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## PART-IIA

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

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NOTIFICATION

The 26<sup>th</sup> March, 2014.

**No.LL(B)16/2014/16.** - The High Court of Meghalaya (Jurisdiction over District Council Courts) Order, 2014 is hereby published for general information.

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

**ORDER BY THE GOVERNOR OF MEGHALAYA UNDER SUB-PARAGRAPH (3) OF  
PARAGRAPH 4 OF THE SIXTH SCHEDULE TO THE CONSTITUTION OF INDIA**

**No.LL(B).16/2014/3.**—In exercise of the powers conferred by sub-paragraph (3) of paragraph 4 of the Sixth Schedule to the Constitution of India, the Governor of Meghalaya is pleased to pass the following orders, namely, -

1. (1) This Order may be called the High Court of Meghalaya (Jurisdiction over District Council Courts) Order, 2014.

(2) It extends to the whole state of Meghalaya.

(3) It shall be deemed to have come into force on and from 23<sup>rd</sup> March, 2013.

2. In this Order unless the context otherwise required, –

- (a) ‘Advocate General’ means Advocate General of Meghalaya;
- (b) ‘Autonomous District ‘ means a tribal area deemed as such under paragraph 1 (1) of the Sixth Schedule in the Constitution of India;
- (c) ‘Constitution’ means the constitution of India;
- (d) ‘District Council’ means the District Council of Khasi Hills Autonomous District, Jaintia Hills Autonomous District and Garo Hills Autonomous constitute under the provision of the Sixth Schedule to the Constitution;
- (e) ‘District Council Courts’ means a District Council Court constituted under the provision of sub-paragraph (2) of paragraph 4 of the Sixth Schedule to the constitution;
- (f) ‘Governor’ means the Governor of Meghalaya;
- (g) ‘High Court’ means the High Court of Meghalaya;
- (h) ‘Government Advocate’ means the Government Advocate appointed by the Government of Meghalaya;
- (i) “Subordinate District Council Court” means a Subordinate District Council Court constituted under the provisions of sub-paragraph (1) of paragraph 4 of the Sixth Schedule to the Constitution and includes an Additional Subordinate District Council Court; and
- (j) “Village Court” means a Village Court constituted under the provisions of sub-paragraph (1) of paragraph 4 of the Sixth Schedule to the Constitution.

2. An appeal against a final order or decision of a District Council court in a civil suit where the valuation of the suit is rupees one lakh or more, shall be in the High Court:

Provided that such appeal shall be presented within ninety days from the date of the order or decision appealed against, exclusive of the time requisite for obtaining a copy of the said order of decision:

Provided further that the High Court may admit an appeal filed beyond a period of limitation if the appellant satisfies the Court that he has sufficient cause for not preferring the appeal within the specified period.

**Explanation.**- The term "suit" includes execution proceedings.

4. (1) In Criminal Case an appeal shall lie to the High Court from any order of conviction of the District Council Court awarding a sentence of six months imprisonment or upwards.

(2) An appeal under sub-section (1) shall be presented within sixty days of the date of order appealed against excluding the time needed for obtaining a copy of the order:

Provided that the High Court may admit an appeal filed beyond the period of limitation if the appellant satisfies the court that he had sufficient cause for not preferring the appeal within the specified period.

5. (1) The Governor may direct the Government Advocate to present an appeal to the High Court against any order of acquittal by the District Council Court.

(2) Such appeals must be presented within ninety days from the date of the order appealed against excluding the time requisite for obtaining a copy of the order.

6. The High Court may, on application or otherwise, call for the proceedings of any civil or criminal case decided by or pending in any court in the autonomous district constituted under the

provisions of sub- paragraph (1) and (2) of paragraph 4 of the Sixth Schedule to the Constitution (hereinafter called the Court of the District Council) and pass such orders as it may deemed fit.

7. (1) Whenever it is made to appear to the High Court –

- (a) that a fair and impartial inquiry, trial, or adjudication cannot be had in any Court of the District Council ; or
- (b) that some question of law, tribal or otherwise of unusual difficulty is likely to arise; or
- (c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same ; or
- (d) that an order under this clause will tend to the general convenience of the parties or witness ; or
- (e) that such an order is expedient for the ends of justice or is required by the provision of any law applicable to the case; it may order –
  - (i) that any offence be inquired into or tried or a suit be adjudicated by any Court other than the Court of origin;
  - (ii) that any particular case or appeal, or class of cases or appeals, be transferred from any one Court to any other Court of equal or superior jurisdiction; and
  - (iii) that any particular appeal be transferred to or heard before itself.

(2) That High Court may act either on the report of the Lower Court or on the application of a party interested or on its own initiative.

(3) Every application for the exercise of the power conferred by this clause shall be made by motion, which shall except when the applicant is the Advocate General or Government Advocate, be supported by affidavit or affirmation.

(4) When an accused person makes an application under this

rule, the High Court may direct him to execute a bond with or without sureties on the condition that he will if so ordered, pay any amount which the High Court may, under this clause award by way of compensation to the person opposing the application.

(5) Every accused person making any such application shall give to the Government Advocate or accredited representative of the District Council, as the case may be, notice in writing of the application together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application, unless at least forty-eight hours have elapsed between the giving of such notice and the hearing of the application.

(6) Where any application for the exercise of the power conferred by this clause is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding rupees twenty five thousand as it may consider proper in the circumstances of the case.

(7) If, before the argument ( if any) for the admission of an appeal begins, or in the case of an appeal admitted before the argument for the appellant begins any party interested intimates to the Court that the party intends to make an application under this clause, the Court shall upon such party executing, if so required, a bond without sureties, of an amount not exceeding rupees twenty five thousand, that he will make such application within a reasonable time to be fixed by the Court postpone the appeal for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon.

8. The High Court before which an appeal in a civil suit is filed, may, before admitting the appeal, order the deposit by the appellant of all reasonable expenditure likely, in the opinion of the Court, to be incurred by the respondent in the hearing of the appeal or may order

security to be given for such expenses, and, if the appellant be a judgment debtor may also order security to be given for part or the whole of the decretal amount.

9. The decree of the High Court in a civil case shall be transferred to the Court passing the original order for execution as a decree of its own.

10. The Assam High Court (Jurisdiction over District Council Courts) Order, 1954, in its application to Meghalaya is hereby repealed.

Dated Raj Bhavan,  
Shillong, the 26<sup>th</sup> March, 2014.

**K. K. PAUL,**  
GOVERNOR OF MEGHALAYA

Dated Shillong,  
The 26<sup>th</sup> March, 2014.

**L. M. SANGMA,**  
Secretary,  
Govt. of Meghalaya,  
Law Department.