

THE LUSHAI HILLS AUTONOMOUS DISTRICT (ADMINISTRATION OF JUSTICE) RULES, 1953.

Aijal, the 7th April, 1953.

No. DLC. 14/53. - In exercise of the powers conferred under sub-paragraph (4) of paragraph 4 of the Sixth Schedule to the Constitution of India, the Lushai Hills District Council with the previous approval of the Governor of Assam is pleased to make the following Rules, namely -

NOTES

A. LEGISLATIVE BACKGROUND :

The object behind constitution of these types of courts and provision for a simplified procedure for them was clearly spelt out in the Report of the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee of the Constituent Assembly, headed by Shri Gopinath Bordoloi. With regard to the special circumstances prevailing in this area, inarticulate life-style of the tribals, their social customs, their dependence on land and forest etc. The Sub-Committee recommended :

"On the principle that the local customary laws should be interfered with as little as possible and that the tribal councils and courts should be maintained, we recommend that the hill-people should have full powers of administering their own social laws, codifying or modifying them".

The District Councils were armed with the powers of legislation under paragraph 3 of the VI-th Schedule and for administration of justice under paragraph 4 and 5. In exercise of such powers as available directly under the VI-th Schedule to the Constitution the District Council framed these Rules for administration of justice throughout the autonomous district, with certain limitations and in partial repeal of the Rules for the Regulation of the Procedure of Officers Appointed to Administration Justice in the Lushai Hills, 1937.

B. CONSTRUCTION OF REFERENCES :

In spite of the modifications specified in the Schedule to the Dissolution of the Mizo District Council (Miscellaneous Provisions) Order, 1972 and in other Amendment Acts, certain references used in these Rules of 1953 further need to be construed suitably. For that purpose, we have to resort to the construction prescribed in the above-mentioned Order of 1972. Continuance and interpretation of these Rules of 1953 are subject to the construction provided in paragraph 3 of the said Order of 1972. The various provisions of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953 are thus to be read subject to the following, except in the short title or preamble