APPENDIX-I

REVISED RULES FOR THE ADMINISTRATION OF THE NAGA HILLS

NOTIFICATION

The 6th August 1872 - In continuation of the Notification dated the 14th October 1871, published at page 1911 of the Calcutta Gazette of the 1st November, 1871, authorizing the extension of the provisions of Act XXII of 1869 to the Naga Hills, the Lieutenant-Governor is pleased, under Section 5 of the same Act, to issue the following detailed rules for the administration of civil and criminal justice and police in the said district, which will henceforth be called the "Naga Hills Agency."

RULES FOR THE ADMINISTRATION OF JUSTICE AND POLICE IN THE NAGA HILLS AGENCY I

I—GENERAL

1. The administration of the country known as the Naga Hills is vested in the Commissioner of Assam the Political Agent and his Assistant, the Mouradars, Baonburahs, Peumahs and Mousha or headmen of khels, or such other classes of officers as the Hon'ble the Lieutenant-Governor of Bengal may see fit from time to time to appoint in that behalf, subject to the exceptions, restrictions, and rules hereinafter recorded.

1. For. Deptt. Pol.—A. August 1872. no. 77.
largely isolated the Nagas from the rest of the people of the region, the effect of which was reflected in the later socio-political aspirations of the Nagas, as a distinct ethnic group, devoid of any socio-political fraternity with the rest of the people of North-East India.

In the end, I would like to stress the importance of social science research specially pertaining to North-East India, even though it perhaps needs no special emphasis today. So long as there is lack of proper understanding of socio-political and economic background of the region, all other efforts for the welfare of the people and their integration with the rest of the country will remain ephemeral or at the most one sided. The real issue at stake must be considered in their proper historical and social perspective. In this regard proper research in the historical roots of the people is indispensable.

Till today, the history of the tribal people of North East India in general and the Nagas in particular has not been properly investigated. No doubt, references to the tribes have been made here and there in the writings of a few foreign as well as Indian scholars.
However, so far no complete treatise giving fuller history of the tribes of Nagaland has been written either by individual scholars or by a corporate research agencies. Understanding the cost of research work, I would suggest that a cooperative research study consisting of a team of researchers should undertake this task with a strong financial backings of the government. To write a history of Naga tribes would mean to go to the people themselves, for such history would have to depend largely on their oral testimony, memory, etc. This is because the Nagas of the pre-colonial period were bereft of any written language. Fortunately, however, a few historical monuments are available in Nagaland and they may be useful as pointers to the scholars. Tungkhungia Buranjii, the official records of the Ahom Government, has also some useful references to the Nagas.

Besides to make a comprehensive study of the British administration in Naga Hills, one should be able to consult the original documents (now under restriction) in National Archives, New Delhi; documents available in India Office Library, the British Museum, Oxford and Cambridge University Libraries, and the School of African and Oriental Studies Library, London.
2. These rules shall, however, be held to be in force only in those villages and communities which are under the direct administrative control of the political Agent.

II-POLICE

3. The Police of the Naga Hills shall consist of:

(a) Regular Police subject to Act V of 1861.

(b) Rural Police, consisting of Mousadars, Gaonburahs, Peumahs, Houshas, and other village authorities recognized as such by the Political Agent, with their subordinate village authorities.

4. The control of the police of the Naga Hills is vested in the political Agent acting under the orders of the Commissioner of Assam, or such other Officers as the Hon'ble the Lieutenant-Governor of Bengal may from time to time appoint. Misconduct on the part of regular police shall be punished in accordance with Act V of 1861 and the Penal Code or any special law which may be extended to the Naga Hills hereafter. Misconduct on the part of the rural police is punishable by fine, which may extend to £.500, or by imprisonment to an extent which would be awardable under the penal code for a like offence. Imprisonment may be awarded in lieu of fine, but only by the political Agent or other Officer duly authorized.

5. An appeal lies from all orders of Mousadars, Gaonburahs, Peumahs, and Houshas, and other chief village authorities
in police matters to the political Agent, whose orders are final. But the Commissioner may call for the proceedings and modify or reverse any order should he think fit.

6. The ordinary rules of the Bengal Police shall, as far as they are applicable, be observed by the regular police, and all returns in matters of accounts, and all registers required to be kept by the Bengal Police, as far as they are applicable, should be made and kept up.

- Naga Chief
- Kookie Chief

The Commissioner shall exercise the powers of an Inspector-General of Police as defined by section 3, Act VII (S.C.) of 1869.

7. The regular police shall only act when required to do so by general or by special order of the Commissioner, political Agent, or other Officer duly authorized, who may assign to the force any portion of the duties of police under Act V of 1861 in any locality.

8. The ordinary duties of police shall be discharged by the Mouzadars, Gaonburahs, Peumaha, Moushas, or head men of Khels or villages and other village authorities. They shall arrest all criminals and repress all disorders within their respective jurisdictions.
9. It is the duty of the Mouzadars, Gaonburahs, Penumahs, Hashas, or other chief village authorities to report to the political Agent all crimes, violent deaths or serious accidents occurring in their districts, and all occurrences, whether within or beyond their jurisdictions, which may come to their knowledge likely to affect the public peace at the earliest possible moment, and deliver up offenders as soon as may be to the officers authorized to try them.

10. The Mouzadars, Gaonburahs, Penumahs, Hashas, and village authorities shall watch, report, and under the orders of the political agent, apprehend and deliver up all vagrants or bad and suspicious characters found in their jurisdictions.

11. On the occurrence of any heinous* crimes in his district, any village officer who may be by custom or appointment charged with the duty of arresting criminals shall at once apprehend the offender if able, and in any case at once resort to the Mouzadar, Gaonburah, Penumah, or Hasha, who, if the offender has not been apprehended, will proceed without delay to the place where the crime occurred and inquire into the matter. If a crime beyond his cognizance has been committed, he will immediately report it to the political Agent or other duly authorized officer, whether the offender has been apprehended or not.

12. Mouzadars, Gaonburahs, Penumahs, Hashas, and all other village authorities, may pursue with hue and cry an offender
fleeing beyond their jurisdiction (but not into the possessions of independent Naga tribes) and arrest him, but ordinarily no Mouzadar, Gaonburah, Peumah, Housha, or village authority, shall attempt to arrest an offender beyond his own jurisdiction without the cognizance and cooperation of the Mouzadar, Gaonburah, Peumah, Housha, or chief village authority of the jurisdiction to which the offender has fled. When an offender is traced from one jurisdiction to another, it will be sufficient to point him out to the Mouzadar, Gaonburah, Peumah, Housha, or other competent authority of the village to which the offender has fled, and request him to make the arrest.

*Heinous Crimes*

<table>
<thead>
<tr>
<th>Rebellion</th>
<th>Rape</th>
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<tr>
<td>Riot</td>
<td>Theft</td>
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<td>Counterfeiting coin or</td>
<td>Robbery</td>
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<tr>
<td>Passing counterfeit coin</td>
<td>Dacoity</td>
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<td>Murder</td>
<td>Cattle stealing</td>
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<td>Wounding up to the</td>
<td>Arson</td>
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<tr>
<td>injury of life or limb</td>
<td>House Breaking</td>
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<tr>
<td></td>
<td>Forgery</td>
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13. When the Mouzadar, Gaonburah, Peumah, Housha, or other chief village authorities, feel unable to arrest an offender, they must apply to the political Agent or any officer duly authorized to grant them the aid of the regular police.
14. The Mouzadars, Gaonburahs, Peumahs, and Houshas, or other chief village authorities, are empowered to arrest or cause to be arrested and to fine all drunkards and other disorderly persons found brawling out of their houses, and all persons found gambling, the fine not to exceed that awardable under their powers in criminal matters as hereinafter defined.

15. All, the inhabitants of the Naga Hills who are under the Administrative control of the political agent are bound to aid the regular police and village authorities when required to do so for the maintenance of order or the apprehension of offenders. Any person failing to do so is liable to fines; the fine to be adjudged by the Mouzadar, Gaonburah, peumah, or Housha, other chief village authority to the extent he is empowered to award in criminal cases, or by the political Agent if fine beyond the amount those officers are authorized to impose is considered necessary. When the particular persons blamable for failure to aid in Peumah, Housha, or chief village authority, shall be considered responsible; and if it appears that the community is to blame and that particular offenders cannot be discovered a fine may be imposed upon the community, but by the political Agent only.
III-CRIMINAL JUSTICE

16. Criminal justice shall be ordinarily administered by the political Agent, his Assistant, and by the Mousadars, Gaonburah, Peumah, Nousha, or other chief village authorities of the different communities.

17. The political Agent shall be competent to pass sentence of death or imprisonment for a term unlimited, or of fine up to any amount. Provided that no sentence of death shall be carried into effect without the concurrence of the Commissioner and the sanction of the Lieutenant-Governor, to whom the proceedings shall be submitted by the Commissioner if he concurs in the sentence and no sentence of imprisonment for a term of seven years or upwards shall be carried into effect without the approval of the Commissioner; and provided further that fine shall in no case exceed the value of the offender's existing property. The Commissioner may enhance any sentence passed by his subordinates but no offence shall be punished by a sentence exceeding that awardable under provisions of the Indian Penal Code. The assistant to the Political Agent shall exercise such power as he may be invested with by the Commissioner not exceeding those of a Magistrate of the first class as defined in Act X of 1872.

18. Any Mousadar, Gaonburah, Peumah, or Nousha, or other chief village authority, may be empowered by the political
Agent to dispose of cases of persons charged with any of the following offences:

Injury to property not exceeding Rs. 50.
Injury to person not endangering life or limb.
House trespass.
Affronts of whatever kind.

They may, impose a fine for any offence they are competent to try to extent of Rs. 50. They may award restitution or compensation to the extent of the injury sustained, and enforce it by distraint of the property of the offender. In cases in which the fine is not paid or realised either in whole or in part they shall represent the facts and send in the offender to the political Agent, who may re-try the case and impose such other punishment as he is competent to inflict. All Mouzadars, Gaonburahs, Peumahs, Houhas, or other chief village authorities who may be empowered as above, shall receive a summons of recognition under the signature of the political Agent.

19. Mouzadars, Gaonburahs, Peumahs, and Houhas, or other duly recognized village authorities, may carry out their decision, or order attachment of property, as soon as judgement is pronounced; but in no case is property so attached to be sold, if the party convicted claim to appeal within eight days, without the orders of the political Agent.
(a) Mouzadars, Gaonburahs, Peumahs, or Houshas, or other duly recognized village authorities, may not decide in cases where their father, mother, son, daughter, wife or the children, husband, or wives, of any of these are concerned; or

(b) When the defendant is not a native of the Naga Hills or is not resident within their jurisdiction; or

(c) When the offence is one against the state, or has caused death or danger of life, or amounts to robbery, or concerns counterfeiting of coin or the making of fraudulent documents of the like.

20. The Mouzadars, Gaonburahs, Peumahs, and Houshas, or other duly recognized village authorities, shall not decide any cases save in open durbar, in presence of at least three witnesses and the complainant and accused, whose attendance they are empowered to compel. Either party may appeal from the decision at the time decision is pronounced, or within eight days thereof to the political Agent or his Assistant, in which case the Mouzadar, Gaonburah, Peumah, or Housha, or other duly recognized authority, will take the parties or cause them to be sent before the political Agent or his Assistant, with one of the persons required to attend as a court witness. The case shall then be tried de novo.
21. An appeal lies to the political Agent from the decisions of his Assistant, if preferred within sixteen days.

22. No appeal shall lie as a matter of right from the sentence of the political Agent involving sentence of less than three years' imprisonment; but it is competent to the Commissioner to call for the record of any case whatever, and to modify or reverse the decision passed. All sentences of over three years' imprisonment are appealable to the Commissioner. Appeals to the Commissioner must be preferred within thirty two days. All sentences above seven years must be confirmed by commissioner, whose decision is final; but the Hon'ble the Lieutenant-Governor reserves to himself the prerogative or reviewing the proceedings of the Commissioner and his subordinates, and passing such orders on them as he may deem fit.

23. The procedure of the Political Agent and his Assistant shall be in the spirit of the Code of Criminal procedure as far as it is applicable to the circumstances of the district and consistent with these rules, the chief exceptions are

(a) Only verbal order or notice shall be requisite except when the regular police are employed, or the person concerned is not resident or in the district at the time; or if in the district, but resident beyond it, where his place of abode is not known. But orders of summons shall be for a fixed
day not exceeding sixteen days from that upon which the order is issued, and the order shall be made known to the person affected or to some adult member of his family or proclaimed at the place he was last known to be at, in sufficient time to allow him, if he sees fit, to appear.

(b) A note of the substance of all the proceedings in cases tried before them must be kept by the political Agent and his Assistant in the form prescribed by Section 228, Act X of 1872. In cases requiring a sentence exceeding three years, a full note of the evidence and proceedings must be kept. Examinations and proceedings shall generally be recorded in English only.

(c) The proceedings of the Mouzadars, Gaonburahs, Peumahs and Moushas, or other duly writing, but if at the trial before the village authorities any person who can write can be found, a brief note of the proceedings is to be made.

(d) All fines levied by the Mouzadars, Gaonburahs, Peumahs, and Moushas, or other duly recognized village authorities, shall be paid to the political Agent or his Agent or his Assistant or other officer empowered to receive them within eight days from the date of realization.

(e) It shall be discretionary to examination witnesses on oath in any form or to warn them that they are liable to the punishment of perjury if they state that which they know to be false.
24. The political Agent and his Assistant shall keep the registers hereafter specified, and make returns of copies of the entries therein monthly to the Commissioner:

- Register of crimes committed.
- Register of Criminal cases decided by the political Agent and his Assistant.
- Register of fines levied by the political Agent and his Assistant and Mouzaiars, Gaonburahs, Peumahs, and Houshas, or other duly recognized village authorities.
- Register of licences to carry fire-arms.

IV-CIVIL RULES

25. The administration of civil justice in the Bagha Hills is entrusted to the commissioner, the political Agent, his Assistant, and by the Mouzaiars, Gaonburahs, Peumahs, and Houshas and other chief village authorities.

26. Mouzaiars, Gaonburahs, Peumahs, and Houshas and other chief village authorities, may be recognized by the political Agency by suumud under his signature as empowered to try cases without limit as to amount, but with the following reservations:

(a) They may not try suits in which their fathers, mothers, sons, daughters, uncles, aunts, sisters, brothers, the children of the foregoing, their wives or persons in the above relation to a wife, or any near relative, or parties, nor suits in which a native of the plains or native of another
village not resident in their jurisdiction are parties.

(b) All suits must be decided in open durbar, in the presence of the parties and at least three respectable witnesses.

27. Mouzadars, Gaonburahs, Peumahs, or Houshas, and other duly recognized village authorities, have power to compel attendance of parties to any suit and their witnesses, all such persons being resident within their own jurisdiction and to fine, within the limit of £.50, persons wilfully failing to attend. They have power to award all costs, also compensation to defendants for unfounded or vexations suits brought against them.

28. All proceedings shall viva-voce, and the Mouzadars, Gaonburahs, Peumahs, or Houshas, or other duly recognized village authorities, shall not be called upon to make either record or registry of their decision. After hearing both parties and their witnesses, if any, they shall, with or without the opinion of assessors, as they think fit, pronounce a decision forthwith. If at the trial any person who can write can be found, a brief note of the proceedings is to be made.

29. Mouzadars, Gaonburahs, Peumahs, and Houshas, and other duly recognized village authorities, may carry out their decision at once and order attachment of property to be made; but in no case is property so attached to be sold if
the party case claim to appeal within eight days. On such appeal being made, they shall send the parties and their witnesses to the political Agent or his Assistant forthwith, or as soon as may be and either accompany them or send one respectable person who has been present at the trial with them.

30. All notices given by Mouzadars, Gaonburahs, Peumahs or Houshas, and other duly recognized village authorities to parties of witnesses, shall be verbal, and for a fixed day not exceeding eight days from the day it is given. If a case be postponed, it shall be fixed for a day not exceeding eight days from the order, and the case may be subsequently adjourned for periods not exceeding eight days on good cause shown.

31. The political Agent and his Assistant shall not ordinarily hear triable by Mouzadars, Gaonburahs, Peumahs or Houshas, or other duly recognized village authorities, but they have a discretion to do so when they think right and suits which under these rules the village authorities cannot try must be tried by the political Agent or his Assistant. A register of all suits tried by the political Agent and his Assistant shall be kept in such form as the Commissioner shall direct.

32. The political Agent and his Assistant shall, in all cases in which the parties are indigenous inhabitants of
the hills, endeavour to induce them to submit their case to panchayat. If they agree to this, each party shall name an equal number of arbitrators and shall choose or leave the arbitrators to choose, an umpire. The name and residence of arbitrators and umpire, and the matter in dispute, must be recorded before the proceedings commence, and the court will direct the Mouzadar, Gaonburah, Peumah, or Housha, or some other recognized authority, to assemble the panchayat and witnesses within eight days. When the case has been decided, the umpire shall appear with the parties before the court, which shall proceed to record the decision and enforce it as its own. From such decision there shall be no appeal.

33. An appeal shall lie from the decision of the Mouzadar, Gaonburah, Peumah, Housha or other duly recognized village authority to the political Agent or his Assistant. A record shall be made of the matter in dispute and the decision of the village authority. If necessary the court shall examine the parties, and if the decision appears to be just shall affirm and enforce it as one of its own. If the court sees reason to doubt the justice of the decision it will try the case de novo or refer it to a panchayat as above.

34. Houses, needful clothing, cooking utensils or implements whereby the owner subsists, may not be attached, sold or transferred, in execution of decree, unless themselves the subject of the suit.
35. There shall be no imprisonment for debt excepting in cases where the political Agent is satisfied that the fraudulent disposal or concealment of property has taken place; in such case the debtor may be detained for a period no exceeding six months.

36. No appeal shall lie as of right to the political Agent from decisions of his Assistant or from the political Agent except as hereinafter provided, but the political Agent if he see fit, may call for the proceedings of any case decided by his Assistant, and the Commissioner may, upon application made, or otherwise, call for the proceeding, of either of the lower courts, and revise them, provided that persons resident beyond the Haga Hills may appeal to the Commissioner within thirty-five days from the date of a decision. The appeal shall be accompanied by a copy of the judgement appealed against and a clear statement of the grounds of appeal. The appeal may be presented to the political Agent, who shall, if it be in order, and presented in due time endorse upon it the date of receipt and transmit it, with the proceedings in the suit, to the Commissioner, who, after perusal of the petition of appeal and judgement and after hearing the agent of the appellant, if any, may dismiss the appeal, or remit the case to the lower court for the record of further evidence, or for re-trial of fresh issues, or reserve the case for hearing before his own court, and shall
confirm, modify, or reverse, the decision of the lower court passing such orders as to costs as may appear just. The decree of the appellate court shall be transferred to the court of the political agent for execution as a decree of its own.

37. The Court of the Commissioner, the political Agent, and his Assistant, shall be guided by the spirit, but not bound by the letter, of the Code of Civil Procedure.

38. No professional pleader or moktcar shall be allowed to appear in case, except in cases before the political agent or his Assistant, with the special permission of the Judge trying the case, or if the defendant reside beyond the jurisdiction of the court; but relatives may appear for persons incapacitated by age, sex, or sickness.

39. It shall be discretionary to examine witnesses on oath in any form, or to warn them that they are liable to the punishment of perjury if they state that which they know to be false.

A. MACKENZIE,
Offg. Secy. to the Govt. of Bengal.
APPENDIX-II

REGULATION 5 OF 1873
(BENGAL EASTERN FRONTIER REGULATION, 1873)

27th August 1873

A Regulation for the peace and government of certain districts on the Eastern Frontier of Bengal.

Preamble - WHEREAS the Secretary of State for India in Council has by Resolution in Council, declared the provisions of Act 33 Vict. Chap. 1, - Section 1, to be applicable to the districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, (Garo Hills), Khari and Jaintia Hills, Naga Hills, Cachar.


2. SHORT TITLE - This short title was given by Notification No.13 dated 11th October 1875, published in Gazette of India, 1875, part 1, page 529.

LOCAL EXTENT - This Regulation extend pro prio vigore to the districts of Cachar, Darrang, Kamrup, the Khari and Jaintia Hills, Lakhimpur, the Naga Hills, Nowgong and Sibsagar - see the preamble and section I.

It has been extended, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), section 5, to the following Scheduled Districts, namely:-
the Eastern Duars in the Goalpara District - see vol.I of Manual of Local Rules and Orders,
the Mokokchung Subdivision of the Naga Hills District - see ib.,
the Sadiya Frontier Tract,
the Balipara Frontier Tract,
the Lakhimpur Frontier Tract and Lushai Hills District.
(Vide the Manual of Assam Local Rules and Orders, volume I and notification No.713-I dated the 27th September, 1937.
The Government of India Act, 1870. It is printed in the Collection of Statutes relating to India, vol.I.

See footnotes 3 & 4 on next page.
And whereas the Lieutenant Governor of Bengal has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same, for the peace and government of the said districts;

The following Regulation is now published in the Gazette of India, and will be published in the Calcutta Gazette, and will thereupon have the force of law, under the 33rd of Victoria, Chapter 3:

Local Extent - 1. This Regulation shall extend to the districts named in the preamble, and shall come into force on the 1st of November 1873.

Power to prescribe and alter inner line - 2. It shall be lawful for the (State Government), 1 to prescribe and from time to time to alter, by notification

Footnotes 3 & 4 of previous page...

3. Reg. V of 1873, so far as it applied to the Garo Hills District, was repealed by the Repealing Act, 1897 (V of 1897).

4. The words "and Chittagong Hills", which were repealed by the Amending Act, 1903 (I of 1903), are omitted.

1. The Chief Commissioner of Assam (Now, the Provincial Government). See the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s.3, and Sch. D, Pt. II, ante, (as adapted by the A.O.).

2. The words "with the previous sanction of the Governor-General in Council", omitted by the A.O.
in the (Official Gazette),\(^1\) a line to be called "The Inner Line" in each or any of the above named districts.

The (State Government)\(^{1a}\) may, by notification in the (Official Gazette), prohibit all (citizens of India, or any class of such citizens) or any persons residing in or passing through such districts from going beyond such line without a pass under the hand and seal of the Chief executive officer of such district or of such other officer as he may authorise to grant such pass; and the (State Government)\(^{1a}\) may, from time to time, cancel or vary such prohibition.\(^2\)

Penalty for crossing line without pass - 3. Any \(\ast\) \(\ast\) \(\ast\) person so prohibited, who, after "The Inner Line" has been prescribed and notified in accordance with section 2 of this Regulation, goes beyond such line without a pass, shall be liable, on conviction before a Magistrate, (to imprisonment of either description which may extend to one year, to a fine not exceeding one thousand rupees, or to both).\(^4\)

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1. Now the official Gazette - see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s.3, and Sch.D Pt.III, ante (as adapted by the A.O.).

1a. The Chief Commissioner of Assam (Now, the Provincial Government), op. cit.

2. For notifications prescribing and altering Inner Lines, and prohibiting person from going beyond such lines without a pass, see the Manual of Assam Local Rules and Order.

3. The words "British Subject or other" omitted by the A.O.

4. The words under brackets were substituted for the words" to a fine not exceeding offence and to a fine rupees 100 for the first not exceeding s.500 or to simple or rigorous imprisonment for a term not exceeding three months, or to both, for each subsequent offence" by s.3 of Regulation V of 1925.
Power to prescribe form of pass – 4. The (State Government)¹ may from time to time prescribe by notification in the official Gazette a form of pass¹ for each district, and may in such form fix such restrictions or conditions as the (State Government)¹ may deem fit and may require the payment of such dues and fees for such passes as the (State Government)¹ may deem proper.

Any holder of such a pass shall, on breach of any restriction or condition be liable, on conviction (to imprisonment of either description which may extend to one year, or to a fine not exceeding one thousand rupees, or to both).²

Confiscation of jungle products found with offender – 5.

(i) Any rubber, wax, ivory or other jungle-product (or any book, diary, manuscript, map, picture, photograph, curio or article of religious or scientific interest) found in the possession of any person convicted of an offence under this Regulation may be confiscated to Government by an order to be passed at the time of conviction by the Magistrate.

¹ For notification prescribing forms of pass, see the Manual of Assam Local Rules and Orders, Vol. III.
² The words under brackets were substituted for the words "to a fine not exceeding Rupees 100 for a first offence and to a fine not exceeding Rupees 500 or to simple or rigorous imprisonment, which may extend to three months, or to both, for each subsequent offence.
³ The words under brackets were inserted by s.3 of Regulation V of 1925.
3(2) If the Magistrate has reason to believe that any article which it found in the possession of a person convicted under this Regulation would have been liable to confiscation under sub-section (1) has been acquired or wholly or partly written, made or taken by such person beyond "the Inner Line", the Magistrate after giving the person in whose possession the article is found an opportunity to show cause why an order under the sub-section should not be passed in respect of the article may, unless it is proved that the article was not acquired, written, made or taken as aforesaid, order that such article be confiscated to Government.

Power to authorize arrest - 6. The Chief Executive Officer of any district comprised in any notification as aforesaid may, subject to the approval of the State Government) authorize, by a written instrument under his hand any public servant to arrest and bring before him with the least practicable delay.

Firstly, any person prohibited from crossing "the Inner Line" prescribed for such district, if such person shall be found beyond the line and when asked to produce his pass shall refuse or be unable so to do:

Secondly, any person to whom a pass may have been granted and who has committed any infraction of its conditions.

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1. Section 5(2) was inserted by s.4 Regulation V of 1925.
2. Substituted by A.O. for "L.G."
Acquisition of interest in land by other than natives of districts comprised in preamble - 7. It shall not be lawful for any person, not being a Native of the districts comprised in the preamble of this Regulation, to acquire any interest in land or the product of land beyond the said "Inner Line" without the sanction of the (State Government) or such officer as the (State Government) shall appoint in this behalf.

Any interest so acquired may be dealt with as the (State Government) extend the prohibition contained in this section to any class of persons, Natives of the said districts and may from time to time in like manner cancel or vary such extension.

8 to 10 (Killing or capturing Elephants ) Rep. by Reg.1 of 1880.

Jurisdiction as to offences - 11. Offence against this Regulation may be tried by Magistrates of the first or second class, and shall be bailable.
APPENDIX-III

NAGA HILLS

the 25th March, 1937

RULES FOR THE ADMINISTRATION OF JUSTICE AND POLICE
IN THE NAGA HILLS DISTRICT

No. 2530(b) - A.P. - Under the powers vested in him by section 6 of the Scheduled Districts Act, 1874, the Governor of Assam is pleased to prescribe the following revised rules for the administration of justice and Police in the Naga Hills district. This cancels all previous orders on the subject.

I-GENERAL

(1) The administration of the district known as the Naga Hills is vested in (such trial authorities as may be constituted according to rules to be made by the Governor of Assam) the Governor of Assam, the Deputy Commissioner, the Additional Deputy Commissioner and Assistants to the Deputy Commissioner, the mausadars, gaonburahs, chiefs, headmen of khels, or such other classes of Officers as the Governor of Assam may see fit from time to time to appoint in that behalf, subject to the exceptions, restrictions and rules hereinafter recorded.

(2) The Deputy Commissioner, the Additional Deputy Commissioner and Assistants to the Deputy Commissioner shall be appointed

by the Governor. The Governor or the Deputy Commissioner, subject to the control of the Governor, may define the jurisdiction within which Assistants to the Deputy Commissioner may exercise all or any of the powers with which they may respectively be invested under these Rules.

(3) In these rules, except where the contrary appears from the context the term "Deputy Commissioner" shall include an Additional Deputy Commissioner, as and when appointed, who shall exercise all powers of the Deputy Commissioner.¹

II—POLICE

2. The Police of the Naga Hills shall consist of—

(a) Regular police subject to Act V of 1861 and the Assam Rifles Act 1920.

(b) Rural police, consisting of mauzadars, gaonburahs, chiefs, headmen of khels and other village authorities recognized as such by the Deputy Commissioner, with their subordinate village authorities.

3. The control of the police of the Naga Hills is vested in the Deputy Commissioner acting under the orders of the Governor of Assam and in such other Officers as the Governor of Assam may from time to time appoint. Misconduct on the

¹ Inserted by the Naga Hills (Administration of Justice and Police) (Amendment Regulation 1956) (II of 1956).
part of regular police shall be punished in accordance with Act V of 1861, the Assam Rifles Act, and the Penal Code or any other enactment to which they may be subject. Misconduct on the part of the rural police is punishable by dismissal or fine which may extend to Rs. 500 or by imprisonment to an extent which would be awardable under the Penal Code for a like offence. Imprisonment may be awarded in lieu of fine, but only by the Deputy Commissioner or other Officer duly authorised.

3A. Rural police shall not be deemed to be police officer for the purpose of section 25 of the Indian Evidence Act or of section 162 of the Code of Criminal Procedure.

4. An appeal lies from all orders of mauzadars, gaonburas, chiefs, headmen of khels, and other village authorities in police matters to the Deputy Commissioner, whose orders are final but the Governor of Assam may call for the proceedings of any Officer subordinate to him and modify or reverse any order should he think fit.

5. The ordinary rules of the police shall, as far as they are applicable, be observed by the regular police, and all returns in matters of accounts and all registers required to be kept by the police, as far as they are applicable, shall be made and kept up.
The Superintendent of Police, Naga Hills - Tassenang Area shall exercise the powers of Inspector General in the Naga Hills.

6. The regular police shall only act when required to do so by general or special order of the Superintendent of police or Deputy Commissioner or other Officer duly authorised, who may assign to the force any portion of the duties of police under act V of 1851 in any locality.

7. The ordinary duties of police shall be discharged by the mauzadars, gaonburas, chiefs, headmen of khels and other village authorities. They shall arrest all criminals and repress all disorders within their respective jurisdictions.

8. It is the duty of the mauzadars, gaonburas, chiefs, headmen of khels or other village authorities to report to the Deputy Commissioner all crimes, violent deaths, or serious accidents occurring in their jurisdiction and all occurrences, whether within or beyond their jurisdiction, which may come to their knowledge, likely to affect (law and order or)¹ the public peace at the earliest possible moment, and to deliver up offenders to the Officer authorised to try them as soon as may be within a period of twenty-four

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¹ Inserted by Naga Hills Administration of Justice (Amendment) Regulation, 1955 (Regulation No.1 of 1955).
hours of arrest excluding the time necessary for journey from the place of arrest to the court of such officer.

1. (Occurrences affecting law and order would include causing by any one of excitement to disaffection or attempt to excite disaffection towards the Government established by law; intimidation of any public servant to do any act or to forbear to do any act connected with his duties or intimidation of any other person to induce that person to refrain from doing any lawful act or desist from making legal application for protection against any injury to himself, or to others, to any public servant legally empowered to give such protection.)

9. The mausadars, geonburas, chiefs and headmen of khels and village authorities shall watch, report, and, under the orders of the Deputy Commissioner, apprehend and deliver up all vagrants or bad and suspicious characters found in their jurisdiction.


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1. Inserted by Nagas Hills Administration of Justice (Amendment) Regulation, 1955 (Regulation No. 1 of 1955).
who may be by customs or appointment charged with the duty
of arresting criminal shall at once apprehend the offender
(if able), and in any case at once report to the mauzadar,
gaonbura, chief or headman of a khel who if the offender has
not been apprehended will proceed without delay to the place
where the crime occurred and enquire into the matter.

If a crime beyond his cognizance has been committed, he
will immediately report it to the Deputy Commissioner or
other duty authorised officer, whether the offender has been
apprehended or not.

11. "Mauzadars, gaonburas, chiefs, headmen of khels and all
other village authorities may pursue with hue and cry an
offender fleeing beyond their jurisdiction and arrest him,
but ordinarily no mauzadar, gaonbura, chief, headman of a
khel or village authority shall attempt to arrest an offender
beyond his own jurisdiction, without the cognizance and
cooperation of the mauzadar, gaonbura, chief, headman of a
khel, or chief village authority of the jurisdiction to which
the offender has fled." When an offender is traced from one
jurisdiction to another, it will be sufficient to point him
out to the mauzadar, gaonbura, chief, headman of a khel, or
other competent authority or the village to which the offender
has fled, and request him to make the arrest.

12. When the mauzadars, gaonburas, chiefs, headmen of khels,
or other chief village authorities feel unable to arrest an
offender, they must apply to the Deputy Commissioner, or any officer duly authorised, to grant them such aid as he or such officer may consider necessary.

13. The mauzadars, gaonburas, chiefs, headmen of khels, or other chief village authorities are empowered to arrest or cause to be arrested and to find all drunkards and other disorderly persons found brawling out of their houses, and all persons found gambling, the fine not to exceed that awardable under their powers in criminal matters as herein- after defined.

14. All the inhabitants of the Naga Hills who are under the administrative control of the Deputy Commissioner are bound to aid the regular police and village authorities when required to do so for the maintenance of order or the apprehension of offenders (or for the performance of customary duties for public purposes like the repair or upkeep of roads, village foot paths, bridle paths, village wells, constructions work, etc.). Any person failing to do so is liable to fine to be adjudged by the mauzadar, gaonbura, chief, headman of a khal or other chief village authority, to the extent he is empowered to award in criminal cases or by the Deputy Commissioner (or the Subdivisional Officer, Mokokchung, so far as the Mokokchung Subdivision is concerned, if a fine beyond the amount those officers are authorised to impose is considered necessary). When the particular persons blameable
for failure to aid in any community cannot be ascertained, the mauzadar, gaonbura, chief, headman of a khel or chief village authority shall be considered responsible, and if appears that the community is to blame, and that particular offenders cannot be discovered, a fine may be imposed upon the community, but by the Deputy Commissioner only (or by the Subdivisional Officer, Mokokchung so far as the Mokokchung Subdivision is concerned, subject to the approval in writing of the Deputy Commissioner.)

III-CRIMINAL JUSTICE

15. Criminal Justice shall be ordinarily administered by the Deputy Commissioner, (Additional Deputy Commissioner, Assistant to the Deputy Commissioner) and by (such tribal courts as may be constituted according to rules to be made by the Governor of Assam) the mauzadars, gaonburas, chiefs, headmen of khels or other chief village authorities of the different communities:

(Provided that the Government of Assam shall have the power to invest any officer of the State Government with the

1. Inserted by the Naga Hills Administration of Justice (Amendment) Regulation 1955.

2. Inserted by the Naga Hills Administration of Justice (Amendment) Regulation 1952 (Regulation No. 1 of 1952).

3. Inserted by the Naga Hills Administration of Justice (Amendment) Regulation 1956 (II) of 1956).
powers of the Deputy Commissioner for the trial of any particular case or cases and the officer so empowered shall exercise all the powers of the Deputy Commissioner in this behalf). ¹

15A. The Additional Deputy Commissioner shall exercise all powers conferred on the Deputy Commissioner by these Rules and the term 'Deputy Commissioner' wherever it occurs in this section of these Rules, shall include the Additional Deputy Commissioner.

15B. The terms "District Magistrate", "Additional District Magistrate" or "Magistrate of a District" and "Subdivisional Magistrate" or "Magistrate of a Subdivision" referred to in any law for the time being in force in the Naga Hills District shall, unless there is anything repugnant in the subject or context, be construed as referring respectively to the Deputy Commissioner or Additional Deputy Commissioner of the said District and the Subdivisional Officer, Mekokchung.

15C. In respect of all offences under the Indian Penal Code or under any other law, to be investigated, inquired into, tried and otherwise dealt with according to the provisions of these Rules, the words and expressions defined in Section 4

¹ Inserted by the Naga Hills (Administration of Justice and Police) Regulation 1947 (II) of 1947.
of the Code of Criminal Procedure, 1898 (Act V of 1898) shall, unless a different intention appears from the subject or context, be deemed to have the same meanings as assigned to them by that Code, references to the Code being construed, as and where necessary, as referring to the Rules for the Administration of Justice and Police in the Naga Hills District, in so far as they may be made applicable to the District:

Provided that if "in any other law" and terms and expressions are defined to bear a special meaning in relation to an offence under that law, such terms and expressions shall also be similarly construed in so far as they may be applicable to the District.

16.(1) The Deputy Commissioner shall be competent to pass any sentence authorised by law, but all sentences of death passed by him shall be subject to the confirmation of the High Court.

(2) The Assistants to the Deputy Commissioner shall exercise such powers, not exceeding those of a Magistrate of the first class as defined in the Criminal Procedure Code, as they may be invested with by the Governor of Assam:

Provided that the Governor may, when he thinks fit, invest an Assistant to the Deputy Commissioner either generally, or for the trial of a particular case or cases,
with all the powers conferred on the Deputy Commissioner by these Rules except to pass a sentence of death.

(3) The High Court of Assam hereinafter referred to as "the High Court" of the Deputy Commissioner may call for the proceedings of any Court subordinate to it or him, and reduce, enhance or cancel any sentence passed, or remand the case for retrial, but no offence shall be punished by a sentence exceeding that warranted by law.

16A. When the Deputy Commissioner passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

16B. The Deputy Commissioner shall inform the accused of the period (namely 7 days) within which, if he wishes to appeal, his appeal should be preferred.

16C. In any case submitted under rule 16A the High Court -

(a) may confirm the sentence or pass any other sentence warranted by law, or

(b) may annul the conviction of the convict, accused of any offence of which the Deputy Commissioner might have convicted him or order a new trial on the same or an amended charge, or

(c) may acquit the accused person.

Provided that no order of confirmation shall be made under this rule until the period allowed for preferring an
appeal has expired or, if an appeal is presented within such period, until such appeal is disposed of.

16D. When a sentence of death passed by a Deputy Commissioner is submitted to the High Court for confirmation, the Deputy Commissioner shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant in the form given in Schedule V, No.XXXV of the Criminal Procedure Code, or some similar form, or taking such other steps as may be necessary.

16E. The Deputy Commissioner shall fix the time and place of execution, and the time fixed shall not be less than 21 or more than 28 days from the date of issue of warrant.

17. Mauzadars, gaonburas, chiefs, headmen of khels or other village authorities, sitting with the village elders or council, may dispose of cases in which persons are charged with any crime which is not heinous.

They may impose a fine for any offence they are competent to try to the extent of Rs.50. They may award restitution or compensation to the extent of the injury sustained and enforce it by distraint of the properties of the offender. In cases in which the fine is not paid or realised, either in whole or in part, they shall represent the facts and send in the offender to the Deputy Commissioner,
who may retry the case and impose such other punishment as he is competent to inflict.

17A. Trial courts may exercise such powers, not exceeding those of a Magistrate of the First class as defined in the (Criminal Procedure Code) as they may be invested with the Governor of Assam).

18. Mauzadars, gaonburas, chiefs and headmen of khels or other duly recognized village authorities may carry out their decision or order attachment of property as soon as judgement is pronounced, but in no case is property so attached to be sold, if the party convicted claim to appeal within thirty days, without the orders of the Deputy Commissioner, Mauzadars, chiefs, gaonburas, headmen of khels and other duly recognized village authorities may not decide in cases –

(a) When the defendant is not a native of the Naga Hills, or is not resident within their jurisdiction; or

(b) When the offence is one against the State, or has caused death or danger to life, or amounts to robbery, or concerns the counterfeiting of coin, or the making of fraudulent documents, or the like.

19. The Mauzadars, gaonburas, chiefs and headmen of khels or other duly recognized village authorities shall not decide any cases, save in open Durbar in presence of at least three
witnesses and the complainant and accused whose attendance they are empowered to compel. Either party may appeal from the decision at the time, the decision is pronounced, or within thirty days thereof, to the Deputy Commissioner or his Assistant, in which case the munsadiar, gaonbura, chief, headman of khel, or other duly recognised authority will take the parties or cause them to be sent before (the tribal court wherever constituted, or otherwise to) the Deputy Commissioner or his Assistant together with the persons required to attend as witnesses. The case shall then be tried de novo.

20. An appeal lies to the Deputy Commissioner from the decision of any of his Assistants (and of any tribal court).

Provided that no appeal shall lie against the sentence of fine only passed by a magistrate of the first class when the amount of fine does not exceed rupees fifty.

21. (An appeal shall lie to the High Court from any order of conviction passed by the Deputy Commissioner, awarding a sentence of imprisonment for six months or more or of a fine of Rs. 1,000 or more). 1

In respect of the decision of the Commandant or Assistant Commandants of the Assam Rifles exercising the powers of a

1. Substituted by the Naga Hills Administration of Justice (Amendment) Regulation 1954 (Regulation No. 1 of 1954).
Magistrate, the Deputy Commissioner shall exercise the appellate and revisional powers conferred upon a Court of Sessions or a District Magistrate by the Code of Criminal procedure.

21A. All appeals must be presented within thirty days from the date of the order appealed against excluding the time taken in procuring a copy of the order; Provided that an appeal from a sentence of death shall be preferred within seven days from the date of the sentence.

21B. The Governor may direct an appeal to be presented to the High Court from an original or appealed order of acquittal passed by any Court other than the High Court.

Such an appeal shall be presented within ninety days from the date of the order of acquittal excluding the time needed for obtaining a copy of the order.

21C. (i) Whenever, in the course of an inquiry, trial or other proceeding under these rules, if appears to the High Court or the Court of the Deputy Commissioner that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Court may dispense with such attendance and may issue a commission for the examination of the witness following the spirit of the Code of Criminal Procedure, 1898.
(2) Whenever in the course of an Inquiry, trial or other proceeding under these rules before the Court an Assistant to the Deputy Commissioner, it appears that a Commission ought to be issued for examination of a witness whose evidence is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Court shall apply to the Deputy Commissioner stating the reasons for the application, and the Deputy Commissioner may either issue a commission or reject the application.

21D. Whenever a commission for the examination of witness issued under the preceding rule or under any law for the time being in force in the rest of India is received by the Deputy Commissioner, he, or such of his Assistants having the powers of a Magistrate of the first class as he may appoint in this behalf, shall execute and return the commission following the spirit of the Code of Criminal Procedure, 1898.¹

22. The procedure of the High Court, the Deputy Commissioner and his Assistants shall be in the spirit of the Code of Criminal Procedure as far as it is applicable to the circumstances of the district and consistent with these

¹ Inserted by the Assam Criminal Law Amendment Act, 1953, (Assam Act XV of 1953).
rules; the chief exceptions are:

(a) only verbal order or notice shall be requisite, except when the regular police are employed or the person concerned is not resident or in the district at the time, or, if in the district, but resident beyond it, where his place of abode is not known. The order shall be made known to the person affected or to some adult member of his family, or proclaimed at the place he was last known to be at, in sufficient time to allow him, if he sees fit, to appear.

(b) A note of the substance of all the proceedings in cases tried before them must be kept by the Deputy Commissioner and his Assistants as required by section 264 of the Code of Criminal Procedure. In cases requiring a sentence exceeding three years, a full note of the evidence and proceedings must be kept. Examinations and proceedings shall generally be recorded in English only.

(c) The proceedings of the mauzadars, gaonburas, chiefs, headmen of khels or other duly recognised village authorities need not be in writing.

(d) All fines levied by the mauzadars, gaonburas, chiefs, headmen of khels, or other duly recognised village authorities shall be paid to the Deputy Commissioner or his Assistants or other officer empowered to receive them, within eight days from the date of realisation, unless they are immediately paid to the aggrieved party as compensation.

(e) It shall be discretionary to examine witnesses on oath in any form, or to warn them that they are liable to the punishment for perjury if they state that which they know to be false.
22A. (a) The President or the Governor of Assam may, either upon conditions or without conditions, suspend the execution of any sentence or remit any punishment.

(b) If any sentence has been suspended or remitted upon conditions, and, in the opinion of the President or Governor of Assam as the case may be, those conditions are not fulfilled, the President or the Governor of Assam may cancel the remission and order the sentence to be carried out, and thereupon the person in whose favour the sentence had been suspended or remitted, may, if at large, be arrested by any police officer without warrant and remanded to undergo the unexpired portion of the sentence.

22B. The President or the Governor of Assam may commute any one of the following sentences for any other mentioned after it:

death, confiscation of property, imprisonment, whipping, fine.

IV-CIVIL RULE

23. The Administration of civil justice in the Naga Hills is entrusted, to the Deputy Commissioner, his Assistants, (Such tribal courts as may be constituted according to rules to be made by the Governor of Assam) and the musedars, gaon-buras, chiefs, headmen of khels, and other chief village authorities.
24. Mauzadars, gaonburas, chiefs, headmen of khels or other village authorities sitting with the village elders in council are empowered to try cases without limit as to mount, but with the following reservations:

(a) They may not try suits in which a native of the plains or native of another village not resident in their jurisdiction is a party.

(b) All suits be decided in open Darbar, in the presence of the parties and at least three respectable witnesses.

24A. Tribal courts may try and hear such cases and appeals as they may be empowered to try and hear by the Deputy Commissioner with the approval of the Governor of Assam.

25. Mauzadars, gaonburas, chiefs, headmen of khels and other duly recognised village authorities have power to compel attendance of parties to any suit and their witnesses, - all such persons being resident within their own jurisdiction - and to fine within the limit of a.50 persons willfully failing to attend. They have power to award all costs, also compensation, to defendants for unfounded or vexations suits brought against them.

26. All proceedings shall be viva voce, and the mauzadars, gaonburas, chiefs, headmen of khels or other duly recognised village authorities shall not be called upon to make either record or registry of their decision. After hearing both
parties and their witnesses, if any, they shall pronounce a decision forthwith.

27. Mauzadars, gaonburas, chiefs, headmen of khels, and other duly recognized village authorities may carry out their decision at once and order attachment of property to be made, but in no case is property so attached to be sold if the party cast claim to appeal within thirty days. On such appeal being made they shall send the parties and their witnesses to Deputy Commissioner or his Assistant forthwith, or as soon as may be, and either accompany them or send one respectable person who has been present trial with them.

28. All notices given by mauzadars, gaonburas, chiefs, headmen of khels, and other duly recognized village authorities to parties or witnesses shall be verbal, and for a fixed day not exceeding eight days from the day it is given. If a case be postponed, it shall be fixed for a day not exceeding eight days from the order, and the case may be subsequently adjourned for periods not exceeding eight days on good cause shown.

29. The Deputy Commissioner and his Assistants shall not ordinarily hear suits triable by tribal court, mauzadars, gaonburas, chiefs, headmen of Khels, or other duly recognised village authorities but they have a discretion to do so when they think right and suits which under these rules the
village authorities and the tribal courts cannot try must
be tried by the Deputy Commissioner or his Assistants. A
Register of all suits tried by the Deputy Commissioner and
his Assistants shall be kept in such form as the High Court
shall direct.

30. The Deputy Commissioner and his Assistants shall, in
all cases in which the parties are indigenous inhabitants
of the hills, endeavour to induce them to submit their case
to a panchayat. If they agree to this, each party shall
name an equal number of arbitrators, and shall choose, or
leave the arbitrators to choose, an umpire. The name and
residence of arbitrators and umpire and the matter in dispute
must be recorded before the proceedings commence, and the
Court will direct the mauzdar, gaonbura, chief, headmen
of a khel or some other recognised authority to assemble
the panchayat and witness within eight days. When the case
has been decided, the umpire shall appear with the parties
before the Court, which shall proceed to record the decision
and enforce it as its own. From such decision there shall
be no appeal.

31. An appeal shall lie from the decision of the mauzdar,
gaonbura, chief, headman of a khel or other duly recognised
village authorities (to the tribal Court whenever constituted
on otherwise)\textsuperscript{1} to the Deputy Commissioner or his Assistant. A record shall be made of the matter in dispute and the decision of the village authorities. If necessary, the Court shall examine the parties, and if the decision appears to be just, shall affirm and enforce it as one of its own. If the Court sees reason to doubt the justice of the decision, it will try the case de novo, or refer it to a Panchayat as above.

32. Houses, needful clothing, cooking utensils, or implements whereby the owner subsists, may not be attached, sold or transferred, in execution of a decree unless themselves the subject of the suit. Land may be sold or temporarily transferred where custom admits of individual right in it being recognised.

33. There shall be no imprisonment for debt, excepting in cases where the Deputy Commissioner is satisfied that fraudulent disposal or concealment of property has taken place; in such cases the debtor may be detained for a period not exceeding six months.

34. The High Court of Deputy Commissioner may, on application or otherwise, call for the proceedings of any case decided by any officer subordinate to him and pass such order as he may deem fit.
An appeal shall lie to the Deputy Commissioner against the decision of any of his Assistants (and of any tribals) and to the High Court against an original decision of the Deputy Commissioner, if the value of the suit be rupees five hundred or cover, or if the suit involve a question of tribal rights or customs or of right to, or possession of, immovable property:

Provided that the petition of appeal accompanied by a copy of the order appealed against and by a clear statement of the grounds of appeal be filed within 30 days from the date of decision, excluding the time required for obtaining a copy of the decision.

An appeal which lies to the High Court may be presented to the Deputy Commissioner, who shall, if it be in order and presented in due time, endorse upon it the date of receipt and transmit it with the records of the case to the High Court.

The decree of the appellate court shall be transferred to the court passing the original order for execution as a decree of its own.

35. The High Court and the Courts of Deputy Commissioner and his Assistants shall be guided by the spirit, but not be bound by the letter of the Code of Civil Procedure.

36. It shall be discretionary to examine witnesses on oath in any form, or to warn them that they are liable to the
punishment for perjury, if they state that which they know
to be false.

37. Although the Indian Limitation Act, 1908 (Act IX of
1908), has been barred by Notification No. 5868-A P., dated
the 6th September 1934, the principles of the Act should
be closely followed in disputes between persons not belonging
to a Scheduled Tribe or Tribes specified in items 1 and 2 of
Part 1—Assam, of the Schedule to the Constitution (Schedule
Tribes) Order, 1950.

(Office and Penalty)

38. Whoever not being a Headman, Gaonbura, Chief, Headman
of a Khel or Member of a duly recognised Village Authority
or Arbitrator or Umpire appointed under rule 30, hears or
disposes of of any suit, case or dispute, imposes any line
or penalty or realises any fees for the disposal of such
suits, cases or disputes, shall be punishable with imprison-
ment of either description for a term not exceeding six months
or with fine not exceeding Rs. 500 or with both.\(^1\)

(38A. In the case of any offence punishable with imprison-
ment of one year or upwards, the Deputy Commissioner, the
Additional Deputy Commissioner or an Assistant to the Deputy
Commissioner may, at any stage of the investigation or inquiry

\(^1\) Inserted by the Naga Hills Administration of Justice
(Amendment) Regulation 1955 (Regulation No. 1 of 1955).
into, or the trial of the offence, with a view to obtaining
the evidence of any person supposed to have been directly
or indirectly concerned in or privy to the offence, tender
a pardon to such person on condition of his making a full
and true disclosure of the whole of the circumstances within
his knowledge relative to the offence and to every person
concerned, whether as principal or abettor, in the commission
thereof:

Provided that where the offence is under inquiry or
trial no Assistant to the Deputy Commissioner shall exercise
the powers hereby, conferred unless he himself is making the
inquiry or holding the trial except with a written order of
the Deputy Commissioner:

Provided further that where such a person has been
tendered in any case by an Assistant to the Deputy Commissioner,
the case shall not be tried by the Assistant who has tendered
the pardon.

383. (1) Where a pardon has been tendered under rule 38A
and the Public Prosecutor or any other person conducting the
case for the State certified that in his opinion any person
who has accepted such tender has, either by wilfully concealing
anything essential or by giving false evidence, not complied
with the condition on which the tender was made, such person
may be tried for the offence in respect of which the pardon
was so tendered or for any other offence of which he appears to have been guilty in connection with the same matter:

(2) The statement made by a person who has accepted a tender of pardon may be given in evidence against him at such trial). 1

V-ARMS AND AMMUNITION

39. (1) The Deputy Commissioner may fix the number and description of firearms and the quantity and description of ammunition which may be possessed by any person, village, or community and issue licenses accordingly. He may also fix the periods for which such licenses shall be valid. The number of firearms to be licensed for each village is ordinarily limited to one to every 15 houses, but the limit may be modified at the Deputy Commissioner’s discretion where its strict enforcement would cause hardship.

(2) The Deputy Commissioner may, if he thinks fit, declare the licenses of persons residing temporarily in the Naga Hills who possess licences under the Arms Act issued in other parts of India to be valid in the Naga Hills for such periods as he shall decide and may fix the limits of ammunition to be held by such persons.

1. Inserted by the Naga Hills Administration of Justice (Amendment) Regulation 1956 (II of 1956).
(3) All firearms for which licences have been issued shall be stamped with the letters M.M. and with a number, and the description of the weapon shall be entered in a register. This rule, however, does not apply to weapons held under licences made valid under rule 39(2) provided that such weapons bear a maker's name and number, in which case the maker's name and number and the description of the weapon will be registered.

(4) Licences shall be granted in Form XVI, XVI-A or Form XIX of the Indian Arms Rules, 1951 subject to such alterations and modifications as the Deputy Commissioner may decide.

(5) There shall be no fee for the issue of licences or for the renewal of licence of muzzle loading weapons.

The initial fee for the grant of a licence for a breech-loading weapon shall be ₹.10 in the case of a pistol or revolver, and ₹.5 for any other weapons.

The annual renewal fee shall be ₹.5 for a pistol or revolver and ₹.2-8-0 for any other breech-loading weapon — provided that the Deputy Commissioner may permit the holder of a breech-loading weapon to renew his licence for any period up to 3 years on payment of the combined renewal fees for the period.
(6) Every licence granted under rule 39(1) may contain
a clause to the effect that the weapon covered by the licence
may be used by all the adult male members of the village,
clan or kindred as the case may be Rhinoceros, elephant,
mithun and buffalo shall not be shot and birds shall not be
shot during the close seasons laid down in the Schedule to
Form XVI.

(7) The Deputy Commissioner may grant licences to
approved persons for the sale of ammunition. The form of
vendor's licence shall correspond as far as possible to
Form X of the Indian Arms Rules, 1951 and the fee for such
licence shall be Rs. 10 annually. Such persons shall sell
ammunition in accordance with the instructions issued from
time to time by the Deputy Commissioner.

(8) All persons holding licences issued under rule 39(1)
shall purchase ammunition only at the shops and from the
persons approved by the Deputy Commissioner under the rule 39(7),
and on written authority from the Deputy Commissioner, or,
in the case of the Mokokchung Subdivision, from the Sub-
divisional Officer.

(9) The Deputy Commissioner may delegate to the Sub-
divisional Officer, Mokokchung and withdraw from him any or
all of the powers given by these rules.

(10) The Deputy Commissioner may from time to time issue
instructions in conformity with these rules for the purpose
of the control and supervision of arms and ammunition within
the district.

(11) Rules for the sale of ammunition and for its check
from time to time:

(i) Licence vendors will maintain a register in the
attached form for all receipts and sales of ammu-
nions. All receipts must be shown in red ink.

(ii) Shop licences will on receipt of ammunition inform
the Deputy Commissioner, who will send an officer
to supervise the unpacking and to verify the contents,
after which the receipt will be immediately entered
in the register and initialled by the verifying
officer.

(iii) The Deputy Commissioner or one of his Assistants will
hold a quarterly check of all ammunition held by
vendors. The Sub-Inspector, Kohima, or Mokokchung,
will make a surprise check once a month of all
ammunition shops and initial the register is taken
of having done so.

(iv) Slips for ammunition will be destroyed after verifi-
cation by Deputy Commissioner or his Assistants, but
not by the Sub-Inspector when he inspects the shop.

(v) Issues should not be made by vendors on slips when
the calendar year for which the slips are issued has
expired or before the date entered on the slip.

(vi) Vendors are responsible that not more is issued than
the slip authorizes. In the case of gunpowder, shot
and caps issues should not be made by instalments.

(vii) Vendors must endorse issues on licences at the time
they are made.