



The Arunachal Pradesh Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 340, Vol. XXIX, Naharlagun, Tuesday, November 15, 2022, Kartika 24, 1944 (Saka)

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

NOTIFICATION

The 14th November, 2022

No. Law/Legn-21/2022.—The following Act of the Arunachal Pradesh Legislative Assembly which was passed in the Tenth 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 3rd November, 2022)

THE ARUNACHAL PRADESH CIVIL COURTS (AMENDMENT) ACT, 2022

(ACT No. 15 OF 2022)

An

Act

to amend the Arunachal Pradesh Civil Courts Act, 2021 (Act No. 4 of 2021).

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

1. Short title and commencement :

- (1) This Act may be called the Arunachal Pradesh Civil Courts (Amendment) Act, 2022.
- (2) It shall come into force on the date of its publication in the Official Gazette.

2. Amendment of section 10 : In the Arunachal Pradesh Civil Courts Act, 2021 (Act No. 4 of 2021), (hereinafter called the principal Act), in section 10, after proviso (iii) to sub-section (3), the following sub-section shall be inserted,-

- "(4) Notwithstanding anything contained in this Act or any other law for the time being in force, whenever a Civil suit is instituted for trial by the village authorities, the concerned local administrative officer(s) of the area shall continue to facilitate and refer back the case to the concerned village authorities, for trial under the provisions of the Assam Frontier (Administration of Justice) Regulation, 1945".

3. Amendment of sub-section (3) of section 15 :

- (i) In the principal Act, in sub-section (3) of section 15, after the words, "Court of Civil Judge (Senior Division) of the district" appearing in the last part of the sentence, the words, "and in case the Court of Civil Judge (Senior Division) has not been established in the district, to the Court of Additional District Judge or the District Judge, as the case may be" shall be added.
- (ii) In the second proviso of sub-section (3) of section 15, for the existing entries, the following shall be substituted,-

"Provided further that, in case the Deputy Commissioners could not dispose of the pending appeals in their Court(s) within one year from the date of commencement of the Arunachal Pradesh Civil Courts Act, 2021 (Act No. 4 of 2021), they shall transfer such pending appeal cases to the Courts of Civil Judge Junior Division, the courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, as per their territorial and pecuniary jurisdiction.

Provided also that, in case an appeal is transferred by the Deputy Commissioners or preferred against the judgement of the Customary Court(s) in the Courts of Civil Judge Junior Division, the courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, such appeal shall not be set aside merely on technical ground or procedural lapses but in the interest of justice, shall be disposed of as may be deemed appropriate or proceed with the case de novo.

Provided further also that, where the Deputy Commissioners has already transferred pending appeals of pending civil suits to the Courts of Additional District Judge or the Courts of District Judge in terms of the second proviso of sub-section (3) of section 15 of the Arunachal Pradesh Civil Courts Act, 2021 (Act No. 4 of 2021), the Courts of Additional District Judge or the Courts of District Judge, as the case may be, may further transfer the appeal to the Courts of Civil Judge Junior Division, the courts of Civil Judge Senior Division as per their territorial and pecuniary jurisdiction for their disposal."

(iii) After the fourth proviso to sub-section (3) of section 15, the following sub-section shall be inserted,-

- (4) An appeal from the village Authority, if agreed to by the parties, shall lie before the inter-village territorial Customary Court or Apex Customary Court, by whatever name called, which shall settle the case as per the local traditional customary laws under the provisions of section 40 of the Assam Frontier (Administration of Justice) Regulation, 1945.

Provided that, an appeal against the order of the inter-village territorial court or Apex Customary Court shall lie before the Courts of Civil Judge Junior Division, the Courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, as per their territorial and pecuniary jurisdiction.

Provided further that, the courts of Civil Judge Junior Division, the Courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, shall not set aside an appeal so filed merely on technical ground or procedural lapses but in the interest of justice shall dispose of the same as may be deemed appropriate or proceed with the case de novo.

4. Amendment of clauses (xi) and (xiv) of sub-section (1) of section 27 :

- (i) In section 27 of the principal Act, in sub-section (1), clause (xi) shall read as under,-

"For sub-section (2) of section 45 of the Assam Frontier (Administration of Justice) Regulation, 1945, the following shall be substituted,-

- "(2) (a) **Execution and enforcement of the order or decree passed by the village authority :**
If the person against whom a decree or order has been passed by the village authority, fails to pay or comply with such order or decree within a period of thirty days, the party in whose favour such decree or order has been passed, may apply to the concerned Deputy Commissioner or Assistant Commissioner, as the case may be, for execution or enforcement of the decree or order of the village authority.
- (b) The concerned Deputy Commissioner or the Assistant Commissioner, as the case may be, on receipt of such application may call for records of the order or decree of the village authority and execute or enforce the same by following the principles laid down in the Code of Civil Procedure, 1908 in spirit".

- (ii) In clause (xiv), the figure "58" shall be deleted.

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