

XXVI

অসম  ৰাজপত্ৰ

# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

## NOTIFICATION

The 29th October, 2009

**No.LGL.88/2008/4:--** The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XXVI OF 2009

(Received the assent of the Governor on 27th October, 2009)

**THE ASSAM ADMINISTRATION OF JUSTICE  
IN THE NORTH CACHAR HILLS DISTRICT  
ACT, 2009**

AN

ACT

for the Administration of Justice – both Civil and Criminal in the North Cachar Hills District in the State of Assam to facilitate the trial of suits and cases by regular Civil and Criminal Courts subject to provisions of the Sixth Schedule to the Constitution of India.

Preamble

Whereas it is expedient to provide for the administration of Justice both – Civil and Criminal in the North Cachar Hills District in the State of Assam to facilitate the trials of suits and cases by regular civil and Criminal Courts in order to effect the Constitutional mandate of separation of Judiciary from Executive pursuant to the directive of the Apex Court subject to provisions of the Sixth Schedule to the Constitution of India and the matters connected therewith or incidental thereto.

Whereas it is expedient for bringing the Judiciary Separated from the Executive to take away the existing system of Administration of Justice by the Deputy Commissioner or his assistants within the scope and ambit of the Sixth Schedule of the Constitution of India and to set up regular Civil and Criminal Courts for discharge of Judicial functions. The North Cachar Hill Areas being the Tribal areas contemplated under Article – 244 of the Constitution is covered by the Sixth Schedule to the constitution. Therefore, the regular Civil and Criminal Courts shall be made functional subject to provisions of Para – 4 and 5 of the Sixth Schedule to the Constitution.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows: -

Short title,  
extent and  
commencement

1. (1) This Act may be called the Assam Administration of Justice in the North Cachar Hills District Act, 2009.
- (2) It extends to the whole of the North Cachar Hills District in the State of Assam.
- (3) It shall come into force at once.

Application of the provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973, in the North Cachar Hills District

2. (1) On and from such date as the State Government may notify in this behalf in the Official Gazette under the proviso to sub-section(3) of section 1 of the Code of Civil Procedure, 1908 and under the proviso to sub-section (2) of section 1 of the Code of Criminal Procedure, 1973 respectively, the provisions of the Code of Civil Procedure, 1908 and the Criminal Procedure Code, 1973 shall apply in the whole of the North Cachar Hills District for the administration of Justice –both Civil and Criminal subject to provisions of the Sixth Schedule to the Constitution of India.

Central Act  
No.5 of 1908  
Central Act  
No 2 of 1974

(2) The provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973 shall apply mutatis mutandis to all proceedings, enquiry, investigation, trial and other incidental matters connected with the conduct of Civil and Criminal cases subject to provisions of the Sixth Schedule.

(3) The powers and functions of the police under the existing system which have been prevailing in the North Cachar Hills District so far the suits and cases covered by this Act shall be exercised by the State Police authorities in exercise of the powers conferred and functions assigned to them under the relevant provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973.

Repeal and saving 3.

(1) The provisions of the Rules for the Administration of Justice in the North Cachar Hills Sub-Division framed by the Governor under the powers vested in him by section 6 of the Scheduled District Act, 1874 ( Act XIV of 1874 ), hereinafter called as the Rules, insofar they are inconsistent with the provisions of this Act, shall stand repealed.

(2) Notwithstanding such repeal, – (i) anything done or any action taken or any case already disposed of under the Rules shall be deemed to have been done or disposed of as if this Act has not come into force.

(ii) suits, cases, appeal, application, proceedings or other business relating to both Civil and Criminal Justice pending before the Court of Deputy Commissioner or the Assistants to Deputy Commissioner shall stand transferred to the Competent Civil and Criminal Courts of the appropriate jurisdiction to be established under the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973, as the case may be, with effect from such date as may be notified by the State Government.

Central Act  
No.5 of 1908  
Central Act  
No.2 of 1974

- (iii) (a) In the trial of suits and cases arising out of any law in force in the North Cachar Hills District, the Civil Courts of competent Jurisdiction shall be governed by the provisions of the Code of Civil Procedure, 1908 as amended.
- (b) In the trial of Criminal cases in respect of offences punishable with death, transportation for life, or imprisonment for a term of not less than 5 years under the Indian Penal Code or under any other laws for the time being in force, the Courts of competent Jurisdiction shall be governed by the Code of Criminal procedure, 1973 as amended.

**MOHD. A. HAQUE,**

Secretary to the Government of Assam,  
Legislative Department, Dispur.