

THE ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

THE ASSAM FRONTIER (ADMINISTRATION OF JUSTICE) REGULATION
(AMENDMENT) BILL, 2023

(TO BE INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

BILL NO. 1 OF 2023

THE ASSAM FRONTIER (ADMINISTRATION OF JUSTICE) REGULATION
(AMENDMENT) BILL, 2023

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BILL

further to amend the Assam Frontier (Administration of Justice) Regulation, 1945 (Regulation 1 of 1945);

Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Seventy-fourth Year of the Republic of India as follows,-

1. Short title, extent and commencement :- (1) This Act may be called the Assam Frontier (Administration of Justice) Regulation (Amendment) Act, 2023.
(2) It shall extend to the whole of the State of Arunachal Pradesh.
(3) It shall be deemed to have come into force with effect from 20th February, 1987.
2. Amendment of clause (b) of section 1,- In the Assam Frontier (Administration of Justice) Regulation, 1945 (hereinafter called the principal Regulation, - in clause (b), in section 1, for the words, "It extends to the whole of Balipara, Lakhimpur, Sadiya and Tirap Frontier Tracts" the words, "It shall extend to the whole of the State of Arunachal Pradesh" shall be substituted.
3. (i) Amendment of section 2, - In the principal Regulation, the clauses under section 2, shall be arranged as under,-
 - (a) "Administrator";
 - (b) "Heinous offence";
 - (c) "Pleader";
 - (d) "Deputy Commissioner"
 - (e) "The tracts"
 - (ii) in clause (a), in section 2, for the existing entries, the following shall be substituted,-
"(a) "State Government" means Government of Arunachal Pradesh".
 - (iii) In section 2, in clause (e), for the definition of the word "Tracts" the definition of the word "district" means a district of the State of Arunachal Pradesh" shall be substituted.
 - (iv) After clause (e), the following clause shall be added, namely,-
"(f) "Village Authority" means member(s) of traditional village council or inter-village territorial council or Apex Council by whatever name called including Head Gaon Bura, Head Gaon Buri, Gaon Bura, Gaon Buri and traditional village Head".

4. Amendment of section 4:- In the principal Regulation, for the existing entries, the following entries shall be substituted,-

“Subject to the provisions of this Regulation, the Assistant Commissioner or the Deputy Commissioner, as the case may be, shall refer back the case presented before them, to the concerned village authority for trial and settlement within the territorial jurisdiction of the concerned village or within the jurisdiction of its inter-village territorial Customary Court or Apex Customary Court, as the case may be”.

5. Amendment of section 5, - In the principal Regulation, in section 5, after sub-section (2), the following sub-section and explanation shall be inserted, namely,-

“(3) The State Government may frame guidelines for all or any matters as may be deemed expedient, including election, selection, appointment, powers, functions and meetings of the Head Gaon Bura, Head Gaon Buri, Gaon Bura and Gaon Buri”.

“Explanation, - For the purpose of section 5, village authority shall include member(s) of traditional village council or inter-village territorial council or Apex Council by whatever name called as defined in clause (f) of section 2 and Head Gaon Bura, Head Gaon Buri, Gaon Bura and Gaon Buri institutions. The member(s) of traditional village council or inter-village territorial council or Apex Council shall be determined by Head Gaon Bura, Head Gaon Buri, Gaon Bura and Gaon Buri and the traditional village Head as per their traditional customary laws and practices and the Head Gaon Bura, Head Gaon Buri, Gaon Bura and Gaon Buri shall be appointed by the Deputy Commissioner of the respective district”.

6. Amendment of section 13, - In the principal Regulation, the words-

“or with imprisonment of either description for a term which may extend to six months, on conviction by the Deputy Commissioner or an Assistant Commissioner. An appeal shall lie from an order of Assistant Commissioner under this section to the Deputy Commissioner”, appearing in the last part of the sentence, shall be deleted.

7. Deletion of section 14, - In the principal Regulation, section 14 shall be deleted.

8. Amendment of section 23,- In the principal Regulation, the words “Assistant Commissioner” appearing after the word “an” and before the word “to” shall be substituted by the words “Inter-village territorial Customary Court or Apex Customary Court”.

9. Substitution of section 24:- In the principal Regulation, in section 24, for the existing entries, the following shall be substituted,-

“Any party aggrieved by a decision of the village authority may appeal within thirty days before the Inter-village territorial Customary Court or Apex Customary Court, by whatever name called, who on receipt of such appeal, shall dispose of the case or try the case de novo.

Provided that, the proceedings in the village authority or inter-village territorial customary court or Apex customary court as the case may be, shall be recorded in writing in their respective vernacular or English, as the case may be.

Provided further that, an appeal arising out of the decision of village authority or Inter-village territorial Customary Court or Apex Customary Court, as the case may be, shall lie before the Courts of Civil Judge Junior Division, the Courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, as per their territorial and pecuniary jurisdiction, who shall not set aside an appeal so filed merely on technical ground or procedural lapses but in the interest of justice dispose of the same as may be deemed appropriate or proceed with the case de novo”.

10. Deletion of sections, 30, 31, 32, 33, 34 and 35, - In the principal Regulation, sections 30, 31, 32, 33, 34 and 25 shall be deleted.

11. Amendment of section 44, - In the principal Regulation, in section 44, after sub-section (3), the following sub-section shall be inserted,-

“(4) The Village authority or the inter-village territorial council or Apex Council, as the case may be, may pronounce or take ex-parte decision, if one of the disputing party does not turn up or remain absent willfully for three consecutive times after giving not less than thirty days on each occasion of reasonable opportunity of being heard.

12. Addition of section 60, - In the principal Regulation, after section 59, the following section shall be added, namely,-

“60. Power to remove difficulties; - If any difficulty arises in giving effect to the provisions of the Regulation, the State Government may, by order not inconsistent with the provisions of this Act or any other laws for the time being in force, remove such the difficulty”.

13. Amendment of the Arunachal Pradesh Civil Courts Act, (Act No.4 of 2021).

(i) In the Arunachal Pradesh Civil Courts Act, (Act No.4 of 2021), in section 15, in sub-section (4), for the words, "if agreed to by the parties" the words, "if agreed to by the parties or if the aggrieved party desires to appeal, as the case may be, shall be substituted.

(ii) The entries "Chapter-V" appearing after "Chapter-III" shall be substituted by the entries "Chapter-IV".

Article 371 H of the Constitution is the special provisions in respect of the State of Arunachal Pradesh. However, in the said Article there is no Constitutional safeguard for protection of age old local traditional customary laws, ownership of land, resources and religious or social practices and administration of civil and criminal justice involving decision as per the customary laws of indigenous people of Arunachal Pradesh as is given under Article 371A to the State of Nagaland and Article 371 G given to the State of Mizoram.

The Assam Frontier (Administration of Justice) Regulation, 1945 is one of the pre-Constitutional and pre-Independence laws which gives statutory safeguard to the indigenous people of Arunachal Pradesh for protection of age old local traditional customary laws through the institution of "Village Authority".

The proposed amendment Bill envisages to achieve the following objectives,-

- (i) To substitute the words "It extends to the whole of Balipara, Lakhimpur, Sadiya and Tirap Frontier Tracts" by the words, "It shall extend to whole of the state of Arunachal Pradesh";
- (ii) To delete the definition of "The Tracts" by substituting the same by the word, "districts of the State";
- (iii) To delete the definition of "Administrator" by substituting the same by the definition and words, "State Government".
- (iv) To insert the definition of "Village authority" and "Explanation" under section 5 to include the institutions of Head Gaon Bura, Head Gaon Buri, Gaon Bura and Gaon Buri and traditional village Head under the ambit of village authority; and
- (v) To make provisions for framing guidelines by the Government for election, selection, appointment, powers, functions and meetings of the Head Gaon Bura, Head Gaon Buri, Gaon Bura and Gaon Buri".

Hence, the Bill.

Dated Itanagar, the _____/2023

(Pema Khandu)
Chief Minister
and
Minister In-Charge,(Law, Legislative and Justice)
Arunachal Pradesh

FINANCIAL MEMORANDUM

There would be no financial implication for implementation of the Assam Frontier (Administration of Justice) Regulation (Amendment) Bill, 2023 when enacted.

Hence, the Bill.

Dated Itanagar, the _____/2023

(Pema Khandu)
Chief Minister
and
Minister In-Charge,(Law, Legislative and Justice)
Arunachal Pradesh

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1945 (Regulation 1 of 1945);

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