



The Meghalaya Special Courts Act, 2014

Act 7 of 2014

Keyword(s):

Code, Special Court, Declaration, Offence, Court

Amendment appended: 10 of 2015

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PART-IV
GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT
ORDERS BY THE GOVERNOR

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NOTIFICATION

The 24th June, 2014.

No.LL(B)36/2014/14.—The Meghalaya Special Courts Act, 2014 (Act No. 7 of 2014) is hereby published for general information.

MEGHALAYA ACT NO. 7 OF 2014.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 23rd June, 2014.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 24th June, 2014.

THE MEGHALAYA SPECIAL COURTS ACT, 2014.

An

Act

to provide for the constitution of special courts for speedy trial of any offences which are perpetrated against any person.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-fifth Year of the Republic of India as follows:-

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| Short title, extent and commencement. | 1. | (1) This Act may be called the Meghalaya Special Courts Act, 2014.
(2) It shall extend to the whole State of Meghalaya.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. |
| Definitions. | 2. | In this Act, unless the context otherwise requires,-
(a) "Act" means the Meghalaya Special Court Act, 2014;
(b) "Authority" means officials performing duties under the Act; |

- (c) "Code" means the Code of Criminal Procedure, 1973 and Indian Penal Code, 1860;
- (d) "declaration" in relation to an offence, means a declaration made under section 5 in respect of such offence;
- (e) "High Court" means High Court of Meghalaya;
- (f) "offence" means an act or omission made punishable under any law for the time being in force;
- (g) "prescribed" means prescribed by rules under this Act; and
- (h) "Special Court" means a Special Court established under section 3;
- Establishment of Special Courts.** 3. (1) The State Government shall, for the purpose of speedy trial of any offences shall in consultation with the High Court of Meghalaya, by notification, establish as many courts as considered necessary to be called Special Courts.
- (2) A Special Court shall be presided over by a Judge belonging to the Meghalaya Judicial Services nominated by the High Court of Meghalaya.
- (3) The Grade of the Judge will be decided by the High Court of Meghalaya before nomination depending on the offences to be tried by the Special Court.
- Cognizance of case by Special Courts.** 4. A Special Court shall take cognizance of and try such cases as are instituted before it in a manner as laid down in the Code.
- Declaration of cases to be dealt with under this Act.** 5. (1) If the State Government is of the opinion that there is *prima-facie* evidence of the commission of an offence alleged to have been committed by a person that should be tried by Special Court established under this Act, the State Government shall make a declaration to that effect in every case in which it is of the aforesaid opinion.
- (2) Such declaration shall not be called in question in any Court.
- Effect of declaration.** 6. (1) On such declaration being made, notwithstanding anything in the Code or any other law for the time being in force, any prosecution in respect of the offence shall be instituted only in a Special Court.
- (2) Where any declaration made under section 5 related to an offence in respect of which a prosecution has already been instituted and the proceedings in relation thereto are pending in a Court other than special Court, such proceedings shall, notwithstanding anything contained in any other law for the time being in force, stand transferred to Special Court for trial of the offence in accordance with this Act except cases falling under other Special Court constituted under any Central or State law.
- Jurisdiction of Special Courts as to trial of offences.** 7. A Special Court shall have jurisdiction to try any person alleged to have committed the offence in respect of which a declaration has been made under section 5, either as principal, conspirator or abettor

and for all the other offences and accused persons as can be jointly tried therewith at one trial in accordance with the Code.

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| Procedure and powers of Special Courts. | 8. | <p>(1) A Special Court shall, in the trial of such cases, follow the procedure prescribed by the Code for the trial of cases before a Magistrate.</p> <p>(2) Save as expressly provided in this Act, the provision of the Code shall, so far as they are not inconsistent with the provision of this Act, apply to the proceedings before a Special Court and for the purpose of the said provisions, the persons conducting a prosecution before a Special Court shall be deemed to be a Public Prosecutor.</p> <p>(3) A Special Court may pass, upon any person convicted by it, any sentence authorised by law for the punishment of the offence of which such person is convicted.</p> |
| Appeal against orders of Special Courts. | 9. | <p>(1) Notwithstanding anything in the Code, an appeal shall lie from any judgement and sentence of a Special Court to the High Court of Meghalaya both on facts and law.</p> <p>(2) Except as aforesaid, no appeal or revision shall lie in any Court from any judgment, sentence or order of a Special Court.</p> <p>(3) Every appeal under this section shall be preferred within a period of thirty days from the date of judgement and sentence of a Special Court:</p> <p style="padding-left: 40px;">Provided that the High Court of Meghalaya may entertain an appeal after the expiry of the said period of thirty days if it is satisfied for reasons that the appellant had sufficient cause for not preferring the appeal within the period.</p> |
| Transfer of cases. | 10. | Notwithstanding the other provisions of this Act, it would be open to the High Court of Meghalaya to transfer cases from one Special Court to another. |
| Special Court not bound to adjourn a trial. | 11. | <p>(1) A Special Court shall not adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice and for reasons to be recorded in writing.</p> <p>(2) The Special Court shall endeavour to dispose of the trial of the cases within a period of one year from the date of its institutions or transfer, as the case may be.</p> |
| Presiding Judge may act on evidence recorded by his predecessor. | 12. | A Judge appointed under Section 3 to preside over a Special Court may act on the evidence recorded by his predecessor or predecessors or partly recorded by his predecessor or predecessors and partly recorded by himself. |
| Charge sheet. | 13. | Charge sheet of any offences, to be tried by a Special Court, shall be completed within sixty to ninety days. |
| Notice or order not be invalid for error in description. | 14. | No notice issued or served, no declaration made and no order passed, under this Act shall be deemed to be invalid by reason of any error in the description person mentioned therein, if such person is |

- identifiable from the description so mentioned.
- Act to be in addition to any other law.** 15. The provision of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any person from any proceeding which might, apart from this Act, be instituted against him.
- Protection of action taken in good faith.** 16. No suit, prosecution or other legal proceedings shall lie against any authority for anything in good faith done or intended to be done in pursuance of this Act.
- Power to make rules.** 17. (1) The State Government may, by notification, make such rules, if any, as it may deem necessary for carrying out the purpose of this Act.
(2) All rules made under this Act shall be laid, as soon as may be, before the State Legislature.
- Overriding effect.** 18. Notwithstanding anything contain in any law for the-time being in force, the provisions of this Act shall prevail in case of any inconsistency.

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Secretary to the Govt. of Meghalaya,
Law Department.



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PART-IV

GOVERNMENT OF MEGHALAYA LAW (B) DEPARTMENT ORDERS BY THE GOVERNOR

NOTIFICATION

The 30th September, 2015.

No.LL(B).36/2014/43.—The Meghalaya Special Courts (Amendment) Act, 2015 (Act No. 10 of 2015) is hereby published for general information.

MEGHALAYA ACT NO. 10 OF 2015.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 30th September, 2015.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th September, 2015.

THE MEGHALAYA SPECIAL COURTS (AMENDMENT) ACT, 2015

An

Act,

to amend the Meghalaya Special Courts Act, 2014 (Act No. 7 of 2014) hereinafter referred to as the principal Act.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-sixth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Meghalaya Special Courts (Amendment) Act, 2015.

(2) It shall come into force with immediate effect.

Amendment to the preamble of the principal Act.

2. The existing preamble in the principal Act shall be omitted and the following new preamble shall be substituted, namely,-

“to provide for establishment of Special Courts for expeditious trial of any offence against the State or any individual and for matters connected therewith or incidental thereto.”

Amendment of Section 2 of the principal Act.

3. (1) The existing sub-section (f) of section 2 shall be omitted and a new sub-section (f) shall be substituted, as follows,-

“(f) “offence” means violation of law or an act of omission or commission made punishable under any law for the time being in force;”

(2) In sub-section (h) of section 2 after the words and figure “section 3” the words “of this Act” shall be inserted.

(3) After sub-section (h) of section 2, a new sub-section (i) shall be inserted as follows,-

“(i) “Public Prosecutor” means any person appointed under section 24 of the Code, and includes a Special Public Prosecutor”.

Amendment of Section 5 of the principal Act.

4. In sub-section (1) of section 5 the following amendment shall be made, namely,-

(1) In between the words “If” and “the” appearing in first line the words “in the opinion of” shall be inserted;

(2) The words “is of the opinion that” appearing in the first line between the words “Government” and “there” shall be omitted;

- (3) In between the words "person" and "that" appearing in the third line the words "or persons, individually or collectively, shall be inserted; and
- (4) In between the words "by" and "Special" appearing in third line the word "a" shall be inserted.
- Amendment of Section 7 of the principal Act.**
5. In section 7 the following amendment shall be made, namely,-
- (1) In between the words "person" and "alleged" appearing in first line the words "or persons, individually or collectively, charged with" shall be inserted;
- (2) The words "alleged to have committed" appearing in first and second line shall be omitted; and
- (3) In between the words "principal" and "conspirator" appearing in third line the word "accused" shall be inserted.
- Amendment of Section 8 of the principal Act.**
6. In sub-section (1) and sub-section(2) of section 8 the following amendment, shall be made, namely,-
- (1) In sub-section (1) in between the words "of" and "cases" appearing in second line the word "such" shall be inserted;
- (2) In sub-section (1) the words "before a Magistrate" appearing after the word "cases" shall be omitted;
- (3) In sub-section (2) the words "persons conducting a" appearing in fourth line shall be omitted;
- (4) In sub-section (2) in between the words "be" and "deemed" appearing in fifth line the words "conducted by" shall be inserted;
- (5) In sub-section (2) the words "deemed to be" appearing in fifth line shall be omitted; and
- (6) In sub-section (2) after the word "Prosecutor" appearing in last line the words "as defined in this Act" shall be inserted.
- Amendment of Section 13 of the principal Act.**
7. In section 13, between the words "sixty" and "to" appearing in last line the words "days which may be extended" shall be inserted.
- Amendment of Section 16 of the principal Act.**
8. In section 16, between the words "anything" and "in good faith" appearing in second line, the word "done" shall be inserted.

L. M. SANGMA,
Special Secretary to the Govt. of Meghalaya,
Law Department.