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GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
CIVIL SECRETARIAT
ITANAGAR

The 12th April, 2021

No. LAW/LEGN-6/2021.—The following Act which was passed by the Arunachal Pradesh Legislative Assembly in the Sixth Session of the Seventh Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 5th April, 2021)

THE ARUNACHAL PRADESH CIVIL COURTS ACT, 2021

AN

ACT

to consolidate the law relating to Civil Courts and for establishment of various Civil Courts for speedy disposal of Civil cases in the State of Arunachal Pradesh and matters connected therewith and incidental thereto ;

BE it enacted by the Legislative Assembly of the State of Arunachal Pradesh in the Seventy-second Year of the Republic of India as follows,-

CHAPTER — I

PRELIMINARY

1. **Short title, extent and commencement :**

- (1) This Act may be called the Arunachal Pradesh Civil Courts Act, 2021
- (2) It extends to the whole of the State of Arunachal Pradesh.
- (3) It shall come into force on the date of its publication in the Official Gazette.

2. **Definitions :** In this Act unless the context otherwise requires.

- (a) **"Assistant Commissioner"** means and includes Assistant Commissioner, Extra Assistant Commissioner, Sub-Divisional Officer and Circle Officer ;
- (b) **"Civil court"** means a court of a District Judge, a Court of and Additional District Judge, a Court of Civil Judge (Senior Division), a Court of Civil Judge (Junior Division) or a Customary Court including Village Authorities by whatever name called under the Assam Frontier (Administration of Justice) Regulation, 1945 ;
- (c) **"Code"** means the Code of Civil Procedure, 1908 (Act No. 5 of 1908) ;
- (d) **"Customary Court"** means Court of traditional council or authority of a village(s) indigenous to the State by whatever name called, and includes a court of village authority under section 5 of the Assam Frontier (Administration of Justice) Regulation, 1945.
- (e) **"Deputy Commissioner"** means Deputy Commissioner of a district and includes an Additional Deputy Commissioner as defined under Regulation 2 of the Assam Frontier (Administration of Justice) Regulation 1945 ;
- (f) **"District"** means a revenue district or such local area as the Government may, from time to time, notify to be a district for the purposes of this Act ;

- (g) "Governor" means the Governor of Arunachal Pradesh ;
- (h) "Government" means the Government of Arunachal Pradesh ;
- (i) "High Court" means the Gauhati High Court ;
- (j) "Notification" means a notification published in the Official Gazette ;
- (k) "Official Gazette" means The Arunachal Pradesh Gazette ;
- (l) "Prescribed" means prescribed by rules made under this Act ;
- (m) "Section" means a section of this Act ;
- (n) "Service" means the Arunachal Pradesh Judicial Service ;
- (o) "State" means State of Arunachal Pradesh.

CHAPTER - II

ESTABLISHMENT AND CONSTITUTION OF CIVIL COURTS

3. Classes of Civil Court :

In addition to the Courts established under any other law for the time being in force, there shall be established the following classes of Civil Courts in the State,-

- (a) Court of a District Judge ;
- (b) Court of an Additional District Judge ;
- (c) Court of a Civil Judge (Senior Division) ;
- (d) Court of a Civil Judge (Junior Division) ;
- (e) Customary Court.

4. Establishment of Courts of District Judge :

(1) There may be established by the Government, by notification, a court of the District Judge, in consultation with the High Court, **for a district or more than one district.**

(2) Each court of a District Judge shall be presided over by a Senior Judge to be called as District Judge.

5. Establishment of Courts of Additional District Judge :

(1) There **may** be established by the Government, in consultation with the High Court, such numbers of the Court of Additional District Judge for a district or more than one district as may be necessary.

(2) Each Court of an Additional District Judge shall be presided over by a Judge to be called as Additional District Judge.

6. Establishment of Courts of Civil Judge (Senior Division) :

(1) There **may** be established by the Government, in consultation with the High Court, such numbers of the Court of Civil Judge (Senior Division) for a district or more than one district as may be necessary.

(2) Each Court of a Civil Judge (Senior Division) shall be presided over by a Judge to be called as Civil Judge (Senior Division).

7. Establishment of Courts of Civil Judge (Junior Division) :

(1) There may be established by the Government, by notification in each District a Court of Civil Judge (Junior Division) or such number of Court of the Civil Judge (Junior Division) as may be necessary with such jurisdictions in consultation with the High Court.

(2) Each Court of a Civil Judge (Junior Division) shall be presided over by a Judge to be called as Civil Judge (Junior Division).

8. Location of Civil Courts :

(1) The place or places at which every Civil Court under this Act shall be fixed may, from time to time, be altered by the Government, in consultation with the High Court.

(2) The place or places so fixed for a Civil Court under sub-section (1) may be within or outside the local limits of the jurisdiction of that Court.

9. Seal of a Civil Court : Every Civil Court under this Act, except the Customary Courts, shall use a seal which shall bear thereon the State emblem with the name of the Court in English language and shall be, in such form and of such dimensions as the Government may, in consultation with the High Court, by order determine.

10. **Posting of District Judge, Additional District Judge, Civil Judge (Senior Division) and Civil Judge (Junior Division) :**

(1) No person other than a person belonging to Grade-I in the Arunachal Pradesh Judicial Service shall be eligible to be posted as a District Judge or as an Additional District Judge.

(2) No person other than a person belonging to Grade-II in the Arunachal Pradesh Judicial Service shall be eligible to be posted as a Civil Judge (Senior Division) or as an Additional Civil Judge (Senior Division).

(3) No person other than a person belonging to Grade-III in the Arunachal Pradesh Judicial Service shall be eligible to be posted as a Civil Judge (Junior Division) or as an Additional Civil Judge (Junior Division).

Provided that :

(i) *The Courts of Deputy Commissioner existing under the Assam Frontier (Administration of Justice) Regulation, 1945, in relation to administration of Civil Justice prior to commencement of this Act shall be deemed to be courts of District Judge under this Act in respect of appeals that lie from the Customary Courts until such time, such appeals are disposed of.*

(ii) *The Courts of Assistant Commissioners administering Civil Justice under the Assam Frontier (Administration of Justice) Regulation, 1945 prior to commencement of this Act, shall be deemed to be the courts of Civil Judge (Junior Division) in respect of appeals that lie from the Customary Courts, until such time, such appeals are disposed of.*

(iii) *The seal in a civil court deemed to be established under clauses (i) and (ii) immediately prior to the appointed date may continue to be used until an order is made by the High Court under section 9.*

CHAPTER — III

JURISDICTION OF CIVIL COURTS

11. **Local limits of jurisdiction :**

(1) The Government may, by notification, fix and from time to time vary the local limits of jurisdiction of any Civil Court under this Act in consultation with the High Court.

(2) The local limits of jurisdiction of a Civil Court existing immediately prior to the **commencement of this Act** shall, until it is fixed under this Act be deemed to be the local limits of jurisdiction of that court.

12. **Jurisdiction of a Court of District Judge and Additional District Judge :**

(1) A Court of District Judge and where Court of Additional District Judge is available, such Court, shall be deemed to be the Civil court of original jurisdiction within the local limits of respective jurisdiction.

(2) Subject to the provisions of the Code, the jurisdiction of a Court of District Judge shall extend to all original suits and proceedings of a civil nature.

(3) A Court of District Judge and the Court of Additional District Judge shall, subject to the general control of the High Court, have administrative control over all other Civil Courts within the local limits of respective jurisdiction.

13. **Jurisdiction of a Court of Civil Judge (Senior Division) :** The jurisdiction of the court of a Civil Judge (**Senior Division**) shall extend to all original suits and proceedings of a civil nature as prescribed in Code of Civil Procedure, 1908.

14. **Jurisdiction of a Court of Civil Judge (Junior Division) :** The jurisdiction of a Court of Civil Judge (**Junior Division**) shall extend to all original suits and proceedings of a civil nature, and subject to the provisions of the Code of Civil Procedure, 1908 or any other law for the time being in force, the pecuniary jurisdiction of the Court of Civil Judge (Junior Division) shall extend to all Civil suits which do not exceed rupees ten lakhs or as may be prescribed by the Government in consultation with the High Court.

15. **Appeals etc. :**

(1) Appeals from the decree or order passed by a Court of District Judge and Courts of an Additional District Judge in original suits and proceedings of civil nature shall, when such appeals are allowed by law, lie to the High Court.

(2) Appeals from the decrees and orders passed by a Court of Civil Judge (Senior Division) in original suits and proceedings of civil nature, shall when such appeals are allowed by law, lie to the Court of the District Judge of that district or in the Court of Additional District Judge where such Court exists or the High Court as the case may be.

(3) Appeals from the decree or order passed by a Court of Civil Judge (**Junior Division**) in original suits or proceedings of a civil nature, shall, when such appeals are allowed by law, lie to the Court of **Civil Judge (Senior Division) of the district**.

Provided that, any appeal on civil suits pending in the Courts of Deputy Commissioner shall be disposed of by the concerned Deputy Commissioner(s) under the provisions of the Assam Frontier (Administration of Justice) Regulation, 1945 as expeditiously as possible but, not later than one year from the date of coming into force of this Act.

Provided further that, from the date of commencement of this Act, in case an appeal is preferred against the judgement of Customary Court in the Court of District Judge or in the Court of Additional District Judge as the case may be, the Court of District Judge or the Court of Additional District Judge, may dispose of the same or proceed with the case de novo.

16. Power to require witness or party to make oath or affirmation : Every civil court other than a customary court under this Act shall require a witness or party to any suit or other proceedings pending in such court to make such oath or affirmation as prescribed by law for the time being in force.

17. Judges not to try suits in which they are interested etc. :

(1) No Judicial Officer or authority of customary court shall try any suit to, or in which he/she is a party or personally interested.

(2) No Judicial Officer or authority of customary court shall try any appeal against any decree or order passed by him/her in any other capacity.

(3) When any such suit, proceedings or appeal comes before any such Judicial Officer he shall report the circumstances to the court to which he/she is immediately subordinate. The said superior court shall thereupon dispose of the case in the manner prescribed by section 24 of the Code.

18. Application of the Code : The procedure prescribed in the Code shall, save in so far as is otherwise provided by this Act, be the procedure followed in all civil courts except the Customary Courts.

CHAPTER V

MISCELLANEOUS

19. Temporary vacancy of office of District Judge : In the event of the death of the District Judge or of his/her being prevented from performing his/her duties by illness or otherwise or of his/her absence on leave from the station in which his/her court is held, the Additional District Judge of the district and if there are more than one Additional District Judge, the senior most among them and if there are no Additional District Judge in the district, the senior most Civil Judge (Senior Division) in the district, shall, without interruption to his/her ordinary duties assume charge of the office of the Court of District Judge and while so in charge, perform the duties of the District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of plaints and the like, and shall continue in charge of the said court until the same is resumed by a Judge duly posted thereto.

20. Temporary vacancy of office of Civil Judge (Senior Division) or Civil Judge (Junior Division) : In the event of death, suspension or temporary absence of any Civil Judge (Senior Division) or Civil Judge (Junior Division) the District Judge may empower any Civil Judge (Senior Division) or Civil Judge (Junior Division) in the district to perform such duties of such Civil Judge (Senior Division) or Civil Judge (Junior Division), as the case may be, as are specified in section 22 either at the place of such court or of his/her own court, but in every such case the registers and records of the two courts shall be kept distinct.

21. Vacation and Holidays :

(1) The Civil Courts, except the Customary Courts in the State shall be closed on such days as may be notified by the High Court in consultation with the State Government as public holidays for the whole State or for such area in the State.

(2) The Civil Courts in the State shall have such number of vacations in each year, as the High Court may, in consultation with the State Government, declare but the total number of days of such vacations shall not exceed fifteen days.

(3) Notwithstanding anything contained in this Act or in the Code, the High Court, may, by general or special order appoint the District Judge or an Additional District Judge or a Senior Civil Judge as vacation judge for the district and for the duration of the adjournment of the court of District Judge in any vacation or any part thereof and regulate the work to be discharged by the vacation judge.

(4) The local limits of jurisdiction of the vacation judge shall be the same as those of the Court of District Judge concerned and his jurisdiction shall extend to all suits, appeals and other proceedings pending in or cognizable by any Civil Court in the district concerned.

(5) The vacation judge shall hold his/her court at the place at which Court of District Judge is normally held and he/she shall have administrative control over all the staff of all civil courts in the district.

(6) Notwithstanding, the appointment of a vacation judge, every Civil Court in the district shall during the period it is adjourned for any vacation be deemed to be closed for the purpose of section 4 of the Limitation Act, 1963 (Act 36 of 1963).

(7) Appeal from the decree or order of a vacation judge shall, when such appeal is allowed by law, lie to the High Court.

(8) On the reopening of any Civil Court after any vacation, all suits, appeals and other proceedings pending before the vacation judge shall stand transferred to the Civil Court concerned, in which it would have been instituted or pending but for the appointment of the Vacation Judge. Any decree, order or proceedings passed by the vacation judge shall be deemed to be a decree, order or proceedings passed by the Court concerned.

22. Subordination of Civil Courts :

(1) Subject to the other provisions of this Act and the rules made thereunder, and any other law for the time being in force, all Civil Courts except the Customary Courts in a district, including the staff thereof, shall, subject to the control of the High Court, be subordinate to the Court of District Judge.

(2) The Civil Courts **other than a customary court** shall maintain such forms, books of accounts, records, registers and the like, as may be specified by the High Court in consultation with the Government.

(3) The Government may, for discharging their functions and responsibilities require through the High Court, the Civil Courts to furnish to the Government such particulars and information relating to the working of the courts and other matters as they may call for from time to time.

23. Power to invest Civil Judges (Senior Division) with jurisdiction under certain Acts :

(1) The State Government, in consultation with the High Court may, by general or special order, invest any Civil Judge (Senior Division), within such local limits and subject to such pecuniary jurisdiction as may be specified in such order, with all or any of the powers of a District Judge or a Court of District Judge, as the case may be under the Indian Divorce Act, 1869 (4 of 1869) the Indian Succession Act, 1925 (39 of 1925), the Special Marriages Act, 1954 or the Guardian and wards Act, 1890 (8 of 1890) or such other Acts as may be deemed necessary.

(2) Every order made by a Civil Judge (Senior Division) by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the Court of District Judge.

(3) Every order of a Court of District Judge, passed on appeal under sub-section (2) from the order of a Civil Judge (Senior Division) shall be subject to an appeal to the High Court under the rules contained in the Code applicable to appeals from appellate decrees.

24. **Fees for process** : The High Court shall from time to time, in consultation with the Government, prescribe and regulate by rules, the fees to be taken for any process issued by any Civil Court other than Customary Court. Such rule may provide for payment of process fee in a lump sum in advance along with the plaint.

25. **Mode of conferring powers** : Except as otherwise provided, any power that may be conferred by the High Court on any person under this Act, may be conferred on such person either by name or by virtue of office.

26. Power to make rules :

(1) **The Government may, in consultation with the High Court**, by notification make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

- (a) the manner in which the proceedings of each Civil Court shall be kept and recorded ;
- (b) regulating the grant of certified copies of papers in Civil Courts ;
- (c) regulating the duties and functions of the ministerial **staff** and officers of the Civil Courts.
- (d) regulating the issue of licenses by the District Judge of the district to persons to act as petition writers in Civil Courts in that district and the conduct of business by them and the scale of fees to be charged by them.

- (e) providing penalty of such amount not exceeding **one thousand rupees** for breach of the rules made under clause (d) and the authority who could investigate the breach of rules and impose the penalty ;
- (f) Forms, books, registers, records and account to be maintained by the Civil Courts ;
- (g) Any other matter which in the opinion of the State Government has to be or may be prescribed for the effective enforcement of the Act and the administration of the Courts.
- (h) Any other matter including functioning of Customary Courts for effective enforcement of the Act.

27. Amendment of the Assam Frontier (Administration of Justice) Regulation, 1945 (No. 1 of 1945) :

(1) In the Assam Frontier (Administration of Justice) Regulation, 1945 (No. 1 of 1945), hereinafter referred to as the Principal Regulation, from the date of commencement of this Act;-

- (i) In section 15, the words "the Deputy Commissioner, the Assistant Commissioner and" shall be deleted.
- (ii) Sections 16, 17 shall be deleted.
- (iii) In section 24, for the words, "Assistant Commissioner", the words "District Sessions Court" shall be substituted.
- (iv) Sections, 25, 26, 27 and 28 shall be deleted.
- (v) In section 36, the words "the deputy Commissioner, the Assistant Commissioner and" shall be deleted.
- (vi) Sections 37, 38 and 39 shall be deleted.
- (vii) In section 40, for the existing entries, the following shall be substituted :-

"The village authorities shall try all suits without limit of value, in which both the parties are indigenous to the State of Arunachal Pradesh".
- (viii) In section 41, for the words and figures, "Rupees 500" the words and figures, "Rupees 5000" shall be substituted.
- (ix) In section 42, for the words and figures, "Rupees 5000" the words and figures "Rupees 50,000" shall be substituted.
- (x) Sub-section (2) of section 44 shall be deleted.
- (xi) Sub-section (2) of section 45 shall be deleted.
- (xii) Sections 46,47,48,49,50, 51, 52, 53 and 55 shall be deleted.
- (xiii) Sub-sections (2) and (3) of section 56 shall be deleted.
- (xiv) In sections 57, 58 and 59 for the words "Deputy Commissioner" and "Assistant Commissioner" the words, "Village authorities" shall be substituted.
- (xv) In the Principal Regulation, for the word "Administrator" wherever appears the words "State Government" shall be substituted.
- (xvi) In the Principal Regulation, for the words "Union Territory" wherever appear the word "State" shall be substituted.

28. Validation :

(1) The previous operation of the Assam Frontier (Administration of Justice) Regulation, 1945 as amended from time to time, and anything done or any action taken thereof in so far as it is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force unless and until the same is altered or amended.

(2) Notwithstanding anything contained in any other law for the time being in force, any proceeding, suit pending in any Civil Court before commencement of this Act or any decree, orders passed by any such court shall be valid.

29. Power to remove difficulties : If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of the Act remove such difficulty.

Onit Panyang, IAS
Commissioner to the
Government of Arunachal Pradesh,
Itanagar.