Principal Rules under the Head “V-Arms and Ammunitions” shall he numbered as Rule 69.

SCHEDULE—I

(See Rule 51)

Offence

Uttering words, etc. with deliberate intent to wound the religious feelings of any person. Causing hurt.

Wrongfully restraining or confining any person. Assault or use of criminal force.
Mischief, when the only loss or damage caused is toss of damage to a private person.
Criminal trespass. House trespass.
Criminal breach of contract of service. Adultery.
Enticing or taking away or detaining with criminal intent a married women.
Defamation.

Printing or engraving matter, knowing to be defamatory. Sale of printed **or** engraved substance containing defamatory matter, knowing it to contain such matter.

I nsult intended to provoke a breach of the peace. Criminal intimidation except when the offence is punishable with imprisonment for seven year & Voluntarily causing hurt by dangerous weapons or means. Voluntarily causing grievous hurt on grave and sudden provocation. Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others. Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others. Wrongfully confining a person for three days or more. Wrongfully confining for ten or more days.

Wrongfully confining a person in secret.
Assault of criminal force to women with intent to outrage her modesty.
Assault of'criminal force in attempting wrongfully to confine a person.
Theft, where the value of property stolen does not exceed two hundred and fifty rupees.

Theft by clerk or servant of property in possession of master, where the value of the property stolen does not exceed two hundred and fifty rupees.

Dishonest misappropriation of property.
Criminal breach of trust, where the value of the property does not exceed two hundred and fifty rupees.

Criminal breach of trust by a carrier, wharfinger, etc., where the value of the property does not exceed two hundred and fifty rupees. Criminal breach of trust by a clerk or servant, where the value of the property does nut exceed two hundred and fifty rupees. Dishonestly receiving stolen property, knowing it to he stolen, when the value of the stolen property does not exceed two hundred and fifty rupees.

Assisting in the concealment or disposal of stolen property knowing it to he stolen where the value of the stolen property does not exceed two hundred and fifty rupees.

Cheating.
Cheating a person whose interest the offender was hound, either by law or by legal contract, to protect.
Cheating by personation.

Cheating and dishonestly inducing delivery of property for the making, alteration or destruction of a valuable security. Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.

Fradulently preventing from being made available for his creditors a debt or demand due to the offender.
Fradulently execution of deed of transfer containing false statement of consideration.

Fraudulent removal or concealment of property. Mischief by killing or maiming animal of the value of ten rupees or upwards. Mischief by killing or maiming cattle, etc. of any value or other animal of the value of fifty rupees or upwards.

Mischief by injury to work of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to a

private person. House trespass to commit an offence (other than theft) punishable with imprisonment. Using a false trade or property mark. Counterfeiting a trade or property mark used by another.

Knowingly selling or exposing or possessing for sale or for manufacturing purpose, goods marked with a counterfeit property mark. Uttering words or sounds or making gestures or exhibit, tingany object intending to insult the modesty of a woman or intruding upon the privacy of a woman.

Abetment of offenses triable as above.

Attempt to commit offences triable as above,